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BY AUTHORITY OF THE SENATE
MINISTERIAL ARRANGEMENTS

TUESDAY, 28 NOVEMBER

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

MINISTERIAL ARRANGEMENTS

Senator ALSTON (Victoria—Deputy Leader of the Government in the Senate)
(2.00 p.m.)—I seek leave to make a statement about ministerial arrangements.

Leave granted.

Senator Schacht—You are in the front seat again.

Senator ALSTON—I don’t think you will be there for much longer, my friend. I inform the Senate that Senator Robert Hill, the Minister for the Environment and Heritage and the Minister representing the Prime Minister, the Minister for Trade, the Minister for Foreign Affairs and the Minister for Forestry and Conservation, will be absent from question time today. The minister is attending the 24th session of the World Heritage Committee, which Australia is hosting in Cairns. During Senator Hill’s absence, I shall be the Minister representing the Prime Minister, the Minister for Foreign Affairs and the Minister for Trade. Senator Minchin will represent the Minister for the Environment and Heritage and the Minister for Forestry and Conservation.

QUESTIONS WITHOUT NOTICE

Business Tax Reform: Business Activity Statements

Senator BUCKLAND (2.01 p.m.)—My question is directed to Senator Kemp, acting as Assistant Treasurer—

Senator Alston—It’s more than acting.

Senator BUCKLAND—In his capacity as Assistant Treasurer, is the business activity statement one of the simplest forms in the world, as claimed by the Australian Taxation Office at estimates hearings last week? If so, why has the Prime Minister stated that it is just commonsense to simplify it?

Senator KEMP—Thank you, Senator, for the question. Just to correct one aspect of your question, I am not the acting minister; I am actually the Assistant Treasurer. Some may say that is a small matter, but let me assure you that on the frontbench here it is of some moment. I thought that I would take the opportunity to correct that slight error made by the new senator.

Let me deal with your question in relation to the business activity statement. You may not be aware of this. I know it is true that there are a lot of people in the Labor Party that do not have much experience of business; a lot of them come from the trade union movement.

Senator Alston—All of them.

Senator KEMP—In fact, I think it is probably true that all come from the trade union movement. Thank you, Senator Alston. The fact of the matter is that the BAS has the effect of replacing many reporting arrangements which existed under the old system. For example, it would not be unusual for a business to have more than 30 separate tax reporting and payment obligations in any given year. Many businesses had obligations under the reportable payments system and other separate withholding systems.

The first point I would like to make to you, Senator, is that the business activity statement is a one-page form which essentially replaces all of the different forms that businesses were required to use during the year. If, like me, you go around and listen to people in business, you will find that some have been able to cope particularly well with the new system; others have found the first form more difficult. But I think overall the system is working well. Of course, the government is always mindful of comments and suggestions that are made in the wider community, and those comments and suggestions would always be examined, but you have to remember that this was the first occasion on which the BAS form was used for quarterly payments. Those reporting monthly were able to use this form earlier. The first one was the one which had to deal with the transitional arrangements from the old tax system to the new, and many people would find that challenging.

In relation to the form that we have developed, we have examined very closely what has happened with reporting arrangements in
other countries. We have looked closely at their experience and taken their experience. The form that we released was market tested and we took into account those market testing arrangements to make sure that we maximised the straightforward nature of the form. As the Prime Minister has said, we will always listen to constructive comments which are made. My understanding is that the Labor Party strongly supported the new reporting arrangements. I know there was a debate up to 1 July in which the Labor Party said it would not support the GST. Post 1 July, the Labor Party is supporting the GST.

Senator Cook—We don’t support the GST; you know that.

Senator KEMP—The Labor Party has indicated—

Senator Sherry—We support tax changes.

Senator KEMP—Excuse me. If the Labor Party have indicated that they are not going to remove the GST, that the GST stays, it is reasonable for the public to assume that the Labor Party therefore support the GST. If they did not support it, the Labor Party would seek to remove it. (Time expired)

Senator BUCKLAND—I apologise to the minister for the inaccurate description I gave of his title, although I am not too sure how inaccurate I actually was. My supplementary question is: has the Assistant Treasurer actually sought feedback from small business about the BAS form? If so, what feedback has he received?

Senator KEMP—As a minister involved in this area, I spend a lot of time going around speaking to businesses and a lot of time going around speaking to accountants. Of course, many will also take the chance to come and speak to me about these issues. I put it to you that a wide diversity of views have been put. The first point I would make in response to ‘What is the feedback?’ is that in some cases people have been able to cope very well with the new forms and have not found these forms particularly time consuming, and others have found it more difficult. I am seeking to answer the question the senator asked me, but he spends his time talking to his neighbour. Senator, it is a matter of courtesy in this chamber: if you ask a question, you should actually listen to the answer.

The PRESIDENT—Senator Kemp, you should not be speaking directly across the chamber.

Senator KEMP—Thank you, Madam President. (Time expired)

Roads: Funding Package

Senator McGauran (2.08 p.m.)—My question is to the Minister for Regional Services, Territories and Local Government, Senator Ian McDonald. What has been the reaction to the government’s comprehensive national Roads to Recovery funding package announced yesterday? Is the minister aware of any alternative policies in this area?

Senator IAN MACDONALD—I thank Senator McGauran for that question. He, as a former councillor, would know that local government are ecstatic about the package—and that might be an understatement. All of the senators on this side will have been contacted by their local mayors and councillors congratulating the government on its recognition of this very worthwhile package and the need for additional road funding. They like it because it does address a significant infrastructure problem that has been building since the days when Labor was in power. The $1.2 billion being spent on this local roads program will create jobs and activity, particularly in regional Australia. Creation of jobs, of course, is an excellent side benefit of this program.

I am asked by Senator McGauran: have we received endorsements? Of course, the endorsements have just flowed in from right across the range. The Australian Trucking Association, a group that really understands the need for roads, has warmly welcomed the package. The Australian Local Government Association have indicated in their press release that councils across the nation will welcome the federal government’s announcement. The Municipal Association of Victoria are saying how pleased they were and that the figure was almost double that of Victoria’s annual local road repair bill. The Australian Automobile Association is very much in favour. Even the National Farmers
Federation is in favour of it. Some months ago it put out a press release saying that the National Farmers Federation welcomed the decision to back the NFF’s call for more spending on roads, funded by the excise increase attributable to the price impact of the GST, and urged the coalition to support this. We have done what the NFF have asked us to do.

_Opposition senators interjecting—_

_The PRESIDENT—_Order! There are too many senators participating. Senator Schacht, you are being very voluble.

_Senator IAN MACDONALD—_Even people big and small support it. Mr Paul McInerney from the Northern Areas Council in South Australia phoned my office and said that the announcement was the best news he had heard in 15 years of being involved in local government, and he asked my staff to pass on the council’s thanks for helping to address a longstanding problem in South Australia.

There would not be enough time in the rest of the day to read out all of the endorsements for the government’s package. It does not just stop there. Councillor Tony Mooney, the Labor Mayor of Townsville, has two problems at the present time. One of them is roads that have been damaged by rain. He has another problem that I do not want to go into. A good Christmas present for Tony Mooney is that I can fix his roads problem, and we are doing that with this announcement. With regard to the other problem he has, that is something that the ALP have to address very carefully.

Mr Beattie, in his typically ungracious way, was reluctantly having to say what a good package it was. He did, however, label it as ‘guilt money’. Of course, Mr Beattie would know all about guilt money. I might say that, when we give out money for things that are important, we do it openly and in an accountable way. Mr Beattie, of course, knows about money passing hands in brown paper bags.

_Senator McGAURAN—_Madam President, I ask a supplementary question. Will the minister take the extra minute available for a supplementary question to further read out the endorsements the government has received and also to inform us of any alternative policies in the wind. Are those critics of Roads to Recovery suggesting that we return the money?

_Senator IAN MACDONALD—_I am sure Kirsten Livermore, the member for Capricornia, will not be urging her councils to give it back—unless she thinks, like her leader, it is a boondoggle. I would ask her and other Labor senators and members to refute their leader in calling this a boondoggle. I would like to quote the editor of the _Warracknabeal Herald_, a typical country newspaper. He said this in his editorial:

For the leader of the opposition Kim Beazley to describe the Government’s announcement of increased funding for country roads as a “boondoggle” tends to indicate that the Opposition is far more out of touch with rural Australia than most people would think possible.

The ALGA president, Councillor Ross, said that the federal government’s road funding announcement really puts the heat on Mr Beazley and the ALP to at least match the government’s offer. The Labor Party have no policies. _(Time expired)_

_Tourism Council of Australia: Funding_  

_Senator SCHACHT_ (2.14 p.m.)—My question is addressed to Senator Kemp, the Assistant Treasurer. How does the Assistant Treasurer justify the $2.3 million GST start-up assistance grant which was given to the Tourism Council when that organisation was insolvent? Is he aware that the general manager of the GST Start-Up Assistance Office has stated that the office would not have contracted the council if they had been aware of the facts? Why weren’t they aware of the facts? Is it true that the council breached its contract by charging for attendance at its GST seminars? What role did the director of the New South Wales Liberal Party, Mr Scott Morrison, or the former managing director of the council, Liberal MP Mr Bruce Baird, play in securing the $2.3 million grant?

_Senator KEMP_—My first response to Senator Schacht’s question is that it is a great
pity that he did not bother to attend the Senate estimates, where these matters were raised. One of the reasons we have Senate estimates is that it allows senators to deal with a wide range of questions. Some people work quite hard at Senate estimates—

Honourable senators interjecting—

The PRESIDENT—Order! There is too much noise in the chamber. Senators on both sides will cease making so much noise.

Senator KEMP—As I said, it is a pity that Senator Schacht was not at the estimates, because these matters were covered at Senate estimates.

Senator Schacht—Are you going to answer them?

Senator KEMP—I am coming to the answer, but I am just making an obvious point that you loafed in the previous week and you come into this parliament and waste some time when you could have dealt with it at the end of last week.

Let me now turn to the detail of the question asked by Senator Schacht. It refers to the GST Start-Up Assistance Office and the contract that it entered into with the Tourism Council of Australia. I do have some advice on this matter. Probably much of this advice was given in relation to Senate estimates, but I will go through it again. The contract with the Tourism Council of Australia was signed on 11 November, more than a month prior to the so-called technical insolvency that Senator Conroy apparently advised Senate estimates was reached in December 1999. Technical insolvency, I am advised, can sometimes describe a corporation that has an excess of liabilities over assets. This does not mean, however, that the company is technically insolvent. The legal test, I understand, is that the company is unable to pay its debts as they fall due. Let me advise the Senate and Senator Schacht that the TCA delivered the products and services required under the contract, including 65 seminars. My advice is that they were delivered by a major accounting firm and were attended by some 6,638 industry participants. A seminar manual was also provided.

The funding contracts signed by the GST Start-Up Assistance Office with organisations such as the Tourism Council of Australia have been structured to minimise the Commonwealth’s risk. For example, only a component of the contract amount is paid on signature, with the remainder—I think this is important for the question that Senator Schacht raised—paid as instalments after an acquittal of previous payments against the delivery of milestones. In addition, the funds shall only be used to carry out the project in accordance with the budget and during the funding period. The organisation may not use or expend the funds for meeting past deficits or expenditures. Senator Schacht will be delighted that the funds are subject to an independent audit. There are some other aspects of that question which I plan to turn to if Senator Schacht would be kind enough to ask me a supplementary question.

Senator SCHACHT—You still had half a minute to go, Minister. You were looking to peg out early, were you?

The PRESIDENT—Senator Schacht, do you have a supplementary question?

Senator SCHACHT—Yes, I do, Madam President. First of all, Minister, I was at another estimates hearing on the day. Of course, you have had four or five days now to get more information to answer this question. Minister, in particular, will you carry out an investigation to ensure that all the money has been properly acquitted? Secondly, will you also investigate why the Tourism Council apparently was permitted to breach its contract by charging tourist businesses $40 each to attend the supposedly free GST seminars?

Senator KEMP—in relation to the first part of that question, I have indicated in my earlier remarks that the funds are subject to an independent audit, and that should give you the comfort that you are seeking. If you had listened to my answer, you would have known that I already said that.

The point I want to turn to is the $40. The advice I have received is that, in some cases, industry organisations decided that they needed to cater food and beverages for seminars beyond what the GST Start-Up Assistance Office was prepared to sponsor. Of course, there was a wide range of organis-
tions participating in the TCA coordinated workshops. These included the Restaurant Catering Association, the Hotels, Motels and Accommodation Association and a wide range of others. In the case of the Tourism Council contract, the constituent organisations agreed that a higher level of catering was required and that $40 was the appropriate charge. My advice is that the TCA delivered the products and services required under the contract, including 65 seminars. *(Time expired)*

Senator Schacht—Forty bucks for a cup of tea!

The PRESIDENT—Senator Schacht, you have had a question and a supplementary question.

Senator Schacht—We now have a rort, Madam President.

The PRESIDENT—There is an appropriate time for you to take the matter further if you wish to do so.

Electoral Funding

Senator COONAN (2.21 p.m.)—My question is to the Special Minister of State, Senator Ellison. Will the minister inform the Senate of the funding and disclosure provisions under the Commonwealth Electoral Act in operation at the time of the 1996 federal election? Will the minister outline the disclosure requirements by a person making a donation and by a person upon receipt of a donation? Do these same provisions apply to a corporation, and what are the penalties for the offence of electoral bribery under the Commonwealth Electoral Act?

Senator ELLISON—This is an important question. It is timely in view of matters that are in the public domain. Under the funding and disclosure provisions of the Commonwealth Electoral Act in place at the time of the 1996 federal election, donations of $200 or more made to a candidate were required to have been disclosed in an election return lodged with the Australian Electoral Commission. Both the candidate and the donor, whether an individual or a corporation, were required to disclose any amount above the threshold of $200.

A donation made by a candidate to another candidate or to a party would be disclosed not in their candidate return but separately in a donor return. Individual donations received by a political party of $500 or more or that amount to $1,500 or more in total from a single source in the course of the 1995-96 financial year would need to be disclosed by the party in an annual return lodged with the Australian Electoral Commission. The donor would also have been required to lodge a disclosure return for a donation totalling $1,500 or more, whether that donor was an individual or a corporation. The penalties, where an offence has been proven for failure or improper disclosure, range from $1,000 to $5,000, depending on the offence committed.

The provisions in place at the time of the 1996 federal election have been amended. I want to make it clear that the onus on the donor to disclose remains the same. However, the individual donations of $1,500 or more from a single source in the course of a financial year would need to be totalled and disclosed by the party in an annual return lodged with the Australian Electoral Commission. The Australian Electoral Commission has provided in more detail in its funding and disclosure handbook for candidates the obligations and responsibilities of candidates regarding election funding and disclosure provisions. A copy is sent by the Australian Electoral Commission to every political candidate upon their nomination. I would remind senators that it provides the following advice in relation to record keeping:

All transactions should be adequately documented and recorded—for instance, receipts should be issued for each donation and gift received ... The Act requires that all these records, formal and informal, be retained for a minimum period of three years.

Care must be taken to ensure that the details recorded are those of the correct person or organisation ... where a person is merely acting on behalf of someone else, it is the true donor who should have their details recorded.

This is important advice and I take this opportunity to remind honourable senators of their obligations under the act. The remaining part of Senator Coonan's question touched on electoral bribery, and I referred yesterday to section 326 of the Commonwealth Electoral Act, which provides for a
penalty of a $5,000 fine or two years imprison-
ment or both.

Senator Schacht interjecting—

The PRESIDENT—Order! Senator Schacht, you have had a question and a sup-
plementary question and it is not appropriate
for you to keep calling out questions. There
is an appropriate time for you to debate
matters.

Senator ELLISON—As I outlined yes-
terday, section 326 at subsection(2)(d) and
subsection (1)(d) provides for a penalty
where there are instances where a benefit of
any kind might be conferred in relation to the
influencing of the preferences set out in the
vote of an elector and that benefit is offered
or is given to any other person or to a third
party in order to facilitate that benefit. These
are important matters and I thank Senator
Coonan for raising this in view of these
matters which are more than relevant. (Time
expired)

Minister for Employment, Workplace
Relations and Small Business: Telecard

Senator FAULKNER (2.26 p.m.)—My
question is directed to Senator Vanstone, the
Minister for Justice. Does the minister recall
telling the Senate on 12 October that the
costs of the AFP investigation into the Reith
telecard fraud from May to October totalled
$15,440, an average of $3,000 a month? Can
the minister confirm AFP evidence at esti-
mates last week that the total AFP cost, as at
10 November, had blown out to $72,223?
How has this impost on the taxpayer blown
out by almost $57,000 in less than a month,
particularly given that the number of staff on
the case seems to be approximately the same
as during the five-month period from May to
October?

Senator VANSTONE—I thank Senator
Faulkner for the question. Yes, I recall giving
an answer indicating the costs were roughly
in the vicinity of the amount you indicate.
Yes, I was at estimates when a cost much
higher than that was quoted. I actually asked
the acting deputy commissioner at the time
about that quite substantial increase and I
was advised at the time that the amount
quoted in October related to the investigation
at that time. It was subsequently—if it was
not then already—concluded and then it was
reopened and more work had to be done.
You, Senator Faulkner, and I am sure all of
your colleagues would not be happy if a
stone were left unturned in that investigation.
Make no bones about that: you are the peo-
ple that want every stone turned over, and
every stone is being turned over, but there is
a cost to that. As to the make-up of the cost,
if you want further details I will ask the Fed-
eral Police if they can give them to us.

Senator FAULKNER—Madam Presi-
dent, I ask a supplementary question. I ap-
preciate the minister’s offer to provide fur-
ther details. So the minister does recall say-
ing to the Senate on 12 October:

There may well be some additional costs to the
Australian Federal Police, and I will advise the
parliament of those if and when they actually
realise.

The minister went on to say, ‘I am not ex-
pecting them to be substantial,’ and those
latter words are the cause of my asking this
question.

Government senators—Oh!

Senator FAULKNER—Given that even
the minister would acknowledge that
$57,000 is clearly a substantial cost, the
question is: how could you, Minister, get it
so wrong?

Senator VANSTONE—I do not like to
think I have any part of my heart that could
feel sorry for Senator Faulkner, because I
believe he is a speck of inhumanity blown
into this place by a foul wind to besmirch all
of us with his presence. But even I feel a
tinge of sympathy for someone who cannot
read. It was indicated to the Senate at the
time that they were the costs at the time, that
there were some other costs at the time in
relation to that investigation which had not
yet been able to be formalised, and I did not
expect them to be substantial.

Senator Faulkner—Why did you say, ‘I
am not expecting them to be substantial’?

The PRESIDENT—Senator Faulkner,
cease shouting.

Senator VANSTONE—You have been
told to cease shouting, Senator Faulkner.
The PRESIDENT—Senator Vanstone, I draw your attention to the question.

Senator VANSTONE—I have indicated to Senator Faulkner that the investigation was reopened, so of course there were additional expenses over and above the ones that were identified at the time.

Senator Faulkner—So you were wrong.

The PRESIDENT—Senator Faulkner, you should not be continually interjecting.

Senator VANSTONE—There was then another, separate, additional investigation. Do you understand that? Is that simple enough for you, or is there nothing between your ears up there?

Senator Faulkner—Why did you mislead?

Senator VANSTONE—You were not misled at all—you are just an idiot and do not understand plain English! (Time expired)

The PRESIDENT—Senator Vanstone, the time for answering the question has terminated. Senator Vanstone should not be directing the answers straight across the chamber, and Senator Faulkner should not be interjecting constantly throughout the answer.

Senator Alston—Madam President, I rise on a point of order. I take it that this is Senator Faulkner’s absolutely last chance. You have warned him three times during the course of this answer. He has completely ignored you and, despite the Christmas spirit, I do not think you should take it anymore.

Immigration: Detention of Children

Senator BARTLETT (2.30 p.m.)—My question is addressed to Senator Vanstone in her capacity as Minister representing the Minister for Immigration and Multicultural Affairs. I ask whether the minister can inform the Senate as to how many children are currently being held in detention centres throughout Australia as a consequence of the government’s policy of mandatory detention.

Can the minister indicate whether the mandatory detention of children in Australia is consistent with the provisions of the Convention on the Rights of the Child, and is the minister aware of calls by a coalition of 11 different church and welfare organisations and agencies for an end to the detention of children in Australia?

Senator VANSTONE—Australia’s migration law requires that all unlawful non-citizens be detained. Under this legislation, no differentiation is made in the treatment of adults and minors. The vast majority of—

Senator Allison—We know that.

Senator VANSTONE—If you know it all, you do not want the answer. I presume Senator Bartlett does want the answer. The vast majority of children in detention are held with their families. The Australian government has ratified the UN Convention on the Rights of the Child and is conscious that children should be detained only as a last resort and for the shortest possible period. Any applications from children and family units in detention are processed as a matter of priority. The department takes its duty of care obligations towards detainees extremely seriously, in particular in regard to the detention of minors. The detention services provider is sensitive to the special needs of children and families. Suitable accommodation for family units and children is made available where possible, and recreational facilities, including playgrounds, toys, games and so on, are provided. Children in all detention centres have access to a range of services, including educational facilities and health and welfare services.

Where there are special or extenuating circumstances, certain detainees, including children, may be released into the community on a bridging visa. Criteria for release in this way hinge on appropriate care and welfare arrangements, with the best interests of the child being the primary consideration. The child’s best interests are assessed on the particular circumstances in each individual case. Generally, the minister indicates—and I agree—that it would not be in the best interests of a child to be separated from their parents and family. So there are two sides to this very vexed question. As to the detail, I am advised that at 3 November this year 231 minors were in detention. Of the 231, only eight were unaccompanied minors. The total number of children released between 1 November 1999 and 3 November 2000 was
651. I think that is probably all the information that pertains to your question.

Senator BARTLETT—Madam President, I ask a supplementary question. Firstly, could the minister also provide information—I understand that she may need to seek this out—on the length of time that all those children have been in detention? Secondly, in her response the minister stated that children are detained only as a last resort. I ask: how is it possible that children can be detained only as a last resort when, under legislation and policy, it is mandatory for them to be detained? Surely that is a first resort not a last resort. Will the government consider, where appropriate, calls and proposals such as those made by church and welfare agencies for children to be released into the community with appropriate support, whether it be from parents or from other relatives in the community?

Senator VANSTONE—At the moment I do not have information on the length of time in detention and I am not sure that that is easy to obtain, but I will ask the minister if he can get that and how quickly he can do so. It may take some time; I do not know—it might be readily available. If it is readily available, it will be promptly provided. I understand the point you are making; one might describe it as being semantic, but I will nonetheless ask the minister whether he has a comment to make on that.

Aged Care: Commissioner for Complaints

Senator CHRIS EVANS (2.35 p.m.)—My question is directed to Senator Herron, the Minister representing the Minister for Aged Care. Does the minister recall evidence to the community affairs estimates committee that Mr Rob Knowles, the aged care complaints commissioner, is paid $80,000 a year for working three days a week? Can the minister explain why the position of complaints commissioner was not advertised nor any interviews conducted for the position? Can he confirm that Minister Wooldridge organised the appointment of his friend and Victorian colleague to this position?

Senator HERRON—I thank Senator Evans for the question. I do not have an answer for him in relation to the arrangement for Mr Knowles’s appointment, but I would inform the Senate that both the department’s complaints resolution scheme and the position of the Commissioner for Complaints were established to take confidential complaints—something that was totally unavailable under the Labor Party when they were in government. It was completely an initiative of this government. The role of the Commissioner for Complaints is outlined in the aged care principles, chapter 3, part 1, section 10.34A. The duties of the commissioner are that he or she is required to oversee the effectiveness of the complaints resolution scheme and to deal with complaints about the operation of the scheme. The commissioner does not directly handle complaints about aged care services; that is the role of the complaints resolution scheme.

The complaints resolution scheme can accept open, confidential or anonymous complaints, and that is a new initiative as well. We welcome them. The opportunity is now there for anybody to come forward anonymously to make a complaint. We have made this new initiative available to everybody, whether they be a relative or a person within the scheme. However, where complainants require confidentiality or anonymity, resolution of the complaint may, in some instances, be problematic. On 26 September this year, the commissioner received a letter from a complainant who had initially lodged an anonymous complaint with the New South Wales complaints resolution scheme and the letter outlined a number of concerns relating to a nursing home where the complainant had been employed until March this year. The commissioner replied to that correspondence. I do not have a brief as to the appointment of the complaints resolution commissioner and I will get back to Senator Evans when I get a response from the minister.

Senator CHRIS EVANS—Madam President, I ask a supplementary question. I thank the minister for his answer to a question I did not ask but was going to ask at some time. He did not answer the key question of whether or not the job was advertised or interviews conducted. I would appreciate him giving me the answer to that. Can he also
confirm for me that the job description and role for the complaints commissioner were finalised on only 31 August, more than a month after Mr Knowles was appointed to the position and began receiving his $80,000 a year salary. If you could take that on notice too, I would appreciate that, Minister.

Senator HERRON—I do not have a brief on that. I will have to get back to Senator Evans after I have taken the supplementary question to the minister.

Forests: Tax Concessions for Plantations

Senator BROWN (2.38 p.m.)—My question without notice is to Senator Kemp, the Minister representing the Treasurer. I refer to the situation in Tasmania where, if you knock down a forest to put in plantations, you get a 100 per cent tax break, but under the regional forest agreement signed by the Prime Minister, a $60 million private forest reserve program was established to give some assistance to those landowners who are protecting private forest of high conservation significance. Is it true that there has been a ruling from the Australian Taxation Office which says that that money is subject to capital gains tax? If this is so, will that not effectively siphon off to the Taxation Office somewhere between $20 million and $30 million of this money which is meant for environmental good works?

Senator KEMP—I will respond to Senator Brown’s question by saying that, in relation to plantations—and this was not the key part of the question—I would have thought that, along with most people in this chamber, Senator Brown would have been supportive of the growth of plantations.

Senator Sherry—It is his policy.

Senator KEMP—Senator Brown can answer for himself, but his comments on plantations did rather surprise me. Leaving that aside, I think the substance of the question is that the Tasmanian government pays landowners for entering into restrictive covenants under which privately owned areas of native forest of particularly high conservation value are protected. As I understand it, the general principle is that the granting of a covenant to protect particular areas of native forest is the creation of a new right and, like the creation of any other right, gives rise to capital gains tax. However, I am advised that the discussions exploring this issue between the Australian Taxation Office and the Tasmanian Department of Primary Industries are ongoing. These discussions centre on the capital gains tax exemptions or concessions which may apply in such cases, in particular the small business concession.

I have stated the general principle to you that, essentially, entering into a restrictive covenant amounts to an alienation of a right to earn income and I have stated the general principle for the granting of a covenant to protect particular areas of native forest as the creation of a new right. I have indicated that the advice from the Australian Taxation Office is that there are discussions between the ATO and the relevant department. These discussions centre on capital gains tax exemptions or concessions which may apply in such cases, in particular the small business concession.

Senator BROWN—Madam President, I ask a supplementary question. I should point out that $50 million of the $60 million provided under the private forest reserve program is coming from the Commonwealth not from the state government. Can the minister not see that capital gains tax applied to these payments is a very big disincentive for private landowners to do the right thing by the environment? Would he blame private landowners who change their mind and withdraw from a covenanting system if capital gains tax applies? If the government finds that capital gains tax applies, will it legislate to shelter these protective covenants? When will a resolution to this matter be found?

Senator KEMP—Thank you for the endorsement of the Commonwealth program. It is an important program and we appreciate the endorsement you have given it. You do not often endorse Commonwealth programs. We note and appreciate that. Equally, the taxation law of this land applies to all. You have always been very encouraging that the tax law should be applied fairly and in an equitable fashion. You have drawn to my attention the issue of these reserves, where a covenant is placed on these reserves, and the issue of capital gains tax and I have indicated
Information Technology: Outsourcing

Senator LUNDY (2.44 p.m.)—My question is addressed to Senator Ellison, the Minister representing the Minister for Finance. Is the minister aware that the Secretary to the Department of the Prime Minister and Cabinet, Mr Max Moore-Wilton, has distanced himself from the IT outsourcing fiasco over the past two weeks? Is he aware that the Secretary to the Department of Finance and Administration, Dr Boxall, has stated that he was not and never had been responsible for the implementation of IT outsourcing? Who within the government actually accepts responsibility for the implementation of the IT outsourcing initiative?

Senator ELLISON—The Minister for Finance and Administration has made it very clear that this is a whole of government initiative and one which the Department of Finance and Administration has the overall responsibility for. That is why we have coordinated the various agencies and departments dealing with IT outsourcing. It does not fall to one particular person, as Senator Lundy has indicated. This is an excellent initiative, and something which the opposition could do well to follow. When Labor was in power there was no accountability as to what savings there were—none at all. In fact, when you have a look at it, there was a lack of accountability, a lack of discipline and a lack of strategic approach in relation to the provision of Commonwealth IT under Labor. We have overseen a whole of government approach to outsourcing of information technology, which has provided great benefits to small to medium enterprises in Australia. There has been industry development in IT. For the first time we have had an idea where the funds are going in relation to IT. As to savings, from the recent ANAO report, on the basis of our arithmetic there have still been significant savings from IT outsourcing—and that was from the Auditor-General. As to the benefits flowing from IT outsourcing, the report says:

There are many factors aside from savings as to why you would do outsourcing and be justified for doing so.

The Auditor-General is right. This is why the government has embarked on IT outsourcing. Rather than nitpick as to who said what and who is doing what, why doesn’t the opposition support us in relation to this initiative which is saving money and giving Australian small to medium enterprises such a great opportunity? We have Senator Lundy carping and nitpicking over the minutiae, which is totally irrelevant. What we are on about is a whole of government approach in relation to IT outsourcing, which is going to vastly improve the delivery of IT facilities for Commonwealth agencies and departments.

Senator LUNDY—Madam President, I have a supplementary question. I am glad the minister raised the Auditor-General’s report, because I want to know if the government supports the valuation approach which the Auditor-General used in his damning assessment of the results of the IT outsourcing initiative. If not, what alternative method of valuation does the government advocate?

Senator ELLISON—I will quote what the Auditor-General said about financial methodology. He said:

These are technical issues in which there is a degree of judgment involved.

The Auditor-General was saying that there is a question of degree in relation to the financial methodology used. In this case we had advice from OASITO, DOFA, Treasury, the Australian Bureau of Statistics and expert advisers, and they differed from the ANAO in relation to the methodology—which the Auditor-General said involved some degree of judgment. We stand by our estimate of savings; we stand by our methodology; and we stand by the advantages that IT outsourcing is bringing.

Car Industry: Mitsubishi

Senator FERRIS (2.48 p.m.)—My question is to the Minister for Industry, Science and Resources, Senator Minchin. Will the minister advise the Senate of the implications of today’s very exciting announcement
by Mitsubishi Australia’s parent company that it will be providing a significant capital injection into the South Australian operation? Is the minister aware of any alternative policies?

Senator MINCHIN—I thank Senator Ferris for her question and acknowledge her strong support for the South Australian car industry. The federal government warmly welcomes today’s announcement by Mitsubishi that it is making a capital injection of $172 million into its Australian operations in Adelaide. I think this decision demonstrates that the company is very committed to ensuring the long-term operation of its Australian plants. Most importantly, I think it should help restore the morale of Mitsubishi’s Australian work force, numbering several thousand. I condemn the wild and loose speculation about the company’s future which has engulfed the media, in particular, over the last two weeks. I think the ABC is guilty of very damaging speculation, particularly emanating from its Tokyo correspondent. That speculation is very destructive of the morale of the work force and their families as we approach Christmas. That speculation is also very damaging for the company’s sales in Australia and does nothing to help the company in its objective of returning to profitability in this country.

Mitsubishi is an integral part of Australia’s car manufacturing industry and is a vital customer for our car components industry. It is also, of course, a vital part of the South Australian economy. I think we all have to be extremely careful about what we say about this company and that we have to avoid, at all costs, loose and unfounded speculation about it. In that vein, I was particularly concerned about the line of questioning indulged in by the opposition in Senate estimates last week. I thought it was very unfair and very self-indulgent. It was unfair on the workers of this company, which the ALP professes to support, to be speculating about the possible closure of that company. I urge the opposition and the media to be cautious and very responsible in their comments on this company and its future in Australia. We all want to ensure that Mitsubishi returns to profitability in Australia. That must remain a central part of our approach to Australia’s car industry. We all have to act together to support Mitsubishi in achieving its objective of returning to long-term profitability in Australia.

For our part, we are working closely with the company here and in Japan to ensure its continuity here. Our new $2 billion ACIS scheme starts on 1 January, and we want to ensure that Mitsubishi takes full advantage of that scheme. We believe that Mitsubishi is very well placed to take advantage of that generous scheme. We have reminded the company that we have instituted a five-year freeze on tariffs at 15 per cent—three times the general tariff rate in Australia of five per cent. We have reminded the company that our tax reforms have taken $2,000 off the price of the average Australian automobile. We have also acted to restrict and control the importation of second-hand cars into this country—something of great concern to the Australian manufacturers and the mainstream importers of new cars. Of course, our economic management has delivered high economic growth and low interest rates, both of which are critical to the car industry. The car industry has had its three best years ever under our 4½ years of government and has just had its best third quarter ever in the history of the Australian car industry. We are committed to a strong Australian car manufacturing industry, as evidenced by our policy settings and our actions. Today’s announcement by Mitsubishi of this capital injection is tremendous news for all of us who want Mitsubishi to remain in Australia. I would urge the media and the opposition to support the company and its work force and to not indulge in loose and damaging speculation.

Executive Salaries

Senator WEST (2.52 p.m.)—My question is to Senator Alston representing the Prime Minister. What action does the government propose to take to curb the outrageous increase in salary packages of 26.8 per cent in the last year for chief executives of Australia’s top 150 listed companies? How does the government justify such an increase when the annual increase for average wage earners on $41,000 a year was 3.5 per cent?
Senator ALSTON—I think we have had this question on a number of occasions. It is usually recycled at about this time of the day to ensure that the Labor Party supporters realise that the politics of envy are still alive and well. The answer is that a lot of these salary levels are set in the marketplace and are determined by what it is necessary to pay to ensure that you are able to attract the best people to fill a position. We all understand that—it is very much global competition at the top end of the market. In many instances, that will lead to million dollar salary packages. If you are running a very substantial corporation, you do want world’s best practice, you do want the best people to run them. It is not helped by people like you wandering along to the estimates committee and wasting the time of people who are well paid to get out and make sensible decisions. Having said that, there is a valid point that we should not be seeing very significant increases which are irrespective of performance.

Senator Schacht—What are you going to do about it?

Senator ALSTON—I know you’re in the price-fixing business; but we’re not. In fact, there is a constitutional ban on price fixing. If you remember, Gough tried that back in the early seventies, and it did not work. We are not proposing to put up a constitutional referendum to fix wages and prices. In those circumstances, what you can quite properly do is—

Senator Schacht—Are you going to send them a Christmas card? Best wishes for Christmas? That’s what you will be doing.

Senator ALSTON—You are not interested, are you? I am just about to tell you what you can do. You can quite properly draw attention to those who take significant increases irrespective of performance. I do not think that it is fair to shareholders. I think people should be held accountable. Where they are running very successful companies, I think they are entitled to be well remunerated. I do not have a problem with people who often come to this country on a relatively short-term contract being paid significant sums of money by our standards, which may not be all that high in the international scheme of things.

Senator Schacht interjecting—

Senator ALSTON—I know that, if you ever got a chance in government, as quick as a flash you would be sitting back wanting this sort of thing to happen. Just remember what Paul Keating and Kim Beazley were prepared to do when they wanted to attract Mr Frank Blount to this country. Do you think for a moment they would have hesitated or quibbled because somehow the Left wing of the Labor Party might have got up at the next state conference and asked the usual question? Of course they would not have.

Senator Schacht—

The PRESIDENT—Senator Schacht, you have been persistently interjecting. I draw your attention to the standing orders.

Senator ALSTON—I have some sympathy for Senator Schacht because I cannot see him getting average weekly earnings when he leaves this place. We may well need to take the hat around. The levy system that the Labor Party puts in place for the desperately in need who have left their own ranks involuntarily is probably something that does commend itself, but I have to say I do not like your prospects. But, once again, it is the marketplace in action. They pay on performance. If you do nothing for 10 years or more, I suppose you cannot expect to get much in return. The people we are talking about that Senator West asked about are overwhelmingly people who have to compete in the marketplace. As far as we are concerned, if they are performing they are entitled to those levels of pay.

Senator WEST—Madam President, I ask a supplementary question. Does the government understand the anger of lower paid wage earners at average chief executive salaries of $1.8 million each—an average gross value of packages of $8.4 million each a year?

Senator ALSTON—The rage is fabricated by the Labor Party. Those workers are particularly concerned about ensuring that they get significant increases where the employer has the capacity to pay. They do not want to see inflation rampant once again, as
it has been under previous Labor administrations. They do want to share in the profits. They do want to see companies prospering, and they do want to get their fair share. But they do not spend their time at home whipping themselves into a lather of envy, which the Labor Party seems to think is a good way of picking up a few votes. I can assure you that, overwhelmingly, workers want their fair share. They do distinguish between people running huge corporations and people operating in small businesses. They do not think they should all be paid the same amount of money—you might, but they do not. Workers understand that you can be very vulnerable, that you have to pull your weight and that, if you do, you ought to be entitled to a significant increase when the capacity is there to meet it.

Welfare Reform: Work for the Dole

Senator STOTT DESPOJA (2.58 p.m.)—My question is addressed to the Minister for Family and Community Services. Is the minister aware of figures released yesterday by ACOSS that reveal that Work for the Dole is still severely underperforming compared with the real labour market programs it replaced, with only 33 per cent of participants finding work three months after leaving the scheme? Will the government acknowledge that, on the basis of these figures—which also follow the government’s own1999 figures—Work for the Dole cannot be and should not be the basis for welfare reform, that it does not work in an overwhelming majority of cases, and that this cornerstone of mutual obligation has been a dismal failure?

Senator NEWMAN—It is a pity that Senator Stott Despoja is basing her question on an ACOSS press release, particularly as ACOSS have since put out another press release saying that they were wrong in some of the material facts in their first release. I think it is a great shame that they quite often put out press releases which have inaccuracies, especially when they have a member of my department on the payroll as support from this government. I would think that they would at least have the ability to get their press releases checked for accuracy, and I would expect that from a peak organisation that gets hundreds of thousands of dollars in support.

Having said that, Work for the Dole has been a great success because, first of all, the Australian people believe that it was necessary and that it is doing a good job. Quite apart from that, many people who have been through the Work for the Dole system also believe it has been a great success. You can talk about the figures, but the outcomes for people coming off Work for the Dole are quite significant. At least a third of people go into work. Something like 75 per cent, from memory, do not take up the offer because they have got a job in the meantime, because they have left partway through to take up a job, because they get a job at the end, or because they suddenly have an opportunity to know what they want to do in life and head off to a TAFE or some other form of training in order to get their foot on the ladder of life.

Anybody who would say that Work for The Dole is not an important and positive element—and it is only one element—in this government’s plan for helping young unemployed people to have a decent chance in life is not reading what it is all about. Certainly this government believes in it, and the people who put us in again at the last election believed in it too.

Senator STOTT DESPOJA—Madam President, I ask a supplementary question. If the minister does not believe the ACOSS figures, does the minister believe the 1999 budget figures provided by this government—which also found that Work for the Dole was not getting people into work, that it did not compare favourably with the Working Nation programs it replaced, and that it was more expensive than the Working Nation programs it replaced? Given that the minister has acknowledged that this is one component, according to her, of mutual obligation, can she give us an assurance that, in the government’s response to the McClure welfare reforms, we will not see further funding taken away from intensive assistance? As we have seen $80 million redirected to Work for the Dole, can we have an assurance that no further funding will be redirected away from intensive assistance to Work for the Dole?
Senator NEWMAN—There are two points I would make to that very long-winded question. First of all, Minister Abbott, who is the minister responsible for the area on which you questioning me, has put out an evaluation that has been done in recent months on Work for the Dole, and I suggest you have a look at that.

Senator Stott Despoja—I have read it.

Senator NEWMAN—Oh, you have read it. Then you are misrepresenting things to the Senate, perhaps. I would suggest that, if you read things, Senator, you read them more slowly and perhaps get somebody to help you.

Honourable senators interjecting—

Senator Stott Despoja—How does it compare with Job Start?

Senator NEWMAN—I am sorry, Senator, I cannot hear you.

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

ANSWERS TO QUESTIONS WITHOUT NOTICE

Business Tax Reform: Business Activity Statements

Senator SHERRY (Tasmania) (3.03 p.m.)—I move:

That the Senate take note of the answer given by the Assistant Treasurer (Senator Kemp), to a question without notice asked by Senator Buckland today, relating to Business Activity Statements.

Senator Buckland questioned the Assistant Treasurer, Senator Kemp, about the evidence of the Deputy Commissioner of the Australian Taxation Office, Mr Rick Matthews, at the Senate economics estimates hearings last week. Mr Matthews had described the business activity statement as one of the simplest forms in the world. The business activity statement is the new form that has been introduced by the Liberal-National Party, and it is the centrepiece of collection of the goods and services tax. The business activity statement, known as BAS, is part of the goods and services tax administrative requirements introduced by the Liberal-National Party government.

Senator Kemp, in his response, did not express any particular concern about the ramifications and the complexities of the business activity statement. He did not express any concern at all that businesses, particularly small businesses, have been experiencing problems in relation to completion of the business activity statement. In fact, Senator Kemp said that the ‘system is working well’. He went on to relate his experience in talking to business, and he said that some had found the system very simple. If he has been talking to business, I am sure it would have been big business—and of course big business do not have problems with the implementation of the goods and services tax. They have in-house lawyers and accountants who can complete these complex forms.

It is not simply the form, which is two pages long; it is the explanatory booklet—and it is a book—which you are required to read when completing the business activity statement. That booklet is some 150 pages long. It is not a simple matter, as Senator Kemp and the tax office would have us believe, of completing a two-page form. You have to read 150 pages of the explanatory booklet. If the business activity statement were so simple to complete, why have extensions been given by the tax office for completion of it? Initially the date for completion and lodgment was 21 October. This was extended by three weeks to 11 November. Then there was a further extension to 30 November. If the form is so simple to complete, why have there been two extensions to the completion date? The last extension, to 30 November, does come with the parameter that the form has to be lodged through an accounting firm. So tough luck for those small businesses which did not meet the deadline of 11 November and cannot lodge it through an accounting firm. Of course, this does add to the business that accountants receive.

For the other form, which is required to be lodged by 21 January, there has been a further two-week extension to 4 February. If the form is so simple to complete, why give the extensions? Why are there complaints from people in the business community? I read recently of a Mr Bolger, who lives in Townsville, employing 35 people. He said
that the ‘basic information needed was fairly easy to come to but that the additional questions on page 2 were causing problems’. He said:

The information on the back page is far too demanding. Most people don’t have their records at their fingertips.

He is not the only one to complain. We had the Queensland president of the National Party, Mr Terry Bolger, saying that he was ‘concerned about the Australian Taxation Office demands for extra information’. The president of the Queensland National Party complains, but note that we have had no complaints from the doormats of the coalition, the National Party, in this place about the complexity of the BAS.

Senator Hutchins—They wouldn’t know.

Senator SHERRY—If they do know they are not saying, Senator Hutchins, because they ignore their constituency out in rural and regional Australia, particularly their small business constituents. The answer from Senator Kemp today was simply head in the sand—ignore the administrative complexity and the additional cost that small business in particular is being snowed under by and suffering under.

Senator WATSON (Tasmania) (3.08 p.m.)—The Senate is taking note of comments in relation to the business activity statement. I remind the Senate that this statement brings together a lot of information on one form that was previously provided on a number of forms over many periods of time. This business activity statement is required to be lodged on a monthly basis by the larger taxpayers and on a quarterly basis by the smaller taxpayers. It would appear that certainly the larger taxpayers are not having a lot of trouble. Not surprisingly, given the greater spread of information and the fact that the records of some small businesses will have to be somewhat modified to meet with the new compliance arrangements, there will be a little extra time required by some of the smaller businesses for what we might call catch-up.

I express my disappointment that Senator Sherry has disagreed that perhaps extra time is needed for some of these smaller taxpayers to lodge, in a correct form, information in this new business activity statement. We have a sympathetic Liberal-National Party coalition that recognises the needs of smaller businesses to adopt, and to adapt to, the new configurations and the new arrangements. As part of that there are actually two options that taxpayers are entitled to pursue. I for one would recommend that taxpayers use what is known as option 2, the alternative. Option 2 is sometimes referred to as the accounts derived basis. Under the accounts derived basis, the system is relatively simple. It does not need the detailed calculations required on the back of the business activity statement, which for some may be complex. So if taxpayers pursue option 2, which I recommend—that is, the accounts derived basis—they prepare their cashbooks on the basis of, say, date, particulars, cheque details, cheque amount, the amount of the GST deducted, and then the net amount. Obviously all businesses need to dissect capital into the capital arrangements and to other relevant columns. So the amount that is allowable for income tax purposes, or is attributable to capital or private purposes is deductible over a period of time. The capital component is derived from the net amount paid for the service.

Senator Sherry—You’ve lost me, John.

Senator WATSON—It is very easy to lose you, Senator Sherry, so I suggest that perhaps you listen. We take the bank figure and deduct the GST on that payment, and then we get the net amount. It is the net amount that is applied for income tax purposes. That net amount is the same figure as would always be included in any income tax return. So what I am saying, Senator Sherry, is that the amount that is paid for any particular transaction, for income tax purposes, is after deducting the GST.

Senator Sherry—Yes, but can small business understand this, John; that’s what is worrying us.

Senator WATSON—If they write up their cashbooks on that basis, small businesses do not have to do the various calculations and complete the calculation sheet on the back of the form. Have you understood that? Because I think everybody else does. If you use the accounts derived basis, where you take
the information straight out of your book, it means one extra column in your cash payments book or, if you are a farmer, maybe two extra columns in your cash receipts book. That does not create too many complications. In fact, the time taken to prepare your business activity statement on that basis in terms of the GST is absolutely minimal because the figures are derived merely by taking the difference in the totals of cash payments and receipts journals, which is the GST payable. and I presume you would reconcile your books every quarter. Therefore, the system takes very little time.

If you pay wages, the second component on the BAS statement, I think everybody would concede that there is no additional time needed for the amount of information required on the business activity statement for the payment of wages, total wages and amount deducted compared with previously. It should be a pretty simple exercise, Senator Sherry. (Time expired)

Senator Sherry—Why aren’t they doing it?

Senator Watson—Some are.

Senator GEORGE CAMPBELL (New South Wales) (3.14 p.m.)—Perhaps we should have got Senator Watson to put his contribution on a whiteboard. We could have copied it down, sent it out to all those small businesses that are experiencing extreme difficulty in dealing with the business activity statement and, more importantly, to all those accountants out there who are providing them with advice and who are taking substantial amounts of time to complete these forms. Senator Watson makes it sound as if it is a walk in the park. From my point of view, I cannot for one moment understand why there are all these complaints out in the community about the business activity statement. Senator Watson has made it sound so easy. He is wasting his time in this chamber; he should be out there advising small business how to deal with the business activity statement and the application of the GST.

The reality is that it is not as simple as that. It is much more complex for ordinary business people out in the real world to deal with the GST. For example, at estimates, Mr Matthews from the Australian Taxation Office was asked about the degree of difficulty being experienced by people in completing and submitting the business activity statement. He fudged the answer to the question. He avoided answering the question because the tax office has never attempted to find out the degree of difficulty that small businesses are confronting in trying to complete these forms and to meet the timetables that have been imposed upon them in terms of the GST. That issue was avoided. But we do know there are substantial difficulties being confronted by small businesses. As part of the petrol inquiry that the Labor Party has been conducting, I took part in a hearing in Raymond Terrace where we had a small business person—an independent truck owner—give evidence. This person was not your average truckie, as we would define them as being—and that is not a derogatory term, Senator Hutchins, by any means. This person was an ex-schoolteacher. In fact, he still taught at one of the high schools in the Newcastle area. He said that in terms of completing his business activity statement, it took 18 hours of his own time, seven hours on the phone consulting—I think he said with his daughter or his sister who was an auditor/accountant—plus additional time with his accountant to be able to complete the form. This is someone whom you would regard as being fairly literate, who would be able to read and understand the form, but who took something like 25 to 30 hours to be able to complete that form and who says the impost being put on small business to be able to comply with the requirements of the law in that area is an absolute outrage.

There are many other examples. In an article in the Australian Financial Review on 23 November, Brian Toohey poses the question:

Backed by numerous public comments from accountants and business proprietors, bodies such as the Institute of Chartered Accountants and the business organisation, Australian Business Ltd, have suggested the BAS really needs to ask only two key questions so far as the GST is concerned. Both questions occur on the front page of the existing form: how much GST is payable, and how much of this can be offset by credits for GST paid. The difference between the two figures
would give the amount to be forward to the Australian Tax Office or due as refund.

He goes on to say that the form could be substantially simplified if that approach were adopted.

The questions that beg answering are whether or not the form that has been designed by the Australian Taxation Office is for the purpose of identifying the amount of GST required to be paid, whether or not it has a wider role in terms of tax collection and is being used to monitor the activities of companies on a broader basis to ensure that there is no tax evasion or the like, and whether or not the form is beyond what is needed in order to meet that commitment.

The other headline that I would like to refer to is from 20 November in the Australian: ‘BAS has agents fleeing profession’. (Time expired)

Senator Gibson (Tasmania) (3.19 p.m.)—I rise to speak on Senator Sherry’s motion to take note of Senator Kemp’s answer to Senator Buckland’s question about the business activity statement and to remind the Senate and any listeners that we are talking about the reporting requirement for the new tax system. We have changed the tax system very substantially. We have got rid of wholesale sales tax. We have brought in a new tax—the GST. We have changed income tax. We have changed the reporting requirements on the pay-as-you-go basis. The government is very sympathetic—all of us are sympathetic—to the confusion being experienced by businesses in having to adjust to the changes of forms. But I remind the Senate of what a typical small business had to do in the past. On an annual basis, if they had some employees, they had to complete at least four PAYE returns and payments, four provisional tax payments, up to 12 prescribed payments remittances and up to four fringe benefits tax payments. Some of them also had reportable payments systems and other separate withholding systems that they had to report on. Medium-sized firms had 12 reports per year for PAYE, four company tax instalments and 12 obligations for prescribed payments, up to 12 on sales tax payments, as well as the fringe benefits tax.

So we have a brand new system and, sure, there have been difficulties in learning how to adjust to it. That is what the trouble has been about—people learning the system. However, the facts are that the system has been well designed. The tax office and the government took advice internationally. In fact, at the estimates last week the tax office tabled a document from the International Monetary Fund which set out the international advice to countries on what should be in the returns on VAT or GST—and our forms fit in with that. It was also reported that the tax office studied in great detail the GST returns from New Zealand. The GST part of the BAS is in fact simpler in the Australian form than in the New Zealand one. The confusion has arisen because we have married the PAYE, the prescribed payments system and the FBT system into the pay-as-you-go in the one single form.

However, the system is working quite well. As was reported in Senate estimates hearings last week, 300,000 businesses have been reporting on a monthly basis since the start of this financial year, with only about one per cent ‘error rate’ in timing. Of the smaller businesses reporting on a quarterly basis, 1.5 million have sent in their forms and their payments, and the tax office expects a total of 1.6 million. I remind the Senate and listeners that the deadline for quarterly reporting was the 11th of this month except if reporting through an accountant or tax agent, when the deadline is Thursday of this week—so there is still time for people to get their report in. As my colleague Senator Watson said, a lot of the confusion has derived from the fact that there are two options for doing the work. There is the option of doing it on the form with the calculation sheet on the back that has been sent out to all businesses, which is fine if your business is quite simple. As Senator Watson said, you just make simple modifications to the cash payments and cash receipts columns in your books. The alternative accounts derived scheme simply means you fill in the key bits from the accounts, which for lots of businesses are now done by computer.

The other interesting item tendered in the estimates hearings last week was that over 50
per cent of the quarterly returns from small businesses to the tax office were done by the businesses themselves, not with the assistance of an accountant. That says that a lot of people have been making their personal effort and getting on with the job. I am sure in the next quarterly return early next year, at the end of January and in February, we will see a much lower complaint rate, we will see a much lower error rate, and we will get a good result.

Senator HUTCHINS (New South Wales) (3.24 p.m.)—Anybody who was listening to the broadcast this afternoon or reads the speeches of two very honourable and learned senators on the other side, Watson and Gibson, who lectured us on the basic niceties of this new scheme, would be confused that we have this new super-duper scheme that is ‘simple, fairer and more equitable’. If you think about it, Madam Deputy President, and you read the correspondence that you may have received in your role as a senator from New South Wales, you would come to the same conclusion that I and many other people in the community have come to: this system is not simpler or fairer but is far more complex and is indeed unfair, and in particular unfair to small business.

I subscribe to a magazine called the Owner/Driver. Unlike, I imagine, a number of other senators in this place, in my previous occupation for nearly 17 years I represented the interests of small businesses through the lorry owner-drivers in the TWU. So I might be expected to know a little bit about how they manage and operate their businesses. In this month’s edition of the Owner/Driver, in one of their regular columns Mrs Pam McMillan writes about the difficulties with the business activity statement. I might add that I would not think Mrs McMillan, whom I think I may have met over the years, would generally be a supporter of some of the positions I would take. She asks, rhetorically I suppose, at the beginning of her article:

How are you all going with the figures for your Business Activity Statement?

She goes on:
I don’t have a problem with the theory of it …

So we have in this article a person writing about the GST and the business activity statement who is in general supporting the coalition. But what Mrs McMillan says is this:

My really major, major problem has been with recipient created tax invoices and the deductions made by prime contractors.

If anyone has any advice on how to deal with multiple deductions off an individual RCTI and then a lump sum deduction off the payment as well I would be really grateful.

I have spent literally hours and hours trying to get the figure right in my program, the programmers have not answered my emails, faxes or phone calls and the Tax Office says they don’t know and they don’t believe the computer people have it worked out either.

She then goes on:

I realise that I am just a little fish in a very big sea, but my protestations fell on deaf ears when all of this was being set up with governments, the Tax Office and our learned friends in Canberra.

She concludes in this part of the article:

And I would really love to know just how many of our decision makers were in actual fact subcontractors, who just like prime contractors have to balance their books and be accountable.

That is Mrs McMillan, a person who says she supports in theory the practice of what the government has done. As you well know, Madam Deputy President, since this scheme was introduced small businesses have had to go from filling out one statement a year to five. You know as well as I do that big businesses are much more advantaged in this scheme; they have a bevy of accountants and lawyers to assist them in assessing their books. They are overwhelmingly advantaged in this scheme. The firm Morgan and Banks conducted a survey, last month I think it was, and they reported that when they surveyed small business 92 per cent of them said their profitability was down because they were redirecting their activities from being involved in services and sales to making sure they filled out the taxation forms correctly. And rightly so, I imagine, considering that you will be stung with a $10 million fine if you are a small business and you have not filled it out correctly. But I challenge the government to go after any of the big business mates they have if they do not fill out
their forms correctly, because the system favours them overwhelmingly. You know as well as I do, Madam Deputy President, that this Prime Minister said that he would reduce paperwork and get rid of red tape. That has not happened as a result of the introduction of this scheme. It is now more cumbersome and more unfair on small business.

Question resolved in the affirmative.

**Immigration: Detention of Children**

Senator BARTLETT (Queensland) (3.29 p.m.)—I move:

That the Senate take note of the answer given by the Minister for Justice and Customs (Senator Vanstone), to a question without notice asked by Senator Bartlett today, relating to the numbers of children in immigration detention centres.

The question and the response by the Minister for Justice and Customs concerned Australia’s policy of mandatory detention, particularly in relation to the number of children that are contained and confined in detention centres throughout Australia at the moment. As the minister herself confirmed in her answer, that number of children runs into many hundreds. Many of those are there for extended periods of time. The minister stated that, particularly with children, attempts are made to process claims as quickly as possible. I do not dispute the government’s statement in that regard, but what needs to be said is that there is still a significant length of time involved in many cases with these children. It is an indefinite length of time, particularly if their claim is linked to a family member, as it often is. It is not automatic that, if one member of a family is given a protection visa, the others also get that protection visa. In many cases, the length of time that is involved will be linked to the time that the whole family take to have their claims assessed, not just the assessment of the claim of the child in question.

Last week a lot of attention was drawn to one particular allegation—a very serious allegation—of child sexual abuse involving a 12-year-old child, from memory, in the Woomera detention centre. Whilst it is appropriate that the government investigate that, and the Democrats support that, we do believe that trying to insist that this is a one-off single incident or one-off single allegation is most misleading. There are any number of allegations of ill-treatment, not just of children but of others in detention centres too. They have been raised frequently by staff and former staff of those centres, particularly nurses, as well as by agencies that deal with people when they have been found to be refugees, particularly after they are released from detention centres.

To suggest that this is only one allegation and that everything is fine is simply misleading. Again we need to particularly look at the issue of children. The Democrats have been on the record for many years as being opposed to the policy of mandatory detention, but it nonetheless is one that this government, and the Labor opposition as well, maintain their support for. In that context, I think the least we can do, particularly in the light of recent allegations, is to reconsider whether this is the best place for a child. The suggestion that the minister made that it is best to keep them with their family is a furphy. Of course it is best for a child to be with their family, assuming the family is not abusing them in some way, as has been alleged in one or two particular cases. But is it best for a child to be kept with their family in a detention centre for an indefinite length of time, surrounded by people some of whom the minister himself, Minister Ruddock, makes a great habit of trying to imply are of dubious reputation? He besmirches their reputation, yet he is quite happy for children to be locked up in the same detention centre as the people that he suggests may be of dubious character and of a sufficient threat to Australia that we cannot possibly consider releasing them into the general community. Yet we are quite happy for children to stay for indefinite periods of time with these same people in detention centres rather than in the Australian community, surrounded by support from welfare organisations and, in many cases, relatives or others from the relevant ethnic community who are not only quite willing but keen to provide assistance and support to people in need such as these children.

It is completely misleading to suggest that somehow it would be not in the child’s interests for them to be out of detention centres.
just because it would require them to be separated from their parents. You do not have to separate them from their parents; it is just that the government insists on maintaining the support for mandatory detention at all costs at all times except in very extenuating circumstances. This is not a last resort where we have to keep people locked up only if there is a danger to the community. It is a deliberate ongoing policy, and the minister has implied more than once that it is a deliberate infliction of punishment as a deterrent for people so that they do not come here in an unauthorised way. It is inflicting a punishment on people, many of whom at the end of the day are determined by our own system to be legitimate refugees fleeing persecution. Somehow or other, we think it is okay for them to be punished further in the process when they have committed no crime. (Time expired)

The DEPUTY PRESIDENT—Order! The time for the debate has expired. Question resolved in the affirmative.

PETITIONS

The Clerk—A petition has been lodged for presentation as follows:

Political Asylum

To the Speaker and 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 Holy Trinity Anglican Church, Lara, Victoria 3212, petition the Senate in support of the abovementioned Motion.

by Senator McGauran (from 46 citizens).

Petition received.

NOTICES

Withdrawal

Senator CALVERT (Tasmania) (3.34 p.m.)—On behalf of Senator Coonan, pursuant to notice given on the last day of sitting on behalf of the Regulations and Ordinances Committee, I withdraw business of the Senate notices of motion Nos 1 and 2 standing in her name for the next day of sitting.

COMMITTEES

Community Affairs References Committee

Extension of Time

Motion (by Senator O’Brien, at the request of Senator Crowley)—by leave—agreed to:

That the time for the presentation of the report of the committee on public hospital funding be extended to 8 December 2000.

Superannuation and Financial Services Committee

Meeting

Motion (by Senator Calvert, at the request of Senator Watson)—by leave—agreed to:

That the Select Committee on Superannuation and Financial Services be authorised to hold a public meeting during the sitting of the Senate on 29 November 2000, from 3.15 pm to 4.15 pm, to take evidence for the committee’s inquiry into the Taxation Laws Amendment (Superannuation Contributions) Bill 2000.

NOTICES

Postponement

Items of business were postponed as follows:

General business notice of motion no. 489 standing in the name of Senator Murray for today, proposing an order for the production of documents relating to lists of departmental and agency contracts, postponed till 5 December 2000.

General business notice of motion no. 681 standing in the name of Senator Murray for today, relating to international financial transactions, postponed till 6 February 2001.

General business notice of motion no. 562 standing in the name of Senator Allison for today, relating to the proposed Albury-
Wodonga bypass, postponed till 5 December 2000.

Government business notice of motion no. 2 standing in the name of the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) for today, relating to the consideration of legislation, postponed till 29 November 2000.

BUSINESS

Consideration of Legislation

Motion (by Senator Ian Campbell) agreed to:

That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the Jurisdiction of Courts (Miscellaneous Amendments) Bill 2000, allowing it to be considered during this period of sittings.

PARLIAMENTARY ZONE

Approval of Works

Motion (by Senator Ian Campbell) agreed to:

That, in accordance with section 5 of the Parliament Act 1974, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the construction of Commonwealth Place.

Motion (by Senator Ian Campbell) agreed to:

That, in accordance with section 5 of the Parliament Act 1974, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the construction of the Magna Carta monument.

Motion (by Senator Ian Campbell) agreed to:

That, in accordance with section 5 of the Parliament Act 1974, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being temporary works associated with the second GMC 400 V8 Supercar race.

COMMITTEES

Legal and Constitutional References Committee

Extension of Time

Motion (by Senator O’Brien, at the request of Senator McKiernan) agreed to:

That the time for the presentation of the report of the Legal and Constitutional References Committee on the Government’s response to the recommendations of the report, Bringing Them Home, be extended to 30 November 2000.

INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN

Motion (by Senator Calvert, at the request of Senators Patterson, Lees and Crowley) agreed to:

That the Senate—

(a) notes:

(i) that 25 November 2000 was White Ribbon Day, which marked the International Day for the Elimination of Violence Against Women, and that human rights abuses against women and girls are practised in countries across the world, including the Asia-Pacific region,

(ii) that such abuses and violence towards women include rape, trafficking in women, forced prostitution, sexual slavery, ‘honour killings’, sexual mutilation and the use of girls as child soldiers, and

(iii) that rape and other forms of sexual abuse are used as torture tactics and strategies of war;

(b) condemns all forms of violence towards women and encourages parties involved in armed conflict to respect international human rights law and protect women and girls, especially refugees and internally displaced persons who are particularly vulnerable to attack; and

(c) calls on all governments in the Asia-Pacific region to take positive measures to stamp out violence toward and torture of women and girls by encouraging an end to impunity and by prosecuting those responsible for violence against women.

COMMITTEES

Lucas Heights Reactor Committee

Extension of Time

Motion (by Senator O’Brien, at the request of Senator Forshaw) agreed to:

That the time for the presentation of the report of the Select Committee for an inquiry into the contract for a new reactor at Lucas Heights be extended to 4 April 2001.
Rural and Regional Affairs and Transport Legislation Committee

Meeting

Motion (by Senator Calvert, at the request of Senator Crane)—as amended, by leave—agreed to:

That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on 1 December 2000, from 9.30 am, to resume its supplementary hearings on the 2000-01 Budget estimates.

BUDGET 2000-01

Consideration by Legislation Committees

Motion (by Senator O’Brien, at the request of Senator Jacinta Collins) agreed to:

(1) That the Employment, Workplace Relations, Small Business and Education Legislation Committee reconvene to resume its consideration of the 2000-01 Budget estimates on 7 December 2000, during the sitting of the Senate from 10 am to 12.45 pm, for the purpose of further examination of the Office of the Employment Advocate.

(2) That the Employment Advocate, Mr Hamberger, along with Mr McIlwain and Dr Shergold of the Department of Employment, Workplace Relations and Small Business, appear before the committee to answer questions.

(3) That the committee may, by unanimous resolution, determine that the hearing occur on an alternative day.

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (3.40 p.m.)—by leave—Can I ask if that motion has been amended to read 10 a.m. to 12.45 p.m. on Thursday, 7 December?

Senator O’BRIEN (Tasmania) (3.41 p.m.)—by leave—I will just have to check to see what has happened with the Notice Paper. I have no special advice on that matter.

COMMITTEES

Superannuation and Financial Services Committee

Report

Motion (by Senator Calvert, at the request of Senator Watson) agreed to:

That the order of the Senate of 10 May 2000, as amended, referring the provisions of the Family Law Legislation Amendment (Superannuation) Bill 2000 to the Select Committee on Superannuation and Financial Services, be varied to provide that the committee present an interim report on 28 November 2000 and a final report on 8 February 2001.

Finance and Public Administration Legislation Committee

Meeting

Motion (by Senator Calvert, at the request of Senator Mason) agreed to:

That the Finance and Public Administration Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on 28 November 2000, from 7.30 pm to 11 pm, to resume its supplementary hearings on the 2000-01 Budget estimates.

Environment, Communications, Information Technology and the Arts Legislation Committee

Meeting

Motion (by Senator Calvert, at the request of Senator Eggleston) agreed to:

That the Environment, Communications, Information Technology and the Arts Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on 30 November 2000, from 5 pm to 10 pm, to resume its supplementary hearings on the 2000-01 Budget estimates.

NOTICES

Presentation

Senator Brown—by leave—to move, on the next day of sitting:

That the Senate—

(a) condemns the Minister for the Environment and Heritage (Senator Hill) for his negative performance during climate change negotiations at The Hague, including his:

(i) seeking to have nuclear power included as a clean development mechanism,

(ii) failing to oppose the American proposal to include forestry management as an additional sink,
(iii) opposing a mandatory compliance regime, and
(iv) failing to take a pro-active leadership role throughout the negotiations; and
(b) calls on the Howard Government to:
(i) acknowledge the need for significant emission reductions beyond the first commitment period of the Kyoto Protocol,
(ii) drop controversial positions that will not have a large impact on Australia’s circumstance, and
(iii) re-establish Australia’s role as a leader in international environmental negotiations.

Senator Brown—by leave—to move, on 30 November 2000:
That the Senate calls on the Government to use increased diplomatic effort to prevent the ongoing violence in Aceh and West Papua and, in particular, to request that the Indonesian authorities:
(a) avoid bloodshed on Friday, 1 December 2000, which is a significant day for West Papua’s identity; and
(b) not impose martial law in Aceh but, rather, deter violence and ensure that talks with the Free Aceh Movement resume.

Senator Brown—by leave—to move, on the next day of sitting:
That the Senate—
(a) welcomes the World Heritage Committee to Australia for its meeting in Cairns in the week beginning 26 November 2000;
(b) congratulates the committee on its decision to reject the Australian Government’s proposal to weaken the World Heritage Convention by:
(i) preventing ‘in danger’ listings when the host country opposes such a listing; and
(ii) down-grading the role of the committee’s advisory bodies; and
(c) calls on the committee to place Kakadu on the ‘in danger’ list because of the threats posed to it from the Jabiluka uranium mine.

COMMITTEES
Appropriations and Staffing Committee
Report
The DEPUTY PRESIDENT—On behalf of the President, I present the 34th report of the Standing Committee on Appropriations and Staffing entitled Additional Estimates for the Department of the Senate 2000-2001.

Ordered that the report be printed.

FAMILY LAW LEGISLATION AMENDMENT (SUPERANNUATION) BILL 2000
Report of the Superannuation and Financial Services Committee
Senator CALVERT (Tasmania) (3.45 p.m.)—On behalf of Senator Watson, I present an interim report of the Select Committee on Superannuation and Financial Services on the provisions of the Family Law Legislation Amendment (Superannuation) Bill 2000, together with the Hansard record of the committee’s proceedings and submissions.

Ordered that the report be printed.

EDUCATION SERVICES FOR OVERSEAS STUDENTS BILL 2000
EDUCATION SERVICES FOR OVERSEAS STUDENTS (ASSURANCE FUND CONTRIBUTIONS) BILL 2000
EDUCATION SERVICES FOR OVERSEAS STUDENTS (REGISTRATION CHARGES) AMENDMENT BILL 2000
EDUCATION SERVICES FOR OVERSEAS STUDENTS (CONSEQUENTIAL AND TRANSITIONAL) BILL 2000
MIGRATION LEGISLATION AMENDMENT (OVERSEAS STUDENTS) BILL 2000
Report of the Employment, Workplace Relations, Small Business and Education Legislation Committee
Senator CALVERT (Tasmania) (3.46 p.m.)—On behalf of Senator Tierney, I present the report of the Employment, Workplace Relations, Small Business and Education Legislation Committee on the provisions of the Education Services for Overseas Students...
Bill 2000 and four related bills, together with the Hansard record of the committee’s proceedings and documents presented to the committee.

Ordered that the report be printed.

AUSTRALIAN RESEARCH COUNCIL BILL 2000
AUSTRALIAN RESEARCH COUNCIL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2000

Report of the Employment, Workplace Relations, Small Business and Education Legislation Committee

Senator CALVERT (Tasmania) (3.46 p.m.)—On behalf of Senator Tierney, I present the report of the Employment, Workplace Relations, Small Business and Education Legislation Committee on the provisions of the Australian Research Council Bill 2000 and a related bill, together with the Hansard record of the committee’s proceedings and submissions received by the committee.

Ordered that the report be printed.

ASSENT TO LAWS

A message from His Excellency the Governor-General was reported, informing the Senate that he had assented to the following law:

National Crime Authority Amendment Bill 2000.

PRIVACY AMENDMENT (PRIVATE SECTOR) BILL 2000

First Reading

Bill received from the House of Representatives.

Motion (by Senator Ian Campbell) agreed to:

That this bill may proceed without formalities and be now read a first time.

Bill read a first time.

Second Reading

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts) (3.48 p.m.)—I table a revised explanatory memorandum relating to the bill and 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—

Introduction

The Privacy Amendment (Private Sector) Bill is the most significant development in the area of privacy law in Australia since the passage of the Privacy Act in 1988.

Based on industry benchmarks—and over twelve months of intensive consultation with Australian business, consumers and privacy advocates—the Bill establishes national standards for the handling of personal information by the private sector.

For the first time, Australians can be confident that information held about them by private sector organisations will be stored, used and disclosed in a fair and appropriate way.

For the first time, Australians will have a right to gain access to that information and a right to correct it if it is wrong.

This Bill is about confidence building.

It is about giving consumers confidence in Australian business practices.

It is about giving business confidence in a more level playing field.

It is about giving the international community confidence that personal information sent to Australia will be stored safely and handled properly.

While some businesses in Australia are leading the way by putting in place codes of practice which commit them to handling personal information in a fair and responsible way, these good business practices are not consistent. The Privacy Amendment (Private Sector) Bill, with its co-regulatory approach, provides a national, consistent and clear set of standards to encourage and support good privacy practices.

Electronic Commerce

The Bill is one element of the Government’s strategy to ensure that full advantage is taken of the opportunities presented by electronic commerce and the information economy for Australian business and Australian consumers.

While more and more people are recognising the advantages of using information technology, it is also clear that they are increasingly concerned about privacy issues.

This concern, if not addressed, has the potential to significantly influence consumer choices about
whether or not to participate in electronic commerce.

The Bill provides a framework within which Australian business will be able to address these concerns effectively and efficiently. There is no doubt in my mind that businesses that demonstrate a commitment to protecting the privacy of their customers will gain a competitive advantage.

Addressing privacy concerns is clearly smart business.

**International Framework**

It is smart business domestically but it is also smart business internationally. Increasingly, important trading partners are requiring an assurance that information will be given appropriate protection. This Bill will ensure that Australia is in a position to meet international obligations and concerns and that we are not disadvantaged in the global information market.

The Bill draws on the 1980 OECD Guidelines for the Protection of Privacy and Transborder Flows of Personal Data, which represent a consensus among our major trading partners on the basic principles that ought to be built into privacy regulation. It will also implement certain obligations under Article 17 of the International Covenant on Civil and Political Rights.

The Bill is intended to facilitate trade in information between Australian and foreign organisations. Without such legislative measures, this trade may be adversely affected. The 1995 'European Union Directive on the protection of individuals with regard to the processing of personal data and on the free movement of such data' restricts the transfer of personal information from member countries to other countries unless adequate privacy safeguards are in place.

I am confident that this Bill will provide adequate privacy safeguards to facilitate future trade with EU members.

**Consultative Process**

The real strength of this legislation stems from the highly interactive way in which it has been developed. The standards in the Bill are based on the National Principles for the Fair Handling of Personal Information, which were developed by the Privacy Commissioner following extensive consultation with business, consumers and other stakeholders.

The National Principles are a set of guidelines for the collection, holding, use, disclosure and transfer of personal information.

The Government’s commitment to a fully consultative process continued following the announcement in December 1998 that we would legislate.

A Core Consultative Group was established with a membership drawn from peak business, consumer and privacy groups. The States and Territories were also represented. The Group provided an invaluable arena in which to test and develop various legislative models and to examine how each model would operate in practice.

In addition, the Privacy Commissioner was asked to consult with health stakeholders as to how the National Privacy Principles should be modified to deal with health information.

An information paper issued in September last year, followed by a successful series of public consultation meetings in Sydney, Melbourne and Perth, and draft key provisions made public in December attracted a large number of submissions.

Drawing on this input and feedback has allowed us to draft a Bill which, I believe, will establish the best possible scheme for the Australian context.

**Amend Existing Privacy Act**

The Bill will amend the existing Commonwealth Privacy Act 1988, which currently regulates the handling of personal information by the public sector.

**Broad Outline of Provisions**

The Bill will require organisations to comply with minimum standards in relation to how they handle personal information.

The standards for handling personal information are contained in ten principles, known as the National Privacy Principles, or NPPs.

The NPPs regulate the collection; use and disclosure; and transfer overseas of personal information.

They require organisations to ensure that the personal information they hold is accurate, up-to-date and complete; and secure.

Organisations are also required to be open about how they manage personal information; provide access and correction rights to individuals; and allow people to deal with them anonymously, if that is legal and practical.
The NPPs also regulate the adoption, use and disclosure of Commonwealth Government identifiers by private sector organisations.

Privacy codes
A key feature of the co-regulatory approach in the Bill is that it enables organisations to develop their own privacy codes. These codes must be approved by the Privacy Commissioner.

Before approving a code, the Commissioner must be satisfied that it provides at least as much privacy protection as the NPPs. Private sector organisations are, however, free to adopt higher standards.

The NPPs in the Bill will operate where an organisation chooses not to adopt its own privacy code or does not have a code that has been approved by the Privacy Commissioner.

Complaint handling
The complaint-handling process in the Bill will enable people to have their complaints dealt with simply, quickly, at low cost and without red tape. It is designed to ensure that most complaints can be resolved through conciliation and mediation, rather than through an adversarial court process.

In the first instance, complaints are to be directed to the organisation concerned. If matters are not able to be resolved at that level, then an independent person may investigate the complaint.

Where the organisation has a privacy code and a mechanism for handling complaints, the independent investigator will be an adjudicator nominated under the code.

In those instances where an organisation does not have a complaint mechanism, the Privacy Commissioner will handle the complaint.

Review of decisions
If an individual and organisation are unable to reach a satisfactory outcome through mediation or conciliation, the Privacy Commissioner or a code adjudicator may make a determination.

In both cases, the decision making process may be judicially reviewed under the Administrative Decisions (Judicial Review) Act 1977.

A determination made by the Privacy Commissioner or a code adjudicator may be enforced in the Federal Court or the Federal Magistrates Service. While the Bill puts in place a scheme that is intended to support self-regulation, there will be a level of judicial oversight to ensure compliance with decisions of code adjudicators and the Privacy Commissioner.

Health
The Government recognises that Australians consider their personal health information to be particularly sensitive and that they expect all those who come into contact with it to handle it fairly and appropriately.

Following consultation with health stakeholders, it was agreed that the NPPs be modified to accommodate the particular sensitivities surrounding the collection, use and disclosure of personal health information.

The modified Principles are designed to ensure an appropriate balance between privacy interests and other important public interests, such as the promotion of research and the effective planning and delivery of health services.

Research
The balance between the interests of privacy and the need to facilitate medical research was an issue that the Privacy Commissioner and the Government looked at closely.

The Bill provides that where information is collected for research purposes it must be collected with consent or, where this is not practicable, in accordance with strict safeguards set out in the Bill.

In addition, researchers must take reasonable steps to de-identify personal information before the results of research can be disclosed.

Access
It is a fundamental principle of fair information handling that individuals be able to access and correct information about them.

The Bill provides for access to health information, except where legitimate and justifiable grounds exist for refusing access. Such grounds include situations where providing an individual with access to their health information would pose a serious threat to the life or health of that or any other person.

In providing this right to health consumers, the Bill supports what is already good practice among many health professionals.

The Government acknowledges that the health profession already has a strong respect for the confidentiality of health information about individuals and maintains sound privacy practices in that respect.

The Bill is not intended to interfere with those professional values and standards.
Outsourcing
Another area where special issues arise is where Government services involving personal information are outsourced to the private sector.

In these circumstances, it is important to ensure that personal information is given the same level of protection it would receive if it was held by Government and that, in specified circumstances, the contracting Government agency remains ultimately responsible for the acts and practices of its contractors.

Where an organisation provides services under contract to the Commonwealth Government, the legislation makes clear that the contract will be the primary source of a contractor’s privacy obligations in respect of the personal information collected or held for the purpose of performing the contract.

The NPPs, or an approved code, will only apply to the extent that they are not inconsistent with the contract.

As an extra safeguard, the Bill provides that a contractor may not use or disclose personal information for direct marketing purposes unless this is required by the contract.

State/Territory Instrumentalities
The Bill is not intended to cover State and Territory public sector agencies, as this is a matter for the States and Territories themselves.

The Bill recognises that State and Territory Government Business Enterprises, or GBEs, take many forms and that the dividing line between the public and private sectors is not always clear.

In order to ensure certainty, the Bill provides that GBEs that are incorporated under the Corporations Law will automatically be covered by the Bill, unless they are prescribed otherwise by regulation.

Those GBEs not incorporated under the Corporations Law, such as statutory corporations, will not be covered by the Bill.

To meet the varying requirements of State and Territory Governments, however, the Bill also provides a flexible opt in/opt out mechanism for prescribing State or Territory instrumentalities.

This will be achieved by regulation and will only be done at the request of the State or Territory Government.

The policy behind this mechanism is to ensure that State and Territory Government functions can continue unaffected by the Bill, whilst allowing for State and Territory GBEs that are performing substantially commercial functions to be treated on a level playing field with other private sector organisations.

State/Territory Law
By introducing this Bill, the Commonwealth intends to establish a single comprehensive national scheme for the protection of personal information by the private sector.

However, State and Territory laws will continue to operate to the extent that they are not directly inconsistent with the terms of the Bill.

The NPPs recognise the operation of State and Territory legislation and the common law.

For example, while the Principles provide for a right of access to personal information held about an individual, they also contemplate a situation in which that access may be denied if this denial is required or authorised by law.

While there may be some situations of direct inconsistency, I expect that, in the majority of cases, existing State and Territory laws will continue unaffected by this Bill.

The existing law will simply be supplemented by the standards contained in the NPPs.

Exemptions
It is widely acknowledged that the right to privacy is not an absolute right. Like all rights, the individual’s right to privacy must be balanced against a range of other community and public interests.

The objects clause of the Bill highlights this need for a balanced approach. The structure and principles underlying the legislation, as well as a limited range of express exemptions, ensures there is an appropriate and workable balance.

The Bill does not apply, for example, to information collected for personal, family or household affairs.

Small Business
Similarly, while protecting privacy is an important goal, it must be balanced against the need to avoid unnecessary costs on small business.

For this reason, only small businesses that pose a high risk to privacy will be required to comply with the legislation.

Small business is defined in the legislation.

A business is a small business if its annual turnover for the previous financial year was $3 million or less.

Such businesses will be exempt unless they hold personal health information and provide a health service; trade in personal information; are a Commonwealth contracted service provider; are
related to a business that is not a small business; or are prescribed by regulation.

The power to prescribe small businesses, or particular acts or practices of small businesses, provides a flexible way to ensure that other risks to privacy can be brought within the legislation where that is necessary and in the public interest.

In considering whether the circumstances justify bringing small businesses within the regulatory scheme, the Privacy Commissioner must be consulted.

I also intend to consult with the minister responsible for small business before making a decision on such a regulation.

While the Government is saying that small business generally does not have to comply with the legislation, it is not saying that a small business cannot or should not comply.

With increasing demands from consumers and larger business partners for greater respect for privacy, more small businesses are recognising that good privacy practices are good business practices.

The Bill provides a mechanism whereby small businesses can choose to voluntarily opt-in to the privacy regime.

This will allow them to capitalise on the increased consumer and business confidence that results from sound privacy practices.

**Employee Records**

The Bill also includes an exemption for employee records.

An “employee record” is defined to capture the types of personal information about employees typically held by employers on personnel and other similar files.

While this type of personal information is deserving of privacy protection, it is the Government’s view that such protection is more properly a matter for workplace relations legislation.

It should be noted, however, that the exemption is limited to collection, use or disclosure of employee records where this directly relates to the employment relationship.

This is designed to preclude an employer selling personal information contained in an employee record to a direct marketer, for example.

**Media**

The media in Australia have a unique and important role in keeping the Australian public informed.

In developing the Bill the Government has sought to achieve a balance between the public interest in allowing a free flow of information to the public through the media and the individual’s right to privacy.

In order to achieve this balance, the Bill does not apply to acts and practices of media organisations in the course of journalism where the media organisation has publicly committed itself to observing published standards that deal with privacy in a media context.

A range of other provisions in the Bill also recognise the important role of the media in facilitating the free flow of information to the public.

**Political Parties**

The Bill also includes an exemption for political representatives where acts or practices are related to participation in the political process including referendums and elections at the local, State or Federal level.

Freedom of political communication is vitally important to the democratic process in Australia.

This exemption is designed to encourage that freedom and enhance the operation of the electoral and political process in Australia.

I am confident that it will not unduly impede the effective operation of the legislation.

**Transitional Arrangements**

In order to allow time for the private sector to develop codes, revise existing codes and put appropriate practices in place, the Bill will only come into operation 12 months after it receives Royal Assent.

In addition, most small businesses will not be subject to the legislation for a further period of 12 months after it comes into force.

The Government appreciates that small business needs to focus on implementing the new tax system.

The extra time given to small business will provide opportunity for them to implement the changes to the tax system before turning to how they will handle personal information.

Small businesses that involve the provision of health services will not, however, receive the benefit of the additional 12 month period.

This is because the Government recognises that information held by health service providers is particularly sensitive and in this situation it is important to have privacy protection in place as soon as possible for the community.

**Review by the Privacy Commissioner**

This Bill establishes a new approach to the protection and handling of personal information in the private sector.
Because our approach is unique, the Government is committed to assessing the operation of the legislation, to ensure that it is achieving all our goals.

I propose that the Privacy Commissioner conduct a formal review of the operation of the legislation, and of all the exemptions, in consultation with key stakeholders after it has been in operation for two years.

**Conclusion**

In developing this legislation the Government has drawn extensively on consultation and feedback provided by Australian business, consumers and privacy advocates.

As a result, the Bill will establish a scheme that is responsive to both business and consumer needs and that implements privacy protection in a realistic, balanced and workable way.

It represents the very best of Australian policy development and law making and will help to ensure that Australian business and Australian consumers are in a position to take full and confident advantage of the future in the fast developing information economy.

Debate (on motion by Senator O’Brien) adjourned.

**COMMITTEES**

**Electoral Matters Committee**

**Membership**

The DEPUTY PRESIDENT—A message has been received from the House of Representatives notifying the Senate of the appointment of Mr St Clair to the Joint Standing Committee on Electoral Matters in the place of Mr Forrest.

**STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) BILL 2000**

**Consideration of House of Representatives Message**

Message received from the House of Representatives acquainting the Senate that it had not made the amendments requested by the Senate.

Ordered that the message be considered in committee of the whole immediately.

Motion (by Senator Ellison) proposed:

That the committee does not press its requests for amendments not made by the House of Representatives.

Senator CARR (Victoria) (3.49 p.m.)—This proposition that the government has presented to the Senate today—that we do not press these amendments—I think demonstrates once again just how bluntly callous this government has become. The motion moved by the Senate in regard to the States Grants (Primary and Secondary Education Assistance) Bill 2000 requested that the House redress what is now quite transparently obvious for all to see: the unjust and vastly inflated increases that were going to the wealthiest private schools under Dr Kemp’s SES funding model.

The Senate has asked this government to have this money redirected to programs for disabled children in both government and non-government schools. It is the children of Australia who stand to lose under this government’s proposals. We have this proposition today which suggests that the government refuses the Senate’s request. It has refused to give more money to schoolchildren with a disability. I remind the Senate that government schools educate 80 per cent of all the disabled children in Australia. Some 85,000 disabled students in Australia go to government schools. There are some 13,000 students with disabilities in non-government schools, 8,000 of whom are in the Catholic sector. Under Labor’s plan, as carried by this Senate and sent through as a request to the government in the House of Representatives, we were seeking to increase fourfold the funding for students with disabilities in government schools and to double the amount going to students in non-government schools who have disabilities.

Frankly, I find it difficult to understand why the government is doing what it is doing. Quite honestly, I find it difficult to understand how some ministers in this government can actually sleep at night. I just cannot understand how Dr Kemp and his colleagues can face the people of Australia and tell them that, no, the government is not prepared to take this amount of money away from these category 1 private schools—the $145 million that it is giving to these schools—and redirect these funds to children who need them most; that is, children with disabilities in both sectors. As far as I can see, this is
straightforward callousness by this government.

I can understand how some people might put the view that the vast increase, the largesse, that this government is heaping on category 1 schools is a result of some unintended consequence, an accident if you like. I can understand how some people might say that surely the government did not intend to heap all of this money on these schools, which already have such lavish facilities and which already cater for the needs of families who can afford up to $14,000 per year per child. I can understand why some people might say that surely Dr Kemp did not intend this with his new SES model. The problem is that Dr Kemp himself says that the aim of this bill is to provide extra funds to the neediest non-government schools.

Perhaps it is just an accident, but in reality what happens under this bill is that it is not the neediest schools but the most elite, most powerful and most wealthy schools in this country which get the most out of it. We are entitled to ask why some people might say that surely Dr Kemp himself says that the aim of this bill is to provide extra funds to the neediest non-government schools.

Then again, perhaps it is the case that this government, under Dr Kemp’s administration of the education department, has meant to do exactly what it has actually done. Maybe it is the case that the government is refusing to shift these funds away from the richest to the most needy schools because it had intended, right from the very start, to produce such unequal and unjust outcomes. Maybe it is the case that this government has simply acted callously and, as some would say, immorally.

The Labor Party take a different view on these questions: we sincerely believe that education should be funded on the basis of need. That principle ought to extend to both the government sector and the non-government sector. As far as we are concerned, Labor’s policies on funding for the neediest non-government schools are clearly stated and have been spelt out on numerous occasions. While we were in office, we did redirect money to those particular communities. Labor have said that there are basic principles involved in the funding of educational options for Australia’s children. If people wish to send their children to Catholic, Jewish or Islamic schools or to any others of different religious groups, and if those schools are poorly equipped, poorly staffed and their buildings are rundown, the government has a responsibility to provide assistance. That is, schools have a right, an entitlement, to minimum community standards.

What we have seen of course is that under this government there has been a widening of the gap between the educational haves and have-nots and that, in my judgment, the Commonwealth has overseen an extension of those inequalities. We have some 7,000 government schools in Australia and they have suffered dramatically under this government’s policies. In fact, we have seen this government shift the priorities away from genuine need, and it has produced this artificial and inflated measure that will see millions of dollars go to those that are already privileged. We argue, and I think the overwhelming majority of Australians share this view, that we have an obligation in this country to ensure that there is a strong public sector, a very high quality public sector. What we have seen is this government’s constant denigration of the public sector. We believe that it is a government’s responsibility to ensure that every child has access to a decent education in a government school. This is not a view shared by the government. In government Labor will be committed to providing for all Australian kids and their families, and our priorities will be on public education. That goes not just for schools but for universities, the vocational educational system and our TAFE colleges. On the other hand, this government has no commitment to the provision of a strong public sector.
Under this government, we have seen a shift in the amount of money going to government schools: from 43 per cent of total Commonwealth funding in 1996 down to 34 per cent by the year 2004. We have seen proposals by this government to provide $700 million in extra funding for the four years—that is way beyond indexation—to private schools and, in particular, to the wealthier schools within that group. There is no matching increase for the 70 per cent of students in this country that attend government schools. We also see that quite extraordinary measures are being taken in other areas by this government—take, for instance, the enrolment benchmark adjustment and the breathtaking inequality that is implicit in that arrangement. We can see quite clearly a deeply irrational and very unfair measure being taken by this government in trying to impose that. Our amendments will abolish the EBA.

What is quite clear in all of this is that there is an enormous groundswell within the community. There is enormous awareness now of just how unfair, unjust and divisive the government’s policies are. It is to the government’s electoral peril that they do not accept the proposals that the Senate has put to them, because these are issues that we will be pursuing. The government have made it clear that they do not at this point intend to accept the Labor Party’s amendments and requests from the Senate. We will be seeking that the government be given an opportunity to reconsider their position. There is an opportunity here today for the Senate to say to the government, ‘Come to your senses on these matters and reconsider the position you have taken,’ because we will be recommending to the Senate that these requests be pressed. We will be voting against the government’s motion today. While there are a few other things I need to say, I understand that other senators here need to make comment on this matter as well, so I will return to this in a moment.

Senator ALLISON (Victoria) (4.02 p.m.)—I want to indicate that the Democrats will be voting against the government’s motion today. The Democrats reluctantly supported the ALP’s amendment to divert the $57 million or so from category 1 schools to special education funding, and our reluctance stemmed from the failure of the ALP to do more than tinker with the edges of this unfair SES formula. I remind the Senate that most of the Democrats amendments would have produced a much fairer model, and our preferred amendment would have seen a 12-month extension of the current arrangements so that a proper debate could be conducted and so that we could look at not only a fairer model but what is actually required to fund a decent level of education across the board. As an outcome of that review, we would have understood that the $6,000 or so which is currently spent on every student in government schools is hopelessly inadequate. Of course, private schools understand this, and that is why in some cases the fees in such schools are even twice that amount. If you top that up with both federal and state funding and other income to the school, you are looking at many schools spending almost three times as much on their students as we spend on students in government schools.

However, to get back to the motion of the government today, special education is an area of enormous need. There is far more that the federal government could be doing, and so we support the extra injection of funding. It is a disgrace, for instance, that the strategic assistance per capita grants have been broadbanded into literacy and numeracy funding. It will make it just that much harder to identify from year to year how money is being spent and on what. Special needs encompass far more than literacy and numeracy. No doubt it gives Dr Kemp some pleasure to boast that his government is spending more than ever on literacy and numeracy, but a fair amount of this so-called new money is really just old money being recycled. It is also disgraceful that Dr Kemp’s promise to non-government schools that they would be no worse off was not extended to special needs students in government schools. I think that it is simply cheap and miserable of this government to reduce the per capita rates for secondary students from $126 to $102. I see that this amount has been increased to $110, but it is still a very small amount and it is still not enough.
This government still refuses to address the resourcing issues raised by learning disabilities and difficulties. There is no national strategy on attention deficit hyperactivity disorder four years after the National Health and Medical Research Council recommended a federal policy to tackle this very alarming issue. It does not seem to faze Dr Kemp that hundreds of children are being medicated for ADD and ADHD. Medication is supposed to be a last resort, but for most families it is the only resort because testing and multimodal treatment are prohibitively expensive. I would like to see some of this extra $50 million or so go towards formulating an appropriate response to these realities. Under this legislation, non-government special schools will be funded at 70 per cent of the average government school recurrent cost, which, as I said earlier, is just over $6,000. This seems a meaningless, arbitrary figure when you consider how labour and resource intensive it is to deliver quality education to many children with disabilities. Under this legislation, most special schools will be getting funding increases of around $40,000 a year, with the biggest increase being $180,000.

It seems only fair to support an amendment which will quadruple the per capita amount for special needs students in government schools and double the amount going to non-government schools. However, what bothers me about this legislation is the fact that, although it will be easier for non-government schools to take in students with special needs, there is still no requirement for them to do so, even in return for the extra cash. Parents of children with disabilities say that money is often not the primary issue here. Resources are often cited by non-government schools as an obstacle to taking children with disabilities, but they say schools are often reluctant to take on students with intellectual disabilities in particular because they do not want to complicate things or to sully the institution’s reputation for academic prestige.

The Democrats would be very interested to know how many students with disabilities attend the category 1, 2 and 3 schools that are getting so much out of this formula. Not one has come out publicly to say that they will take on more students with special needs. I suspect they are usually shunted off to underresourced government sector schools. I wonder how many parents Dr Kemp spoke to about this issue. One group, Queensland Parents of People with a Disability, say that if Dr Kemp really did consult with the community, are they not part of it—because he did not consult with them. The fact is that for most parents of children with special needs there is no such thing as choice. For all Dr Kemp’s rhetoric about choice, these families will not gain much, if anything. Eighty per cent of children with disabilities are educated in the government system. Some non-government schools, I am told, accept special needs children if they already have siblings at the school and their parents are in a position to make a financial contribution. Other parents with strong religious beliefs are unable to place their child in a school that would inculcate these values. In the government system, they are continually under pressure from departments to put their children into underresourced special schools or to withdraw them altogether from schooling.

I am hearing of children who travel far more than they should because education departments will not inject funds to make schools, especially in rural areas, wheelchair accessible, for instance, at least not without a fight for which the parents have no time or energy in most cases. In northern Queensland, one child has been told he can attend school only two hours a week because that is the total time available for him to be assisted by an integration aid. Children with autism spectrum disorder displaying challenging behaviour are not getting the supervision they need or that their classmates need in order for their education not to be disrupted. Many of these children are intellectually quite advanced and are not suited to the curriculum at a special school. I have heard of one 14-year-old who has not attended school in three years because there is no money for a professional to be brought in to manage his behaviour. Another child has had his aid completely removed and is at home full time.
As I travel around speaking with parents of children with disabilities, these stories keep being brought up. It is clear that neither state nor federal governments have addressed this problem with any seriousness. When you contrast the circumstances of such children with the resources available to students in schools which are so generously taken care of by this legislation, we can see pretty stark differences in terms of the priorities of this government. The Democrats will not support the government’s motion. We think this is not ideal but it is an amendment which we did support at the time, and we will continue to support it.

Senator BROWN (Tasmania) (4.11 p.m.)—The Greens will not be supporting the government motion. We believe that the government should be redistributing this money to the special needs schools according to the Labor Party formula. I want to look beyond that. The process here is that the States Grants (Primary and Secondary Education Assistance) Bill 2000 will go back to the House of Representatives where the government will bounce it back to us again. I am concerned that there be an outcome before Christmas. We are here for another 10 days or so. I am concerned that the Labor Party has already indicated that it is not going to stand in the way of the government getting its way. I am concerned that the Leader of the Opposition, Mr Beazley, on 4 August said:

We would not try to block the bill. That would simply produce the situation where nobody got any money. So we certainly won’t be trying to do that.

I want to be reassured by the Labor Party that it will be adopting the amendments which the Greens have put forward which would allow the funding of schools next year according to the level of funding this year with appropriate indexation. That is what we should be doing to allow breathing space: keeping the current formula while the whole business of funding is reviewed.

We should use the majority in the Senate in defence of public schools to make sure that the government does not get its way by redistributing millions of dollars to the very wealthiest schools while starving poorer schools across the country. We all know what that means. It means that youngsters, because of the household they are born into, are treated to a deprived or unfair level of education in this country of the free and the equal. That is not what we should be standing for. I do not expect anything different from this government. This government is about the big end of town, giving further wealth to those who are already wealthy. It is about the growing gap between rich and poor.

Senator McGauran—Choice!

Senator BROWN—It is not about choice. Choice should be about which school you go to, in the knowledge that you are going to get a fair schooling whichever school you enter. It is simply not true for the member opposite to indicate that a person with a low average income has the choice of going to King’s, Newington or whatever the private college might be. That is not how it works at all. Many people want to send their children to schools which have a greater income and greater wealth. That is a matter for them to pay for, to do so. To deprive public schools, under the formula that we have before us in this legislation, whereby four times as much will go to a student going into a private school as goes to a student going into a public school, is simply not on as far as the Greens are concerned.

While that argument has been addressed time and time again in here, what concerns me is the outcome we are facing in the next seven days. I am very concerned that the government is going to get its way because the Labor Party is going to allow the government to have its way. That is the problem. I do not accept this view that it can be left to the ballot box. The ballot box put us in here to act on behalf of the constituency that we now represent and not to try to find some electoral favour out of allowing the government to do the wrong thing by that constituency. It is our job to stand up for the constituency that put us here. It is my job as a Green to do that, and it is the Democrats’ job and the Labor Party’s job. If we work together for the majority of people who voted, for the constituency on this side of the chamber, we will rectify the wrong that is in
this legislation. But if the Labor Party does as it has indicated publicly and in the end says, ‘Oh, well, the government can have its way,’ that will actually serve against the interests of the Labor Party constituency.

Let us make no mistake about this. Let us have this abundantly clear. Whether the government gets away with this or not is up to the Labor Party. The Labor Party has to change tack. At the moment it is simply going through political motions which have the end result of the formula of Minister Kemp being implemented. That does not have to happen. This Senate has equal powers. This Senate is able to say, ‘Here’s a different formula for next year.’ This Senate is able to stare the government down as much as it is able to stare us down. This government cannot and will not allow schools to go without funding next year. We know that. But it takes a bit of political gumption to make sure that we stand up for what we believe in, and the Labor Party should have to make the stand as well. I think the electorate is expecting the Labor Party to make sure that it has some points of differentiation from the government in an election year, not by making promises about what it might do further down line but by what it does in this term of office. Here is the opportunity for the Labor Party to show how different it is from the government: that it has some points of differentiation from the government in an election year, not by making promises about what it might do further down line but by what it does in this term of office. Here is the opportunity for the Labor Party to show how different it is from the government: that it has not lost equality as a staple part of its philosophy, that it does stand up for the public school system which the majority of Australian children attend, that it is able to use political clout for the right policy when the opportunity arises, that it is not in the Senate to just make idealistic sounding speeches but is actually prepared to use its vote to stand up against the iniquity of this bill.

I am going to stand with Labor and the Democrats as far as this motion is concerned; that is, reject the government bouncing back to us the amendment which Labor proposed. But is Labor going to stand firm on that? We have amendments coming down the line next. What we are dealing with now is a request to the government in the House of Representatives to change the funding formula. The government has said no. It has come back here to the Senate and has said no. The public needs to understand that the very hard-edge amendments to the legislation are coming next. If we read what is right in front of our faces, the government is going to say no to those amendments when they go to the House of Representatives. That is when we will be put to the test. That is when we have to stand firm. That is when the Labor Party is going to be tested in here. If it stands firm with the Greens and the Democrats the right thing will be done by the education system. If it does not, then the wrong thing will be done and Labor will go to the next election saying, ‘But if we are in power we will do the right thing.’ Labor is in power now in the Senate. We have the numbers to stand up for the public school system. We are tested now. Putting it off to some other day will not help the public school system. I want to make it abundantly clear that, while the issue has been canvassed and we know that the wrong thing is being done by the government, the real test in here in the coming days is going to be the fibre of the opposition in standing up for this important principle in which it believes.

Senator CARR (Victoria) (4.20 p.m.)—The issue before the Senate at the moment is the government’s response to the Senate’s requests with respect to the States Grants (Primary and Secondary Education Assistance) Bill 2000. It is quite clear that there are growing numbers of Australians who are deeply distressed and highly offended by what this government is doing and by the policies that this government is presenting with regard to its unequal and divisive funding of elite schools in this country. Therefore, I suggest the attention ought be on the government as to the direction of funding of schools. This is a government bill, after all. Senator Brown made some comments as to what the Labor Party’s responsibilities are in this chamber. I do not think it can be seriously and properly argued that the Labor Party does not take its responsibilities extremely seriously. I do not believe it can be reasonably put that Labor senators have not considered this bill very carefully and measured its claims against the realities very thoroughly.
Senator Brown, I appreciate your interest in these matters, but I am sure you would have noticed, through the Senate estimates processes and the Senate legislation committee processes, just how much attention has been paid to this bill by Labor Party senators. In fact, I put it to you, Senator Brown, that, if it had not been for the activities of the Labor Party on these issues, the public would not know what this government’s proposals were really all about. I would suggest to you, Senator Brown, that the public is outraged by what is happening because they now understand, and it is more broadly appreciated, what this government is all about. I must say, Senator Brown, that I did not see you at any of those committees. I understand that you are very busy in other areas, but it is important to appreciate just what work is undertaken.

Labor bring a different philosophy from that of the Greens and the Democrats to the operations of the Senate. We are an alternative government; we are not purely a Senate party. In that context, we do not claim to run government from the opposition benches in the Senate, and we never have. Money bills are initiated by the government. We respond to them, and we make suggestions and requests to the government to amend its bill. We are deadly serious about that, Senator Brown. It is important to appreciate just how this has developed. The government announced its funding system 18 months before it introduced the bill. It tried to keep the bill under wraps. It is effectively trying to hold Australia’s children to ransom. In the few weeks left before funding runs out under the old legislation, the government has suggested that we must pass the bill here and now and as quickly as possible. Frankly, we will not fall into the government’s trap.

We say that we do not believe that children should be used as political pawns, as they are by this government. To the government—and this is what this motion will do if we defeat the government’s proposition—we say that we want to give it another opportunity to reconsider its position because, frankly, the government’s position must be reconsidered. In our judgment, it should accept our requests and amendments. After all, it is a $22 billion bill. It provides funding for all children at schools in this country. It has to be seen in that context. There is no rational reason why the government should reject the request for the amendments to be made through this process.

The government claims that the non-government funding is fair, simple and transparent. We have said, and we will keep saying, that that is simply untrue. It is far from fair. It gives the biggest increases to the richest schools—the ones with the Olympic swimming pools, the dozens of hockey courts, the many ovals, the luxurious gymnasiums and the lavish libraries. Those are the schools that can afford the lavish trips to France, the new ceramic centres and the equestrian centres. Those are the sorts of education communities that this government thinks are entitled to millions more dollars. At the same time, the government is saying to the poorest non-government schools that there is very little extra funding for them in this bill, and next to nothing for government schools, over and above the normal indexation arrangements.

The government also says the system is supposed to be more simple. Under Labor, there were 12 funding categories. Under this, there are 65. Less than 20 per cent of the school system is funded under this new model. If the system is so fair, why is it that 80 per cent are outside of it? That is the fact of the matter. The Catholic education system—65 per cent of the system—is opting out and about 15 per cent of schools will have their funding maintained. What you have, therefore, is a system that does not actually apply to most schools. However, the fact remains that this bill covers the funding arrangements for all schools in the coming four years.

We have pointed to numerous examples of how unfair the system is. It is clearly not objective. The situation in the Australian Capital Territory was covered in the last estimates. There are 38 non-government schools in the Australian Capital Territory, and only one, Canberra Boys Grammar School, will get an increase. The rest are funding maintained. It demonstrates that the Australian Capital Territory socially does not
mix very well with this model. Canberra’s suburbs have developed quite deliberately—quite rightly in my opinion—to be mixed class suburbs. You do not have the concentrations of deprivation in the same way you do in other parts of the country. That is not to say that Canberrans are necessarily significantly better off than people in the rest of the country; it is just that deliberate policies have been taken to spread out social advantage, and people from different backgrounds live close by one another. This model will not pick up the disparities in wealth so, quite clearly, it does not fit with the social circumstances of a place like Canberra.

We have been told that this is a more transparent model—but it does not really apply in a case such as Canberra. Senator Brown rightly asked what we are going to do about it. We are going to press these requests. We are going to press these amendments. We are also making a few commitments. Senator Brown asked what the differential on this issue is between the parties looking to govern this country. We say that Labor’s approach has been spelt out very clearly. We are determined to press these amendments, and we will wait and see what the government’s response is. The pressure ought to be on the government. Senator Brown, you ought to be saying to people, ‘If you want these changes, go to the government. Seek the government’s agreement to these changes.’ That is where the action is in terms of the initiative in these particular matters.

Mr Kim Beazley outlined Labor’s position in the House last night. He said that we want to see a fairer funding system. He said that one of the first acts of a Beazley Labor government will be to redirect the money currently going to the category 1 schools to other areas of greater need. We will abolish the EBA and we will return the $30 million taken from government schools. We are going to reverse the Howard government’s bias against government schools and turn around the trend, which is growing so rapidly, of the Commonwealth share of funding going to non-government schools.

Senator Brown, I accept what you said: people are very angry. I say to Senator Elli-son: government members know, too, how angry people are. They too are getting the phone calls and the emails that all our offices have been inundated with. I am sure they are having trouble responding to the correspondence and the emails protesting about this bill. They know that this is very damaging for the government electorally.

The Labor Party is particularly angry with the government. Senator Brown, I would ask you to think about that for a moment. Where should your anger be directed? It should be directed at the people who initiated this callous, unjust and divisive policy. Attention ought to go back onto the government. For those who are concerned and say that we should stop the bill right here and now, think for a moment of the consequences, and turn to the people who are responsible for the policies that are being pursued. As far as we are concerned, we have an obligation to pursue a mature approach to school funding—one that is suited to our society and to the real needs of our communities. We ought to be funding schools on the basis of real need. We ought to be guaranteeing access for all to a decent, inclusive, excellent public education system. Therefore, we urge the Senate to agree to press these requests and call on the government to reconsider its unfair and discriminatory actions. We ask the government to agree to the 23 amendments that the Senate has passed and to the two requests that have been made. Quite clearly, those amendments have not been considered by this government up to this point. The government must do so.

The government ought to govern for all Australians, not just for the elite and the privileged few. It ought to recognise its responsibilities to make sure that all the children of this country get a fair go—not just those who are already privileged and advantaged.

Senator BROWN (Tasmania) (4.33 p.m.)—I thank Senator Carr, and I do acknowledge that the Labor Party has been fundamental in getting information out to empower this vital debate about education and the direction of education funding in Australia. What I do not accept is the strategy from there on. Senator Carr has said that
the opposition will be pursuing these issues at the government’s peril and that the opposition is determined to press the amendments. But I do not hear in that sentence that the opposition is determined to accept nothing less than the amendments. The opposition says that I should be saying to people, ‘If you want these changes, go to the government.’ I am not. I am saying, ‘If you want these changes, go to the opposition,’ because the government is philosophically opposed to the majority of Australians who want the public school system to get a fair go. But the opposition is philosophically in favour of the public schools getting a fair go. The opposition has the power to stand up to the government on this matter, and that is where the test comes in. I am saying to the opposition, ‘You are the elected people to stand in defence of your policy and in defence of funding for public schools. And the time to do it is now.’

I do not go along for a minute with this manufacturing of anger. Sure, there are going to be many voters out there who will be angry with the government if this legislation goes through. The opposition is therefore tactically able to say at the next election, ‘We are better on education. Give your votes to us and your anger will be assuaged.’ But I wonder if you can dinkum say that to an electorate when the opposition—the opposition which is seeking government—has the power in the Senate to make that stand for education now and fails to do so. I do not want to see education ransomed by the ALP manufacturing, for a political advantage, an angry electorate which then puts it into office. What is first and foremost here is doing the right thing by education, not doing the right thing for a political manoeuvre to help get votes at the next election. This is the education of children, and I think the opposition’s best tactic is to stand up for education. I think it will get a lot more votes through doing that than through manufacturing anger and failing to do so.

That said, we are in the position to give the government extra time, as the opposition said, to reconsider its position. But we know that the government is not going to. It has got an incentive to not change its position, because it is being told by Mr Beazley, the Leader of the Opposition—and Mr Lee, the shadow education minister—that the opposition is not going to stand on this matter. That has let the government off the hook. The government knows that it has just got to wait out the Senate. On the eve of Christmas, this legislation will go through. The opposition is going to cave in and the public school system is going to lose out. I do not like the politics of that. I do not think that is politics of gumption, I do not think that is politics of principle, and I do not think that is the politics of equality that this country expects of the Labor Party.

I do not like doing this but, when the opposition says to me, ‘Tell people to turn their anger to the government’, sure, I think that has been valid to now. That has brought pressure on the government. But in my book it brings even greater pressure on the opposition because it has the power to do something here. I assure the opposition that the Greens are going to push the amendments we have and they have that would reverse this formula to make sure that the public schools get a fair go. The Democrats have firmed up on this in the last month or so and have said that they are also going to pursue—

Senator Allison interjecting—

Senator BROWN—Senator Allison, I am being generous in promoting the Democrat point of view here. I feel that some generosity is required, because on this side we need to have the Labor Party, the Democrats and the Greens standing firm, not saying, ‘We can’t pass these amendments or stand by them because the Senate shouldn’t do that.’ I might remind the Democrats that Senator Kernot, their former leader, pursued me hotly at the last elections in Tasmania because I would not commit myself to turning my back on Senate powers over money matters. I would not, and at one stage it looked as though I would lose election over it. But I was not going to sign on with the Democrats to a statement that said, ‘The Senate should forgo its constitutional powers on this matter.’ If the people change those constitutional powers I will fall in line. But they have not done so, and so, as a Green, I stand here in defence of the public school system, know-
ing that those powers are there and knowing that we should be using them.

Senator ELLISON (Western Australia—Special Minister of State) (4.39 p.m.)—Simply for the record, the government believes that the requests should not be pressed and that the bill we are dealing with that these requests relate to simplifies administrative arrangements for funding for students with disabilities. It removes the current arbitrary differences in funding for primary and secondary students and it removes the inequitable differences in allocations under current arrangements where the most disadvantaged non-government schools receive no additional funds for students with disabilities. The amendments require additional funding, which Labor proposes to obtain by taking out of the general recurrent grants for some non-government schools. The government cannot accept any amendment that will remove funding from schools. There is no cut in funding for students with disabilities in government secondary schools. State governments will receive the same amount of special education funding as they do now. The bill resolves the inequitable differences in allocations under the current arrangements for the most disadvantaged non-government schools that receive no additional funds for students with disabilities. Under the former ERI system, category 12 schools with students with a disability did not get one additional dollar. By providing a flat per capita rate to all schools, this bill will grant an extra $527 for each student in such non-government schools.

The proposal in the legislation for the creation of a list of schools which were excluded from the SES funding arrangements could mean that, in future, other schools, not necessarily category 1 schools, could be added to this list with little or no justification. The opposition cannot stand behind these amendments on the basis that certain schools should be categorised according to a blatantly broken ERI system while others can access the new SES arrangements. The anomaly of the opposition’s position is that former category 1 schools such as Mentone Grammar School in Victoria, with an SES score of 110, would have its funding frozen. However, former category 2 schools such as Meriden School in New South Wales, with an SES score of 110, would receive a $3 million increase. The Penbank School, a former category 6 school with an SES of 110, would receive an extra $418 per student in 2004.

We have here a situation where the government has outlined legislation that it believes provides a fairer form of funding. But, importantly, we do have a time problem with the passage of this legislation. I can say that, by pressing these requests, this legislation could be held up. We need to pass this legislation as soon as possible so that agreements can be put in place in relation to funding. The government has received an overwhelming amount of correspondence, communication and lobbying in relation to the passage of this bill—that it be passed. The government maintains its previous position on this, and it believes that the request should not be pressed.

The TEMPORARY CHAIRMAN (Senator Watson)—The question is that the requests for amendments not be pressed.

Question resolved in the negative.

Resolution reported; report adopted.

INDIGENOUS EDUCATION (TARGETED ASSISTANCE) BILL 2000

Consideration of House of Representatives Message

Message received from the House of Representatives acquainting the Senate that it has disagreed to the amendments made by the Senate and has made amendments in place of those amendments, and requesting the concurrence of the Senate.

Ordered that the message be considered in the committee of the whole immediately.

House of Representatives amendments—

(1) Clause 10, page 10 (after line 5), at the end of the clause, add:

Notice in Gazette

(5) The Minister must, by notice in the Gazette, publish details of any agreement made under this section.

(2) Page 14 (after line 8), after clause 17, insert:
17A Annual Report

As soon as practicable after the end of each funding year, the Minister must cause a report dealing with the following, in relation to that year, to be laid before each House of the Parliament:

(a) performance information, in relation to each State and Territory and in relation to the government and non-government sector, contained in the National Report on Schooling in Australia;
(b) information relating to Indigenous students contained in any performance reports of the Ministerial Council on Education, Employment Training and Youth Affairs;
(c) the progress of the National Indigenous Literacy and Numeracy Strategy;
(d) the number of Indigenous enrolments in the pre-school sector;
(e) the year 10 and year 12 retention rates for Indigenous students;
(f) the number of Indigenous enrolments in post-compulsory education and training;
(g) the number of Indigenous students completing post-compulsory education and training;
(h) payments made under agreements made under this Act, including totals of such payments in relation to each State and Territory and in relation to the government and non-government sector.

Motion (by Senator Ellison) proposed:

That the committee does not insist on its amendments to which the House of Representatives has disagreed and agrees to the amendments made by the House in place of those amendments.

Senator CARR (Victoria) (4.45 p.m.)—
The proposal before the chamber is for us to consider a series of amendments to replace the Senate amendments to the Indigenous Education (Targeted Assistance) Bill 2000. These amendments have been carried by the House of Representatives and reflect the negotiations that have taken place between the government and the opposition. I must say that it gives me some pleasure to indicate to the chamber that there are occasions when we can reach agreement with the government on important issues—and this is one such agreement, which is especially important, given the topic that we are considering here.

The educational wellbeing of indigenous students is something that all of us ought to be very concerned about. The need to improve outcomes for indigenous students is something I would argue could not be treated more seriously by this parliament. The facts of the matter are that indigenous students in this country are not being given the support that they deserve and, as a consequence, we are seeing across a whole range of indicators that indigenous students are doing far worse than other Australian students. To me that is a matter we have all got to face and have a responsibility for as Australians. It is not a situation in which one should seek political advantage. It is a collective responsibility and, as far as I am concerned, not something that ought to be used as political football in debate. We ought not to be playing politics with the future of indigenous students. I do not believe the opposition has—and, may I put on the record, to its credit, neither has the government.

The amendments agreed to go to the provision of information to the public and to the parliament on matters connected with indigenous education. The issue here has not been the quantum as such—which is another argument entirely—but about accountability. Our concern has been that there has not been sufficient accountability, particularly in the states, for the expenditure of Commonwealth moneys in this regard. During the examination of the bill in the second reading stage, we detailed our concerns about that, in particular the fact that some territories and state authorities have been taking a disproportionate share of moneys, allegedly for administrative purposes. Our concern has been that there has not been sufficient accountability, particularly in the states, for the expenditure of Commonwealth moneys in this regard. During the examination of the bill in the second reading stage, we detailed our concerns about that, in particular the fact that some territories and state authorities have been taking a disproportionate share of moneys, allegedly for administrative purposes. On one occasion up to 48 per cent of Commonwealth money was allegedly for administrative purposes. Frankly, that is an outrage and has to be stopped.

Our amendments essentially go to the issue of requiring information about the nature of the agreements that have been struck between the Commonwealth government and the educational providers, and we are seeking to have those agreements published. That was the import of what we said to the gov-
ernment. They have acknowledged that and have agreed to those agreements being published in the Gazette. The second amendment requires an annual report to parliament providing information about the outcomes for indigenous students in compulsory and post-compulsory education and training. There was some concern in the government that this could best be done through the annual report on schooling. Clearly, this measure is inadequate because, while the 2000 year data will be available in that forum, the fact remains that the first report under this act will provide details in respect of 2001. Our concern is that the report on schooling has traditionally been very late and the information contained in it inadequate in terms of getting a clear picture. It is of course subject to agreement with the states, which in itself is an interesting process when it comes to accurately reporting on what is occurring within the systems.

We are seeking to ensure that the appropriations of money are appropriate and are spent appropriately—broken down by sector and state. The opposition has been concerned to ensure that there is meaningful information available to the parliament on the progress of indigenous students relative to other students’ progress, that we acknowledge the special needs of indigenous students in that process and that, given our particular responsibilities as part of the reconciliation process, we ensure that members of this parliament do all they can to improve the education and training outcomes for indigenous people.

We believe there needs to be a process whereby the product of agreements between the Commonwealth, state and territory ministers is available in a manner that will provide that information. I am very concerned that any attempt to allow that to occur simply through the annual national report is fraught with difficulty, given that changes can be made to that report without reference to the Commonwealth parliament. We argue that the parliament and the people of this country need a separate source of information about how well the education and training system is actually meeting the needs of indigenous people. I am very pleased that the government has now been able to come to an agreement on the matter. While I appreciate there will be additional work for the department, I think the long-term product of that process will be an opportunity to discuss issues and to hold people accountable for the spending of moneys in these vital areas.

I note that other matters dealt with in our original amendments are the subject of agreement for information to be provided through the Senate estimates process. I anticipate that the minister will be able to make a statement on that matter and I look forward to that. The bill as it is amended is, in my judgment, strengthened in a number of quite important ways. It will result in a much clearer picture of the state of play in educational terms for indigenous students. It will enable us as members of this parliament and through us the public at large to see just how well we are doing by indigenous people in regard to the provision of education and training. It will assist us in deciding how to move forward together with the indigenous communities and to ensure that there is a serious contribution to the reconciliation process through actually improving the lives of indigenous people in this country.

Senator ELLISON (Western Australia—Special Minister of State) (4.53 p.m.)—I can confirm the comments of the opposition in relation to the negotiation that has gone on between the government and the opposition. Can I thank the opposition for the constructive approach it has adopted in relation to this matter. I echo the sentiments of Senator Carr in relation to what I think is generally a feeling across the political spectrum that indigenous education merits serious attention and is a challenge which faces all concerned for the future. The amendments that we have here are, first, providing for the gazettal of details of agreements made with education providers and, second, providing for the tabling of an annual report containing certain financial and performance information. Whilst the subject matter of the amendments does not go necessarily to the programs themselves in relation to indigenous education, they deal with an important aspect of accountability.

In addition to these amendments, the government will endeavour to provide members
with access to draft indigenous education agreements, finalised agreements upon request, and details of where funding has been reduced to an education provider except where the reduction was due to normal parameter changes such as a decrease in enrolments or finalisation of a one-off project. That echoes the statement made by the minister for education, Dr Kemp, in the other place and places on record the government’s undertaking in relation to the requests made by the opposition. I commend to the Senate the legislation which is the subject of these amendments. I think there is great merit in these being passed as quickly as possible.

Question resolved in the affirmative.

Resolution reported; report adopted.

DAIRY STRUCTURAL ADJUSTMENT PROGRAM SCHEME AMENDMENT 2000 (No. 3)

Senator WOODLEY (Queensland) (4.57 p.m.)—I move:

That item 19 of Schedule 1 of the Dairy Structural Adjustment Program Scheme Amendment 2000 (No. 3), made under the Dairy Produce Act 1986, be disallowed.

The reason for moving this disallowance is to allow a group of 100 or so dairy farmers in south-east South Australia to make an appeal through the Dairy Adjustment Authority and ultimately to the Administrative Appeals Tribunal on an issue in which they are in disagreement with the authority as to how their particular contribution or ‘benefit’ from the Dairy Structural Adjustment Program should be calculated. There is of course an argument which has not been resolved about the way in which this calculation is made; but, while there may be an argument about the formula for allocating payments or whether all South Australian dairy farmers are being treated equally, there should be no argument about the right of dairy farmers to test their case through the proper tribunals. That is the problem that we are trying to deal with today—an amendment tabled by the minister subsequent to the original passing of the legislation now prevents those dairy farmers progressing, or at least makes it much more difficult for them to progress, their appeal. It seems to me that this is a very arbitrary and unfair tactic by the government to prevent such an appeal taking place. I am arguing that, whether or not the issue itself is one that we can agree on, surely we can agree on the right of these dairy farmers to have access to a proper appeal process and not to have that access hindered by an amendment tabled in this way by the government.

I refer the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry to the debate in this place which was conducted some months ago, during the original tabling of the Dairy Structural Adjustment Program itself. The parliamentary secretary will remember that that legislation was introduced at the very last possible moment and that we could not debate the legislation itself at any great length or properly. I recall in the middle of the debate being interrupted by the Liberal whip and told to hurry up because, unless we finished the debate by a particular hour of the day on which the debate was being conducted, we would lose the opportunity. I remind the parliamentary secretary of that and of the assurances that were given at the time about a number of outstanding issues about which, if I recall correctly, Senator Len Harris, Labor itself and the Democrats had concerns. There were assurances given by the parliamentary secretary at the time that there would be an appeal process which would deal with these outstanding issues.

That is why I am concerned about what has happened subsequent to the debate, which was very truncated, and was cut off, I believe, with the cooperation of all parties in this chamber. We believed that there would be a subsequent opportunity for those who had outstanding grievances to have the grievances addressed. That is why I believe the amendments which were subsequently moved as an order—not through an amending bill, but as an order by the minister—are both unfair and unjust. They make it very difficult for dairy farmers who have these outstanding issues to progress their appeals through the proper tribunals.

In speaking to this disallowance motion, I note that there is different numbering in the motion to the original legislation. I intend to refer to the numbering in the original legis-
lation, but I can assure the Senate that the numbers, although different, do correspond. I want to deal with the issue of whether or not dairy farmers in south-east South Australia have been treated equitably as well as with the issue of whether they have an ability to progress their appeal. I do not believe they have. I must apologise to the chamber that some of what I am going to say is quite technical, but it is the only way we can put down in the chamber the technical aspect of the debate. I want to argue that those farmers have been treated inequitably. In doing this, I give thanks to Ron Purvis and other farmers who have kept me very much informed on this issue, and also to Tim Hall, the lawyer for the farmers, who provided very helpful briefings over the last few weeks.

I turn to the issue itself. I want to put down some of the reasons why I believe these farmers should be allowed to progress their appeal. The Dairy Structural Adjustment Program scheme was formulated pursuant to section 10 of the Dairy Industry Adjustment Act 2000. The Dairy Structural Adjustment Program Scheme Amendment 2000 (No. 3) was introduced by the Hon. Warren Truss, Minister for Agriculture, Fisheries and Forestry, acting under sections 10 and 35 of the act. Amendment No. 3 varied the scheme by introducing subsection (3A) in section 30 of the scheme.

The purported effect of subsection (3A) was to exclude, for the purposes of subsection (3) of section 30, market milk deliveries not covered by state pooling arrangements pursuant to the South Australian milk marketing and equalisation agreement. Section 30 of the scheme is headed ‘Abnormal Milk Market Pool Distributions’ and applies where one or more dairy farm enterprises in a jurisdiction did not receive payment at the market milk and manufacturing milk rates for the same portion of their eligible milk deliveries during the base year as other dairy farm enterprises in the jurisdiction. That is a very technical way of saying that there is a difference between dairy farms in this area depending on where their particular milk was delivered to, even though people may be living side by side. Dairy farmers located in the south-east region of South Australia have been advised that their proportion of market milk was 19 per cent, whereas other dairy farmers in South Australia were advised that their proportion of market milk was 29 to 32 per cent. This is where the inequity has come about.

The anomaly arose out of differences in the definition of market milk for the purposes of the scheme and the South Australian equalisation. The difference concerns UHT and flavoured milk on which DMS levies were paid pursuant to the Dairy Produce Levy (No. 1) Act. UHT and flavoured milk on which DMS levy was paid was treated as manufacturing milk and paid for as a percentage of the market milk price. The fundamental premise on which this anomaly is sought to be justified is an incorrect assumption that a dairy farm enterprise which paid, or had paid on its behalf, a DMS levy on UHT and flavoured milk received higher payments for that milk, for which greater adjustment was required. Comparative figures between all South Australian dairy farmers clearly show that this was not the case and that, notwithstanding DMS levies or payments, all dairy farm enterprises in South Australia were receiving similar net returns for total milk supplied.

It is the south-east dairy farmers who have lost the benefits of the South Australian equalisation who will suffer to a greater extent than other South Australian dairy farmers following deregulation of the Australian dairy industry. Following complaints by dairy farmers based in the south-east of
South Australia to the DAA and the Department of Agriculture, Fisheries and Forestry, the minister, presumably on advice from his department, introduced subsection (3A) as part of amendment (3). It would appear that the effect of subsection (3A) is to remove UHT and flavoured milk from consideration by DAA in making a determination pursuant to section 30 and hence the opportunity for south-east dairy farmers to seek a determination by DAA pursuant to section 30 of the scheme. As an administrative function, any such determination by DAA would have been capable of further review by appeal to the Administrative Appeals Tribunal. What the amendment does is make it much more difficult for farmers to use that section of the Act to pursue their appeal for a determination under the section.

There are a whole lot of issues that could be dealt with. Some of the objectors to the disallowance motion, particularly in the industry itself, have said that this will open the floodgates on many other issues. But, despite requests for details of what these issues are, south-east dairy farmers have not had any reply to their questions about what such issues might be. In terms of whether this is a federal or a state issue, it has been suggested that this matter is a state based issue and should not be dealt with at a federal level. Unfortunately, the amendment to the legislation and the original legislation are federal matters. That is why we are seeking to remove the obstruction which now exists at a federal level.

I understand that farmers in Western Australia, who have had a similar problem, were able to resolve this matter through the Western Australian government, but that is not now open to farmers in the south-east of South Australia. In any event, irrespective of how the dairy adjustment package is distributed amongst South Australian dairy farmers, the amount available under the scheme remains the same—that is, at 29 per cent of the market milk share. The net effect of the anomaly is that south-east dairy farmers will receive a decrease in the market milk share from 29 per cent to 19 per cent, and other South Australian dairy farmers will receive an increase from 29 per cent to 32 per cent. Because the market milk share is lower, that means that their total payment from the Dairy Structural Adjustment Program scheme will also be lower. If section 30 were applied on equitable terms based on the identified effects of deregulation, the same pool of funds would be available for distribution amongst South Australian dairy farmers. Accordingly, whilst it is arguably a state based issue, it can be resolved by determination by the DAA, between South Australian dairy farmers and pursuant to section 30 without any effect on the adjustment package under the scheme or on any other dairy farmer in Australia.

In summary, the fundamental premise that dairy farmers who paid the DMS levy must have been receiving higher prices for such milk rather than justifying higher payments under the DSAP scheme is unsustainable and not supported by the facts. Amendment (3) is an inappropriate use of a minister’s legislative power in that it effectively limits the ability of the DAA to make a determination under section 30 of the scheme and removes any right to seek a judicial review of such a decision. Despite submissions to the contrary, the disallowance of subsection (3A) will have little or no effect on the balance of the scheme or on other dairy farmers outside South Australia.

To finish, let me give you one example. One supplier received, in the base year—that is, in 1998-99—75 per cent of the farm gate price for UHT milk. In other words, the farm gate price was 51c a litre and three-quarters of that is 38c per litre. But in the package that farmer now receives 46.23c a litre for market milk—that is, 8.23c a litre more than they ever received for that portion of milk in their monthly payments. The government is not only returning their levy but handing them a bonus. For the equivalent percentage of milk, two-thirds of the south-east suppliers have been advised that they are to receive 8.96c a litre—that is, 37.27c a litre less than they should have received.

That is the issue. The appeal that I make is that this particular disallowance be supported so that the amendment which was made by the minister in an order of the parliament can be struck down. That will allow these par-
ticular farmers to pursue their case and to put it before appropriate tribunals such as the DAA and the Administrative Appeals Tribunal. Then we can test, in an independent way, whether or not what they claim as inequitable treatment is true or not. That is the only way to resolve this issue, not by an amendment which takes away their ability to pursue that appeal in a proper way.

Senator FORSHAW (New South Wales) 
(5.14 p.m.)—I should make a few comments in respect of the opposition’s position. We will not be supporting this disallowance motion from Senator Woodley, which relates to the Dairy Structural Adjustment Program. Senator Woodley indicated that the matter is a complex one, and I think anybody who has listened to the debate, whether on a broadcast or indeed in this building, would recognise that fact from the detail that Senator Woodley went through. Those of us who are members of the Senate Rural and Regional Affairs and Transport References Committee and who participated in the long inquiry and debate surrounding deregulation in the milk industry recognise, firstly, that there are some complexities and, secondly, that inevitably some problems are going to arise.

I think a few points need to be made. I apologise in advance if I am going to make it sound a bit more complex than even Senator Woodley did. Firstly, under the Dairy Structural Adjustment Program farmers are paid 46.23c for every litre of market milk and 8.98c for every litre of manufacturing milk delivered in 1998-99, that year being the base year for the scheme. The definitions that were adopted for the program were those used for the Commonwealth Domestic Market Support Scheme. Therefore, milk which attracted a DMS levy of 1.9c a litre is considered market milk and milk which attracted a DMS payment to the producer is considered manufacturing milk.

As we apprehend it, the problem that has been referred to in Senator Woodley’s case is because South Australian governments previously never formally included UHT and flavoured milk within the market milk pool. Most South Australian dairy farmers—there are currently around 600—will receive payments under the DSAP on the basis that they supplied milk to the market milk pool, and the figure of 19 per cent is applicable there, plus milk for UHT and flavoured milk, around 13 per cent. Thus their entitlement under the Dairy Structural Adjustment Program, DSAP, is calculated on the basis of 19 per cent plus 13 per cent, a total of 32 per cent. It is that 32 per cent which will attract the higher rate.

Some farmers, and these are the farmers that Senator Woodley has referred to, in the south-eastern region of the state—there are about 80 of them, I understand—will receive the DSAP payment at the higher rate on 19 per cent of the milk they supplied. This comes about, we are advised, because milk supplied by South Australian producers to South Australian processors which was ultimately used to produce UHT and flavoured milk attracted a Commonwealth DMS levy, and so for the purposes of the DSAP it is treated as market milk. What is significant about the 80 farmers in the south-east of South Australia is that they supplied milk to the Victorian processors. Those farmers paid a DMS levy on only seven per cent of milk delivered and received a DMS payment on the rest.

If this disallowance motion were to succeed, DSAP payments for all South Australian dairy farming families would be reduced and further delays in payments would occur. We are already conscious of the fact that there are many dairy farmers still awaiting their first payment. That was advised to the estimates committee only last week. Further, the 80 farmers in the south-east—those that had a different calculation applied because of the fact that they were supplying milk to the Victorian processors—would not necessarily have their entitlements increased but other farmers certainly would see theirs fall. We
are advised that the south-eastern farmers that Senator Woodley is speaking on behalf of are being treated the same as others who supplied the Victorian market. Senator Woodley also referred to the situation in Western Australia. We are advised further that, when a similar anomaly arose in that state, the Western Australian government acknowledged that it was a state problem and provided the appropriate compensation.

Finally, we indicate that the advice to the opposition is that none of the dairy industry organisations, particularly in South Australia, support this disallowance motion. As this scheme was ultimately one driven by industry, and that was an important factor in the decisions taken by the committee and subsequently the parliament in supporting the legislation, we are unable, for that reason and each of the other reasons I have detailed, to support this disallowance.

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (5.21 p.m.)—The government obviously will not be supporting Senator Woodley’s motion to disallow item 19 of schedule 1 of the Dairy Structural Adjustment Program Scheme Amendment 2000 (No. 3). There are a couple comments I would like to make on Senator Woodley’s remarks. Firstly, I cannot imagine how Senator Woodley imagines that the appeal rights of dairy farmers have become affected since the passage of the legislation. The appeal rights of dairy farmers to the Dairy Adjustment Authority are totally unaffected, and under section 49 all dairy farmers have the right to have their decisions reconsidered and reviewed by the Dairy Adjustment Authority and then by the Administrative Appeals Tribunal. The amendment does not affect that right.

I will not go over section 49, but it remains the same. An entity who is affected under the scheme may, by notice given to the Dairy Adjustment Authority within 28 days after the decision comes to its attention, ask the Dairy Adjustment Authority to reconsider its decision. A request is taken to be a request under that subsection for reconsideration of all the decisions that involved or depended on the allocation of those components. A request must set out the reasons for making the request and, if the Dairy Adjustment Authority receives that request, it must reconsider each decision to which the request relates as soon as practicable after receiving the request. It may confirm the decision, it may revoke the decision or it may vary the decision in whatever way the authority thinks fit. Senator Woodley, nothing has changed. Indeed, for a moment, when I heard your opening remarks, I began to think that perhaps I was in the wrong debate and that this was part of your disallowance motion that had not been really considered by anyone. So I assure you that the appeal rights of dairy farmers are unaffected and that they have not changed since that part of the legislation was put through the Senate earlier this year.

I would also echo Senator Forshaw’s remarks that, if the Western Australian government can deal with the special circumstances of Western Australian farmers, then indeed the South Australian government should also be able to take similar action, and state governments do have that facility if they so consider it. Also, the government has not heard from any of the dairy industry organisations on this matter. The industry organisations are excellent at representing their constituents and I can assure you that, if this were an issue, they would have made a case for putting this matter before us. That has not happened.

Under the regulations and the bill that was passed earlier this year in the Senate, these farmers are being treated in the same way as all other dairy farmers in Australia. Their entitlements are determined on the basis of 1998-99 milk deliveries payable at the considered rates, and the definitions of marketing and manufacturing milk were based on the former Domestic Market Support Scheme. Again, as has been pointed out, under those definitions those deliveries on which the Domestic Market Support levy was paid will attract a market milk entitlement, while those deliveries on which a DMS payment was received will attract a manufacturing milk entitlement.

The claims by the south-east South Australian producers that those definitions used
for market and manufacturing milk do not take into account their particular state based circumstances relate essentially to their treatment under the previous state arrangements. Those producers, as has been remarked, supplied milk to processors in Victoria and did not have access to the UHT and flavoured milk market in South Australia. Their perceived disadvantage relates to the way that their businesses operated under South Australian state government pool arrangements, not the Commonwealth package. The Commonwealth government is not able to address these concerns because to do so would be inconsistent with the basic rationale of the package—that is, to provide higher payments to producers of market milk who face by far the greatest adjustment pressure from deregulation.

The South Australian farmers argue—incorrectly—that section 30 as originally drafted provided them with a mechanism to achieve a higher proportion of market milk entitlements under the DSAP scheme. The purpose of section 30 is to ensure that anyone participating in a market milk pool has the same proportional access to the market milk entitlement of the DSAP as their fellow participants. Section 30 does not—I repeat, does not—apply to market milk deliveries that are outside a state pooling arrangement. In that case, those are the deliveries of UHT and flavoured milk. Section 30 is to address situations where actual market milk sales were at variance with the allocated pool percentages. So this difference in entitlements is not inconsistent, nor is it inequitable, and it does not reflect an anomaly.

The advice provided by the Australian Government Solicitor indicated that an amendment to section 30 was necessary to correct a drafting error whereby all South Australian producers would have been excluded from higher payment entitlements than those accrued from UHT and flavoured milk deliveries outside the pooling arrangement but on which they paid DMS levy and for which they should therefore have been entitled to the market milk benefit under the package. The changes to section 30 were incorporated into the instrument, the Dairy Structural Adjustment Program Scheme Amendment 2000 (No. 3), tabled on 28 August 2000. Senator Woodley, I hope you are listening to this.

Senator Woodley—I am taking note, Parliamentary Secretary.

Senator TROETH—In relation to the entitlements of South Australian farmers, the Australian Government Solicitor’s advice indicates that a successful disallowance would mean that all South Australian farmers would receive a lower entitlement. Farmers from around 80 south-east South Australian farms would not have their entitlements to market milk shares increased but farmers from around 600 other South Australian dairy farms would suffer a reduction in entitlements from 32 per cent to 19 per cent. As well, we should also take into account that the disallowance of the amended section is likely to create serious inequities in entitlements and delays in payment within South Australia because claims processed prior to disallowance will be assessed under criteria different from those processed after disallowance. The government will not be supporting this motion and I am very pleased that apparently the opposition will not be supporting it either.

Senator O’BRIEN (Tasmania) (5.29 p.m.)—I want to make a few brief comments in relation to this matter. One of the most telling comments that the minister has made is that the passage of this motion to disallow regulations would further delay payments under this scheme to dairy farmers around the country. The appallingly slow process of processing claims, approving them and paying money—in which we see that only about 9,000 out of about 29,000 producers who would have an entitlement under this scheme have been paid, in a timetable which is going a long way beyond that which the government suggested it could meet—indicates that any further delays in making payments are unacceptable. That is even more clearly seen to be the case when one looks at the potential impact of the acceptance of this disallowance. I am advised that, for 600 of the approximately 680 dairy farms in South Australia with an entitlement under the scheme, the impact would be to reduce payments of the higher amount for market milk from ap-
approximately 29 to 32 per cent of their production down to 19 per cent of their production. There really has been a terrible delay in processing payments, which has to be sheeted home to the fact that this government was so tardy in proceeding towards addressing the needs of this industry and the wishes of the industry leaders. It is because of that that we are now faced with a proposition which is totally untenable.

As to the 80 producers, I will not go into the specific arrangements in South Australia—they are complex and Senator Woodley, Senator Forshaw and the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry, Senator Troeth, addressed those issues before I did. But one telling point is that, under the previous Domestic Market Support Scheme arrangements, the dairy farmers paid a levy on milk supplied as market milk and received payments from the Domestic Market Support Scheme in relation to the remainder. In Victoria that proportion was seven per cent where payments were made, obviously averaging 93 per cent in return. The situation in South Australia is about a 30-70 split. But these particular farmers were effectively operating in circumstances somewhat akin to those of the farmers across the border in Victoria supplying milk to Victorian processors. What they are apparently asking of Senator Woodley, and what the intent is behind this disallowance motion, is that they not be treated in the same way as those Victorian farmers but that they be treated in some other way so that they get the best of both worlds and get the higher percentage payments on a proportion of the milk on which they did not make DMS payments. In other words, they want the best of both worlds. Having avoided making DMS payments on a higher proportion of their milk, they want to now get the higher adjustment payment on that higher proportion of milk. That seems to me to be more inequitable than the situation suggested by Senator Woodley.

Coupling those factors—the inequity of the comparison of the DMS versus the DAA scheme in relation to these people; that is, that they want it both ways—with the effect that the disallowance would have on the remaining dairy farmers in South Australia, combined with the consequent delays which would be occasioned in processing this and with further disputation—which would be disastrous in terms of getting the money out to processors and letting them get on with whatever they intend to do with the money to adjust their enterprises—it would be unconscionable for the Senate to support the disallowance motion put forward by Senator Woodley. I accept that Senator Woodley approaches this matter with good intentions, but I think that on reflection he would, in dealing with this matter, reasonably come to the view that it is not such a bad thing that this disallowance motion is not going to get up.

Senator WOODLEY (Queensland) (5.36 p.m.)—I have a few very brief comments to make. I agree with Senator O’Brien and particularly with his statement about the disastrous slowness of the payments. That has really been quite a scandal, and I think it needs to be addressed in another debate at some time. Really, the arguments are not so much between us but between lawyers. The legal advice that I have received—obviously through the south-east South Australian farmers—is that this disallowance would not affect other farmers and need not affect other farmers. If it did, then it would be possible for the government to bring subsequent amendments which would solve that problem. The advice I have got is contrary to what the government and the opposition are saying, but at the end of the day I guess that it is simply a legal debate between lawyers and I do not think we can resolve it here.

One of the issues that the south-east South Australian farmers brought to my attention is that, if you compare payments over a number of years between farmers in South Australia, you will find that the average payments were exactly the same. Whether we are talking about the farmers in south-east South Australia or whether we are talking about other dairy farmers in South Australia, the average payments over a period of time were exactly the same. There was, at that point, equity between them, but certainly the payments from the Dairy Structural Adjustment Program are not the same, and that is where the
inequity occurs. I understand the debate we are having and I understand how the numbers are, so I will not delay the Senate any longer.

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (5.38 p.m.)—by leave—I wish to provide the Senate with information that appeared in a recent press release and to answer Senator O’Brien. The Minister for Agriculture, Fisheries and Forestry, the Hon. Warren Truss, has indicated that 70 per cent of farmers are expected to be paid by Christmas. The remaining 30 per cent of applications deal with highly complex farm arrangements and will obviously take a slightly longer time.

Question resolved in the negative.

AGED CARE AMENDMENT BILL 2000
In Committee
Consideration resumed from 27 November.

Senator O’BRIEN (Tasmania) (5.39 p.m.)—In relation to this matter, Senator Evans will shortly arrive in the chamber and, I am sure, so will the minister responsible.

The CHAIRMAN—Senator Ellison, I think.

Senator O’BRIEN—I am not sure who it is. We sometimes see changes on the other side of the chamber. We can possibly avoid the need to disrupt everyone else if a running sheet for the amendments could be supplied.

The CHAIRMAN—There is a running sheet. Senator Evans, you might like to kick off with your amendment (1).

Senator CHRIS EVANS (Western Australia) (5.40 p.m.)—I move Labor amendment (1):

(1) Schedule 1, page 3 (after line 18), after item 5, insert:

5A Subparagraph 66-2(1)(a)(iii)
Omit “; in accordance with the Sanctions Principles,”, substitute “; in accordance with section 66A-2.”.

5B Subparagraph 66-2(1)(a)(iv)
Omit “; in accordance with the Sanctions Principles,”, substitute “; in accordance with section 66A-3”.

5C After Division 66
Insert:
Division 66A—Establishment of administrator panel and adviser panel
66A-1 Establishment of administrator panel and adviser panel
(1) There is to be a panel of:
(a) administrators (the administrator panel); and
(b) advisers (the adviser panel).

(2) The Secretary may appoint a person to a panel mentioned in subsection (1) if:
(i) has at least 3 years’ experience in senior positions in managing, or providing professional advice and support to, an aged care service or a similar undertaking; and
(ii) has not been convicted of an offence punishable on conviction by imprisonment for a period of 1 year or longer; and
(b) the Secretary is also satisfied that, if the person were appointed to the panel, there would not be a conflict of interest between the person’s duties as a member and any other interests or duties of the person; and
(c) the person is not a Commonwealth officer or employee.

(3) A person is appointed to a panel for the term stated in the instrument of appointment.

(4) The Secretary may terminate a person’s appointment to a panel by writing signed by the Secretary and given to the person.

(5) A person may resign an appointment by writing signed by him or her and given to the Secretary.

66A-2 Appointment of advisers
(1) A person is eligible to be appointed as an adviser only if the person:
(a) is a member of the adviser panel; and
(b) has not been one of the *key personnel of an approved provider whose approval under Part 2.1 has been revoked; and
(c) has not been one of the relevant personnel of a body whose application for approval as a provider of aged care services has been refused.

(2) If the approved provider agrees to appoint an adviser, the approved provider must, within 2 working days after the service day:
(a) nominate, in writing, a proposed adviser to the Secretary; and
(c) give the Secretary written information about the proposed adviser to allow the Secretary to decide whether the proposed adviser is suitable.

(3) If the Secretary approves the proposed appointment, the appointment must be made within one working day after the approved provider is informed of the Secretary’s approval.

66A-3 Appointment of administrators

(1) A person is eligible to be appointed as an administrator only if the person
(a) is a member of the administrator panel; and
(b) has not been one of the key personnel of an approved provider whose approval under Part 2.1 has been revoked; and
(c) has not been one of the relevant personnel of a body whose application for approval as a provider of aged care services has been refused.

(2) If the approved provider agrees to appoint an administrator, the approved provider must, within 2 working days after the service day:
(a) nominate, in writing, a proposed administrator to the Secretary; and
(b) give the Secretary written information about the proposed administrator to allow the Secretary to decide whether the proposed administrator is suitable.

(3) If the Secretary approves the proposed appointment, the appointment must be made within one working day after the approved provider is informed of the Secretary’s approval.

66A-4 Powers of administrators and advisers

(1) The Department must provide to a person appointed under section 66A-2 or 66A-3 a report on the relevant aged care service which includes the following information:
(a) all relevant accreditation, certification and review audit reports on the service;
(b) the current classification of all residents;
(c) the Commonwealth subsidies paid to the service;
(d) any debts owed by the service to the Commonwealth;
(e) a summary of any relevant complaints about the service, indicating the issues raised and action taken by the service, without identifying any parties involved; and
(f) any other matters that the Secretary determines are relevant.

(2) The approved provider must provide to a person appointed under section 66A-3 all relevant information required by the person to administer the service.

(3) The approved provider must allow a person appointed under section 66A-3 to manage the service to ensure that all resident care standards are met and maintained.

66A-5 Interpretation

In this Division:

relevant personnel, in relation to a body, means any of the following:
(a) if the body is not a State or Territory—a member of the group of people who are responsible for the executive decisions of the body;
(b) if the body is not a State or Territory—anyone else who is concerned in, or takes part in, the management of the body;
(c) in any case—an individual who is responsible for the overall nursing care provided by an aged care service conducted by the body;
(d) in any case—an individual who is responsible for the day-to-day operations of an aged care service conducted by the body, whether or not the person is employed by the body.

service day, for an approved provider, means the day when the Secretary gave the provider the notice mentioned in subsection 66-2(1).
This amendment is to do with the appointment of administrators and advisers. It will require the secretary to the department to establish a national panel of people with the necessary experience and background to be administrators or advisers. I am advised by the department that something similar operates on an informal basis. This has certainly been sought widely in the industry as being a worthwhile development. When a provider is required to appoint an administrator or adviser by the department as a result of sanctions, they will be given a list of the approved administrators or advisers to choose from. Under our proposal, they would then have two days to identify a person on the relevant list who is immediately available to act as either an administrator or an adviser and then one further day to appoint that person. Our amendment also attempts to better define the role and powers of administrators and advisers, who currently have no powers under the Aged Care Act. This amendment arises out of our concern about the way departmental and ministerial interventions into substandard nursing homes have been occurring. We have been concerned that the concentration seems to have been on the question of financial sanctions against the provider as a means of bringing their behaviour into line, but that does not necessarily deal immediately with the question of the care of residents at that nursing home.

Our main concern, as I expressed in the second reading debate last night, is to ensure that, when a problem is notified, residents immediately receive proper care. If the agency or anyone else has found that the residents of a nursing home are at severe risk to their health, then clearly the priority for the minister, the department and the parliament is to ensure that proper care is provided—that they are removed from that risk—by someone in whom the minister and the department have faith to provide that care. That is why we are moving this amendment today.

I am pleased to see that the government are moving amendments to our amendment which seem to be accepting that principle. I am pleased about that. My intention is to get the best possible result, to provide the aged care minister with the power to make proper interventions and to protect residents. It is a job I hope to have one day, so I am very keen to make sure that the minister has those powers and is not left without the wherewithal to protect residents. I am interested to hear what the government have to say about why they are making changes to our amendment. We will come to that debate, but my primary concern is to get the best possible provisions into the Aged Care Act and to empower the minister and the department to protect the residents. While I have no problem with sanctions against providers, I regard it as a secondary issue in the sense that, as it may take some time, one can fight with the provider almost at one’s leisure, providing residents are being cared for in the meantime.

We do not think that, under the government’s system, there is the power to ensure that an administrator or an adviser is appointed immediately after serious risks are identified—and a range of cases have proven that point in recent years. The current system takes too long to appoint administrators and advisers. Under the existing arrangements, the provider is given 14 days to nominate someone for a position, the secretary has 14 days to approve that nomination and another seven days to inform the provider of the decision, and the provider then has seven days to appoint the person—and that is a best case scenario. If the secretary refuses to approve the nominee, the provider can appeal that decision to the AAT.

For all that time the residents are left in the care of the provider who has proven to be not providing proper care and to be posing a serious risk to the health of those residents. That is just unacceptable. While there may be questions of process to be followed, we have to ensure that the care of those residents is immediately secured and that their best interests are immediately put at the centre of the system. Under this system we believe residents are left in substandard care while the provider and the department engage in this bureaucratic exchange. I think it is important to note that the current timetable for the appointment of an administrator or an adviser starts only when sanctions are im-
posed, which may well be some weeks after the serious risks to residents were first identified. In the case of Thames Street, the sanction to appoint an adviser was opposed more than six weeks after the serious risks were found. There may well be special reasons for that, but it again highlights the opposition’s concerns.

Under the current system, once an administrator or adviser has been appointed, they have no formal power to actually ensure that improvements are implemented. They must negotiate any changes in care with the provider, who may have a long record of non-compliance with the standards. Advisers and administrators have indicated to us the difficulties they face in the absence of any real power under the Aged Care Act. We want to make sure they can do their job properly. If we empower them to go in there to ensure the care of the residents, we must make sure they have the tools to do that job properly. Our amendment would effectively force the provider to recognise the right of an administrator to actually manage the day-to-day operations of the facilities. Under the current system it can be a minimum of three weeks before we are able to effectively provide proper care. With our amendment, we are proposing that we bring it down to three days. We think that is a much more acceptable timetable. We want to argue for the shortest possible time frame. I will be interested to hear what the minister has to say when he speaks to his amendments.

I am pleased that there seems to be some willingness on the government’s part to endorse the idea. We have been talking to the Democrats about endorsing this sort of approach. I know it is consistent with the sort of thing they have been talking about in terms of flying squads and a recognition more generally in aged care that we need to have a quicker response aimed particularly at providing care in the small number of nursing homes that are not providing care, not playing the game and not meeting the standards. Obviously the Democrats and the government will speak for themselves, but I just thought I would say that in passing.

I want to make it perfectly clear—Minister, I do not think you had entered the chamber when I first made these remarks—that, despite the occasional point scoring that goes on on these things, we are actually interested in making sure that we get the best possible result out of this bill. We are concerned to get the shortest possible timetable. I will be interested to hear your remarks. We want to get a bill that allows any minister to be effective in protecting the care of the residents. That is our prime concern. I do not care who owns the amendment, whether it is in the Democrats’ name, our name or the government’s name; I am just concerned that we get the best possible advice and powers for the minister and that we ensure that the Minister for Family and Community Services and any of her successors can do their job properly in this most important area. I understand there are Democrats and government amendments to our amendment. I am not sure at this stage which ones are being proceeded with, so I will perhaps speak on those amendments when the situation is clearer.
The TEMPORARY CHAIRMAN (Senator Murphy)—The question is that opposition amendment No. 1 be agreed to. Senator Allison, you have amendments (1) to (5). Amendments (3) and (4) are not necessarily in conflict with government amendments (8) and (10), as noted on the running sheet; rather, they are subsumed by them. So do you want to move amendments (1) to (5) or do you want to move (1), (2) and (5) and leave out (3) and (4)?

Senator ALLISON (Victoria) (5.50 p.m.)—by leave—I move Democrats amendments (1), (2) and (5):

(1) After subsection 66A-1(2), insert:
(2A) Each panel is to include at least one registered medical practitioner.

(2) After subsection 66A-1(4), insert:
(4A) A notice under subsection (4) must include a statement of reasons for the termination of the person’s appointment.

(5) At the end of section 66A-4, add:
(4) If a person appointed under section 66A-3 is a registered medical practitioner, the approved provider must allow the person to provide medical services to ensure that all resident care standards are met.

Our amendments go to changing the ALP’s amendment, as has already been demonstrated. There are a number of things we wish to do. One is to include a medical practitioner on the advisory panel. The reason for this is that we believe there is the likelihood that sanctions being imposed on nursing homes will come about as a result of health related matters. In fact, we have already seen that in the Riverside situation. So if issues have been identified such that it is necessary to appoint an administrator or an adviser, we think it is likely that resident health matters have also been overlooked.

In a recent assessment of an aged care facility on which sanctions were imposed, it was noted that all residents had at least one undiagnosed medical condition. We do not accept that the health of residents can be placed at risk under any circumstances, so our amendment includes a medical practitioner or medical practitioners on the administration and adviser panels. That is based on our concern for residents. It is not envisaged that that medical practitioner would treat residents, as the choice of doctor remains that of the individual. However, a medical practitioner will be able to advise and direct appropriate referral where it is clear that the health of residents is affected. The opposition amendment as it now stands does not provide for a statement of reasons for the secretary to terminate a person’s appointment to the panel. Democrat amendment No. 2 goes to that question. We think that, in the interests of natural justice and transparent decision making, a full statement of reasons on which the termination is based should be required.

Senator CHRIS EVANS (Western Australia) (5.54 p.m.)—On behalf of the opposition, I indicate that I am not clear that I understand what the Democrats are trying to do. My understanding of the current system is that an administrator or a nurse adviser is appointed to the home to provide care and to take over, in part, the role of the provider of making sure care is provided. The panel suggestion is that a group of people are available for that role, but it is not a suggestion that a group of people—a doctor, a nurse and an administrator—will do that. It is one person. While I do not have any trouble with the fact that one, two or others on the panel might well be doctors, the skills that we are generally looking for are either that of an administrator or a nurse adviser. I would be interested in Senator Herron’s view on this. It is not as if we would be sending in three people, including a doctor. I do not have any great objection if a qualified doctor is on the list—that is fine—but my understanding of the proposition is different. Adding the doctor does not mean you add a doctor to the team; what you are doing is putting a doctor’s name on a list from which one person will be selected. Therefore, I do not think it will meet the objectives that the Democrats have set out for it. If push comes to shove, I would vote for it because I do not think it does any harm, but I do not think it does what Senator Allison thinks it does. I may be wrong on that—I am happy to be corrected if I am—but I would be interested in the minister’s view.
I do not think we should leave the debate thinking that, by passing the amendment, we have added another person to the function. What we have done is to put a doctor’s name on the list, who may or may not be chosen. Even if, as Senator Allison rightly said, there were severe medical issues, as there often are, about lack of treatment et cetera, I am not sure that you would put the doctor in; I think you would put the administrator in to make sure that proper medical attention was brought in as one of the resources. As I said, I am not really opposing it; I am seeking clarification. I do not think it achieves quite what Senator Allison thinks it will, but it is really up to the government to explain that position. I am interested in what Senator Herron has to say. I do not have any problem with putting the person on. Maybe I misunderstood, but my understanding is that it will not achieve the result that Senator Allison thinks it will achieve.

Senator Allison (Victoria) (5.57 p.m.)—I am not sure what Senator Evans thinks I assumed this meant. I said quite clearly that we do not see this as being a medical practitioner coming in and delivering the services but rather for there to be a person on the panel who would be referred to in the event of there being a health related risk associated with the sanctions being imposed. We are not talking about an extra person on the panel to come around to the nursing home to administer it but rather having that expertise there in the event there is the mistreatment or some medical problem associated with the sanction.

Senator Chris Evans (Western Australia) (5.58 p.m.)—I do not think Senator Allison and I quite understand each other. Maybe the minister can provide some advice. As I understand it, the person on the panel has no function. There is a list of names—that is what the panel is—and they are only used if they are appointed as an administrator or a nurse adviser. The doctor obviously will not be appointed as a nurse adviser, so the question is whether they are appointed as an administrator. My understanding of how it works is that they have no role unless they are appointed as the administrator of the nursing home. The panel does not have any other wide consultation role—they either get appointed as the administrator, or they do not. That is where I think we may be at cross-purposes, but I may be wrong. I hope the minister can clarify this, because he does have the advantage of the best legal minds the health department can provide.

Senator Herron (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (5.59 p.m.)—My understanding is that it is an extra person, as the Democrats have said. It is acceptable to us that there is an extra person on the panel. Of course, my understanding also is that seeking medical opinion or management or whatever is the prerogative of the administrator. My understanding of the Democrats amendment, which we accept, is that it is an extra person on the panel.

Senator Allison (Victoria) (5.59 p.m.)—Our intention is that there is an extra person on the panel. They would not be the administrator, as I understand it, but they would give advice to the administrator in the event of the sanction being associated with health problems, oversee the process of the appointment of an administrator and make sure that the health needs of the residents are taken into account in the process.

Senator Chris Evans (Western Australia) (6.00 p.m.)—I do not necessarily accept the logic; I do not quite understand why the government is accepting it, but I can count. If the government is accepting it, that is fine. It is their responsibility to administer the act.

Amendments agreed to.

The Temporary Chairman (Senator Murphy)—Senator Allison, it has been suggested that I suggest to you that we leave Democrat amendments (3) and (4) until after we have dealt with the government amendments, because it may not be necessary for you to move them at all.

Senator Herron (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (6.01 p.m.)—by leave—I move government amendments (1) to (7):

(1) Amendment (1), item 5A, omit “Omit”, substitute “After”.
Our amendments will amend Senator Evans’s proposed amendment, and cover three issues, which seems to satisfy all parties in the Senate. I accept the goodwill of the opposition in this regard. All of us—Democrats, government and opposition—are trying to get the best outcome for the residents.

The opposition’s amendments establish panels of administrators and advisers, reduce the time frames for the nomination and appointment of the above persons, and foreshadow the detail in the regulations of reasonable steps that approved providers must take in respect of disqualified individuals.

The amendments are in accordance with my second reading speech, which indicated that the government had no problem with the creation of the above panels, which seems to be acceptable to all parties. We also accept the Democrats’ amendment to add to the panels. As indicated last night, the opposition’s position to allow only three working days for the appointment of either an administrator or an adviser is not practical or beneficial to residents. Senator Evans has referred to this and said that he is open to persuasion. I hope to persuade him that it is not practical.

Senator Chris Evans interjecting—

Senator HERRON—No, but I am foreshadowing that. I will explain that. The government proposes that the time frame should be five working days for the provider to nominate an adviser or administrator and three working days for the approved provider to make the appointment after it is approved by the secretary. The opposition reference to ‘service day’ is not consistent with the Aged Care Amendment Bill and it is proposed to replace this term with reference to section 66-5, notice time. In addition, the reference to ‘regulations’ should be changed to a reference to ‘principles’, which is consistent with existing practice for subordinate legislation under the Aged Care Act.

I am also moving that the amendment concerning panels, although located in schedule 1 to the bill, commence 28 days after receiving Royal Assent. This will enable the panels to be established.

Senator ALLISON (Victoria) (6.04 p.m.)—The Democrats will not be supporting amendments (9) and (11), and it would be our preference for those to be removed from the grouping of the government’s amendments.

The TEMPORARY CHAIRMAN (Senator Lightfoot)—Senator Allison, we are dealing only with amendments (1) to (7).

Senator CHRIS EVANS (Western Australia) (6.04 p.m.)—In fairness to Senator Allison, the minister spoke to all the amendments, which was fine; but I, like Senator Allison, was a bit confused.

The TEMPORARY CHAIRMAN—It was a bit confusing.

Senator CHRIS EVANS—As I understand it, just so that I am clear—I seek your guidance, Mr Temporary Chairman—we are dealing with government amendments (1) to (7), which are largely technical amendments which change wording et cetera.

The TEMPORARY CHAIRMAN—Yes. They are on sheet EK232.

Senator CHRIS EVANS—I am pleased to say that I am happy to take the government’s advice and support amendments (1) to (7).

Amendments agreed to.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (6.05 p.m.)—by leave—I move government amendments (8) and (10) which will amend Senator Evans’s proposed amendment:

(8) Amendment (1), item 5C, subsection 66A-2(2), omit “2 working days after the
service day”, substitute “5 working days after the ‘section 67-5 notice time’.

(10) Amendment (1), item 5C, subsection 66A-3(2), omit “2 working days after the service day’, substitute “5 working days after the ‘section 67-5 notice time’.

Senator CHRIS EVANS (Western Australia) (6.05 p.m.)—I just want to tease out with the government the reason why they seek to extend the deadlines imposed in our amendments. As I said earlier, the current arrangements are very lengthy, and I think the government found that in Riverside and other cases. Because of the 14-day and seven-day notifications and so on, it took a long time to get to the point they wanted to get to. Our amendments are directed at solving that problem. We came up with a proposition of two-day and one-day because of our concern about the need for urgency in providing care. We were saying, ‘We have got a 72-hour response versus a three-week response.’ The government wants to push that out for eight days. I am the first to admit that there is no magic about my two and one, other than that they were, I thought, the shortest possible time frames we could go for. I do not understand why it now takes three days to appoint somebody. I never understood why it took seven; I do not understand why it takes three. The government, until today, was defending the 14 and seven timeframes. They are now proposing five and three, refuting two and one. I just want to understand on what basis that is made, what the logic is. As I said, I am open to be persuaded but, from what the minister has said so far, I still do not understand that rationale. I think it is important that we understand why they can go from 14 to five but not from 14 to two, and why they can go from seven to three but not to one.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (6.07 p.m.)—I understand Senator Evans’s concern that it appears that action would be taken immediately to revoke the approved provider under the present act so you do need to allow a reasonable time for appointments to be made. All of us would like to see the time shortened but, as I mentioned previously, while any time frame is arbitrary, a period of five working days is considered acceptable. As Senator Evans said, in principle it is much shorter than the current 14 days and longer than the proposal of two working days. Likewise, the one-day time limit for the provider to appoint the adviser or administrator, once approved, is just too short. As the actual appointment of a person to work for a provider will be subject to commercial terms, it will be necessary for providers and advisers to complete agreements or contracts, and they should be given a reasonable time to do this. It is thought that three working days is considered more appropriate. I think the essential and crucial point is that the provider status would be revoked under the present agreement.

Senator ALLISON (Victoria) (6.08 p.m.)—I wish to indicate that we also thought that 14 days was too long a period in which to provide for the appointment of an administrator. We also thought that Labor’s proposal of two days was too short a period. That is based on discussions we have had with various people in the industry. I think that five days is arbitrary, just as 14 is arbitrary. But there may be circumstances in which a panel member is decided upon and then there may be subsequent advice about a conflict of interest, or it may be a whole range of issues which might make turning the situation around in two days quite difficult. It was pointed out to me that, particularly in rural areas, finding an appropriate administrator might be a key difficulty and that would be a problem. I think the fact that a sanction comes to bear if this is not done within a two-day period means that it is incumbent on us to consider even those extraordinary situations where two days would be inadequate.

For that reason, the Democrats will support the government amendments. They are a compromise, and I think they are, at the end of the day, quite a reasonable period. We would all hope that an appointment would be made in a very short time frame—and maybe two days will be the norm; however, there are some circumstances where we could imagine that two days would be unnecessarily tight. As I said, the implications of not meeting that appointment requirement within that time are very severe. For that reason, we
think that five days is probably a lot better than 14 and that two would probably be problematic. As I have already indicated, we think that one day is adequate for the next phase to take place. We do not agree with the government’s request that it be three working days, because that would add up to eight working days, which is very close to 14. So we think that five and one are appropriate periods of time.

Senator CHRIS EVANS (Western Australia) (6.11 p.m.)—I am disappointed. I do not think the case has been made out. I know that most of these things are arbitrary, and I accept that. But I think we have to ask whether, on balance, we are more concerned about the administrative processes or whether we are more concerned about the care. It seems to me that we are all more concerned about the care, but I think in the government’s proposition we give too much consideration to the needs of the bureaucracy. Senator Allison, that is the point I am trying to make. In his answer the minister made the point about working days, but his key point about the loss of the provider status applies whenever we do it, whatever the time frame. I think that is right. If we are going to do what we are going to do, the end result for the provider is the same: it is the question of how long they have in between time. If that is not right, I would be happy to hear.

The reason Labor initiated these amendments was to ensure that we move much more quickly to provide care. When the department and the agency have said there is a severe risk to the health of the residents, to then have this genteel debate about the needs of the bureaucracy and the needs of administrators takes the urgency out of it. There is often a delay from the time the department and the agency get to hear about the complaint. There is already a huge bureaucratic process going on before the agency actually does that risk assessment. I just do not see the need for us to have a lengthy delay. As Senator Allison quite rightly says, the government’s proposal of coming back to eight working days is effectively 10 days time, including the intervening weekend. Again, I think that is too long for us to act on the question of the care of residents. We do know from recent history that there are a number of providers that have been totally recalcitrant. They are not interested in providing care. They are not interested in providing proper standards. They are not interested in playing the game. They are a very small minority but they have proved to be totally recalcitrant, and I am sure that departmental officers would testify to that. It seems to me that we need to move much more quickly.

Unless the minister has more to say on this, I am not convinced as to why we should go for the longer delay. I know the Democrats look like taking the middle road. If that is where the numbers fall, that is where the numbers fall. But I would urge them to think about the length of time involved and to make the priority in this our ability—the minister’s and the department’s—to get proper care to those residents. Quite frankly, I think the bureaucratic hitches that we have talked about are very unimportant in the scheme of things. The industry has certainly said to the minister and to us, to everybody, that it is prepared to make sure that the panel works, that the big providers, the good providers—and there are a whole range of people of goodwill in the industry—are prepared to put themselves forward to be there to assist in making this work. There is a lot of goodwill about that proposition, so I think that we could get enough people of goodwill on the list to make sure that we can overcome regional issues. I am just not convinced by what the minister has said so far that we should again go to an eight-day time frame which, in effect, will be 10 days. I think the argument for the urgent intervention is far stronger than some of these bureaucratic arguments in favour of a longer time frame.

Senator ALLISON (Victoria) (6.15 p.m.)—It is a bit unfair of Senator Evans to suggest that we are worrying about bureaucracy and not worrying about the care of residents. That is clearly a nonsense. We are interested in getting a smooth operation so that administration can be properly effected so that residents are protected. It is not going to protect any residents if a suitable panel
member cannot be appointed within a particular time frame. Senator Evans calls it ‘bureaucratic problems’, but they may be real problems and I do not think that we can dismiss them as readily as that because the sanctions being imposed, if not complied with within two days, as the ALP have proposed in their amendments, are pretty severe.

I think Senator Evans would agree that we also do not want to see residents tipped out of nursing homes prematurely. So this is trying to find a way that is reasonable rather than giving in to some sort of bureaucratic fiddling. We are talking here about trying to find a process which works—not one which just appeases some bureaucrats somewhere. So, Senator Evans, we all have the interests of the residents at heart. I remind the Senate that we are talking here about a maximum number of days and that these appointments can be done much more quickly than that too. So it is not necessarily the case that they will go the full term, as it were.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (6.16 p.m.)—I would like to reinforce what Senator Allison said. I know one could be forgiven for having that view from opposition, but when you are on the government side you welcome and appreciate the efforts of the bureaucracy. As I see it, most mistakes are made when the advice of the bureaucracy is ignored—when in government, that is—because it is their responsibility to make sure that due process is carried out. In this case, if a private provider does not appoint an adviser-administrator after one day, that immediately brings in the sanctions—good-bye; it is done—and that means relocation of residents.

I think it is not unreasonable to lengthen that process to five working days. It is for that reason, with the interests of the people who are being cared for predominantly in mind, that this proposal has been put forward. We have accepted, as I said, pulling it back a bit from 14 days to five days. That seems an acceptable outcome insofar as it does put a pretty severe sanction on the provider. They know that within that one working week they have to appoint an adviser-administrator, or else. But 24 hours, I would suggest to Senator Evans, is very difficult. It would be very difficult to get a tradesman in 24 hours and, in this case, you are asking somebody who is providing care for an aged person to get a suitably qualified adviser or administrator appointed within 24 hours—otherwise, it is ‘bang’ and you are done. I just do not think that is reasonable.

Amendments agreed to.

The TEMPORARY CHAIRMAN—That means, Senator Allison, that you will not be required to move your Democrats amendments (3) and (4) on sheet 2042.

Amendments (by Senator Herron)—by leave—proposed:

(9) Amendment (1), item 5C, subsection 66A-2(3), omit “one working day”, substitute “3 working days”.

(11) Amendment (1), item 5C, subsection 66A-3(3), omit “one working day”, substitute “3 working days”.

Senator ALLISON (Victoria) (6.19 p.m.)—Just to make it clear, the Democrats will not support those amendments. We think one day is an appropriate length of time for this part of the process, and we do not see any reason to extend it. So we will not be supporting those amendments.

Amendments not agreed to.

Amendments (by Senator Herron)—by leave—agreed to:

(12) Amendment (1), item 5C, subsection 66A-4(1), omit “Department”, substitute “Secretary”.

(13) Amendment (1), item 5C, section 66A-5, omit the definition of service day.

(14) Amendment (1), after item 5C, insert:

5D Commencement of items 5A, 5B and 5C

Despite section 2, items 5A, 5B and 5C commence on the 28th day after the day on which this Act receives the Royal Assent.

Amendment, as amended, agreed to.

The TEMPORARY CHAIRMAN—We are now dealing with Democrats revised amendment No. 1 on sheet 2037.

Senator ALLISON (Victoria) (6.21 p.m.)—I move:
(1) Schedule 2, item 10, page 10 (lines 1 to 8), omit subsections (4) and (5), substitute:

(4) For the purposes of this section, an individual who is one of the "key personnel of an applicant made under section 8-2 is taken to be of unsound mind if, and only if, a registered medical practitioner has certified that he or she is mentally incapable of performing his or her duties as one of those key personnel.

(5) For the purposes of this section, an individual who is one of the "key personnel of an approved provider is taken to be of unsound mind if, and only if, a registered medical practitioner has certified that he or she is mentally incapable of performing his or her duties as one of those key personnel.

This amendment relates to disqualified individuals and to the definition. Insanity is an archaic concept and, unqualified, is lacking in fairness or balance, in our view. This is the reason for our amendment, which talks about unsound mind. Psychiatric illness may prevent a person from being mentally capable of performing his or her duties as one of the key personnel, and a person’s capacity to undertake duties as a result of psychiatric care can only be assessed by a medical practitioner. In our view, it is important that we use the right definitions and the right terminology in respect of someone who is declared ‘disqualified’ for this purpose.

Senator CHRIS EVANS (Western Australia) (6.22 p.m.)—As I understand it, the Democrat amendment is more than a question of terminology; it seeks to have a registered medical practitioner make that assessment. I share the concern the Democrats are expressing about the way the government has gone about this issue of dealing with key personnel who are of unsound mind, bankrupt or regarded as undesirable persons. There were a lot of submissions to the Senate Community Affairs Committee inquiry into the bill which raised concern about how all this would work—concern about discrimination issues and administration issues. Labor has suggested an approach which seeks to put this issue into what apparently are called the principles—I did get advice from the Clerk Assistant that ‘regulations’ was the right word, but I am happy to go with ‘principles’. Effectively making that a principle would mean that the government would have to consult about the whole mechanism of this provision. If it is put into the principles it would also be a disallowable instrument so that if, following that consultation process, there was concern as to how this was to work, the Senate would have the chance to review it.

The advisers to the government when briefing me on the bill did say they were going to have this consultation process about how all of this was going to work. There is a great deal of concern out there in the industry about that—about the practicalities of it and about the difficulties of it. Our approach was to say no-one wants to argue that people of unsound mind ought to be key personnel in nursing homes. I think even Senator Herron would accept I would not argue that! But nevertheless we have to do that in a fair way and an administratively proper way. We propose as an alternative in our later amendment to provide for it to become a principle and for it therefore to be a disallowable instrument. I am not sure whether in that event there is a need to support the Democrat amendment. I think this is getting into the detail of the problem which has been identified and about which I share concern, but to which I am not sure we are in a position to properly contribute today. I think it does need a consultation process with industry. It does need agreement about how it is all to operate. In a sense, I almost got the feeling that this amendment was the first step down in trying to solve the problem that we have identified. We are looking at an alternative approach which basically says we do not need to get into trying to do it in the Senate here and now.

So my inclination is not to support that amendment, in favour of the alternative approach. But I am interested to hear from the government. I understand they are now looking to amend that, which I assume means they are going to support the general approach. If that is the case, I would be inclined not to support the Democrat amendment unless I heard reasons why we need both approaches. At the moment I would
have thought that deals with the whole issue in another way, but I am open to argument on it.

Amendment agreed to.

The TEMPORARY CHAIRMAN (Senator Lightfoot)—We are now dealing with opposition amendments (2) and (3) on sheet 1969.

Senator CHRIS EVANS (Western Australia) (6.26 p.m.)—By way of preface, if the minister is going to vote for these amendments, I think he ought to tell me, and then I won’t bother arguing the case. I have no idea. I might point out, Minister, that I think it is helpful for the record if people know why the government is supporting those things. I do make the point that I think it is important for the record that people understand. I do not understand why on earth you supported that and I am sure people would want to know why, and I think it would be useful for you to put that on the record.

Senator McGauran—That says a lot for your case!

Senator CHRIS EVANS—It was not my case. It was a Democrat amendment. But from the government’s point of view I think people need to know why it is you are voting for or against it. I think we all have a bit of an obligation there and I just do not understand. Maybe when you speak next you might explain it, because I think it is important. I do not understand, and it may well be worth your while. I am not arguing with it; I just do not understand quite why the government adopted that one. I have put the argument for the approach we adopted in formally moving this amendment. I seek leave to move opposition amendments (2) and (3) together.

Leave granted.

Senator CHRIS EVANS—I move:

(2) Schedule 2, item 14, page 13 (line 4), omit “subsection (2)”, substitute “regulations made for the purpose of subsection (2)”.

(3) Schedule 2, item 14, page 13 (line 5), after “steps”, insert “prescribed by the regulations”.

This is the device whereby we make this question about unsuitable key personnel a regulation or principle, and therefore make it also a disallowable instrument. I think I made the case for it before. I think it is a useful way of resolving some of the concern. Everyone supports the general principle, but it is a way of us dealing with the administrative issues and dealing with the concern in the industry.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (6.27 p.m.)—Senator Evans asked what the government’s position was on that. We accepted the Democrats’ argument that it defined it a bit better. Providers were concerned about a disqualified individual because of unsound mind, and it seemed a reasonable proposal that they should have medical certification along those lines. It was as simple as that.

The TEMPORARY CHAIRMAN (Senator Lightfoot)—Do you intend to move your amendment?

Senator HERRON—Yes. I move:

(15) Amendment (3), omit “prescribed by the regulations”, substitute “specified in the Sanctions Principles”.

The TEMPORARY CHAIRMAN—I now put the question that the amendment moved by Senator Herron be agreed to.

Question resolved in the affirmative.

The TEMPORARY CHAIRMAN—I now put the question that the amendments, as amended, be agreed to.

Question resolved in the affirmative.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

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

Sitting suspended from 6.29 p.m. to 7.30 p.m.

ACIS ADMINISTRATION AMENDMENT BILL 2000

Second Reading

Debate resumed from 6 September, on motion by Senator Ian Campbell:

That this bill be now read a second time.
Senator SHERRY (Tasmania) (7.30 p.m.)—The ACIS Administration Amendment Bill 2000, which we are dealing with tonight, provides for the administrative framework under which transitional assistance may be given to the automotive industry in relation to the altered tariff regime. The amendments to this regime are, I understand, supported by the industry and provide for necessary improvements which have come to light in the course of setting up the administrative framework for the Automotive Competitiveness and Investment Scheme, ACIS. The bill is the result of a long and hard-fought campaign by industry, supported by the Labor opposition, led by a former shadow minister for industry, the member for Hotham, Mr Crean, to provide assistance to this industry. The bill is in broad alignment with the thrust of the ALP’s position on tariffs and helping to improve Australian industry competitiveness in an increasingly globalised economy. Labor will not be opposing the legislation; however, we have one amendment, which I will speak about shortly.

The bill does not provide for the necessary review of the effect that tariff reductions may have on Australia’s automotive industry. This Liberal-National government, it seems, is content to leave the industry in the lurch for the next few years. It will reduce certainty to the industry. It could provide much needed certainty by giving the industry an opportunity to put its case prior to 1 January 2005.

This situation has parallels with the public inquiry into the Liberal-National proposal to sell off one of Australia’s most valuable and profitable government enterprises, Telstra. Until the internal dissent between the Liberal and National parties—the National Party, of course, being the doormat of this coalition—was publicly aired recently, and seen to be a threat to the government, which relies on the National Party for its majority, there would have been no Besley inquiry. The coalition would have just gone on full steam ahead with its ideologically driven commitment to privatising the remainder of Telstra, regardless of both the cost to the people in rural and regional Australia and the cost to budget. There is no doubt, even amongst the National Party, the much trampled on junior member of the coalition, that the Besley inquiry and its important findings would not have eventuated without, at least in part, National Party agitation and the concerns expressed by the Labor Party. Surely this parliament will not trust this government to have an inquiry just because it says that it will or it can. The Australian public is rightly suspicious of this government’s promise, and the parliament should be too.

The only way to ensure that an independent public inquiry will occur is for it to be included within the provisions of this bill, and that is why the Labor opposition will be moving a second reading amendment to the legislation this evening. Labor is moving the amendment to address what we regard as the unworkable circumstance created by the Liberal-National government. The government has proposed an inquiry into the automotive industry and the possible impact of a tariff reduction some time in 2005. That is too late. The tariff reduction will have already occurred on 1 January 2005. The government position on this has been made very clear by the cabinet from the outset. At the third dot point of a joint statement dated 5 June 1997, the Prime Minister, the Treasurer and the then minister for industry said, ‘There will be a review in 2005.’

What we have been saying from the outset of this proposed scheme is that it is inappropriate to have the review so late. Common-sense dictates that the review must occur before the tariff cuts take place. When Labor raised this point in the House of Representatives, the government gave an entirely unsatisfactory response. It said that it did not need an amendment about an inquiry because it might have an inquiry anyway. That is not good enough. There is no certainty in this approach. It is simply a sign of either laziness or incompetent administration by the Liberal-National government. Under such an approach we do not actually know that the government will ever hold an inquiry. Therefore, there is almost no certainty about an inquiry occurring at all. Further, there is no guarantee that parliament would ever receive a report from any inquiry that did occur.
The government’s attitude is simply to refuse to allow the industry and the community in general to offer their opinion on the question of automotive tariffs. Under the current scheme there is no guarantee that the public would ever get a chance to make submissions, that the inquiry would be held publicly in an open and transparent way, or that a report flowing from the inquiry would be released. Similarly, there is no guarantee that the affected communities from this very important, regionally based industry would get a chance to make submissions. I include there state governments, particularly those of South Australia and Victoria.

This is why Labor thinks that a more reasonable approach is to legislate for a formal inquiry to be incorporated in the bill being debated before the Senate this evening. We will seek to amend the bill to the extent that it requires that an inquiry be held at a time before the tariff changes take place. This will allow all participants in the car industry to be certain they will have the opportunity to put their views to parliament before a decision is made on any subsequent tariff changes. If this does not happen, it is simply not possible to know what is going to follow these transitional arrangements, and, if change does occur, precisely how the transitional arrangements are going to operate beyond the year 2005.

We do not want $2 billion of support to potentially become, after just five years, zero support—and that is exactly what the government are asking parliament to vote for at the moment. That is an unreasonable proposition. The amendment we are proposing is one that the government could accept, but they are being particularly pig-headed. Their negative response to our proposed amendment in the past has been simply a symptom of their ‘if we didn’t write it, then we are not going to accept it’ attitude. The government are hoping that everyone will forget that ACIS was not an initiative of the current minister but is an overhang from an initiative announced by the former minister in response to a long, active and ultimately successful campaign by the industry, with the support of the Labor Party.

Simply because the Labor Party are proposing this very reasonable amendment, the government are now saying, ‘We do not need anything in this bill about an inquiry. The government might have one, we might not, but either way we will tell you about it at the time. The form of it, if we do have one, will be a form that we will decide on when we are good and ready.’ This is a dangerous attitude for the government to take. I might also point out that the Labor Party, if we win government at the end of next year, will also be bound by this provision. That is important to note as well.

Let me make this point in closing: when, at the next election, there is a change of government, there will be an inquiry into this issue and it will be a public inquiry. The parliament, and in particular senators in this place, will have the opportunity during this debate to ensure that, irrespective of whether there is a change of government or not, that inquiry takes place for the good of Australia’s automotive industry and for the people who work within it.

Senator RIDGEWAY (New South Wales) (7.39 p.m.)—The Automotive Competitiveness and Investment Scheme, or ACIS, bills came to the Senate in October last year. On that occasion, the Australian Democrats welcomed the ACIS Administration Amendment Bill 2000 and the ensuing five-year scheme to assist our domestic automotive industry to become more internationally competitive by encouraging production, investment, and research and development. The scheme has come about as a result of at least the last three years of consultation with industry. The timing of the passage of this legislation is particularly welcomed in a global car industry environment of mergers, acquisitions and spectacular losses. The Federal Chamber of Automotive Industries have indicated their full support for the bill and believe that any refinements that may be necessary can be achieved in the regulations.

Nevertheless, last year I did raise a number of concerns. The main concern was that the government continues to label the proposed new scheme as ‘transitional’. It is clear that the question will arise as to
whether the scheme itself should continue beyond the end of the year 2005. This is particularly important because, to achieve the APEC target of free trade by the year 2010, the tariff wind-down program for the automobile industry initiative must surely continue beyond 2005 and up to 2010. While the government has given a commitment to review the ACIS bills in 2005, there must be pressure expected from the industry to extend the assistance program as a trade-off for further tariff cuts.

On that matter I understand, as Senator Sherry has already indicated, that the opposition will again move an amendment, the effect of which will be to require that the review commence by 1 July 2003, which will, amongst other things, consider the appropriate rates of customs duty to apply from 1 January 2005. As I said last year, the Australian Democrats could see sense in the approach being proposed by the ALP and we were happy to give support to that amendment. More than one year later, with a new scheme about to commence in a little over a month’s time, the important issue now is to seek a commitment from the government that it will in fact undertake a review at an appropriate time to ensure, as Senator Minchin would no doubt put it, that certainty and security are provided to our automotive industry; that the industry, which has been consulted, is satisfied that a review will occur; and that Australian consumers receive the flow-on benefits of a productive, world competitive and viable automotive industry.

Senator Sherry would no doubt agree that, in essence, the reforms are largely the result of the Button plan, and they have been about improving the overall competitiveness of the automotive industry by focusing on the reduction of tariffs, improving productivity, increasing total vehicle sales, increasing exports and increasing our market access in overseas destinations. What is also essential in the reform process is to ensure that the outlook for the industry allows future investment, that it provides home-grown jobs, that research and development initiatives are put in place and supported, and that there is local support for local industry.

I met yesterday with Mr Peter Sturrock of the Federal Chamber of Automotive Industries. It is clear that, while there have been difficulties in adjusting to a tariff wind-down regime, they are supportive of this bill. Industry agreed plans for this matter include support for the tariff reduction regime falling to 10 per cent in 2005; commercial vehicles remaining at the current five per cent duty; the Export Facilitation Scheme ceasing this year; ACIS running from 2001 to 2005, with $2 billion being available to industry to reward investment and research and development; support for the strategy to pursue market access overseas; and, more significantly, a next car plan review being done in 2002 or perhaps 2003 for the post-2005 period.

The question of the review is clearly essential from the point of view of the FCAI. What is in dispute is whether a review should be given as a legislative guarantee, or by regulation or administrative policy. The FCAI have strongly indicated their preference for the latter so as not to disturb the agreed outcome. They are further satisfied that a review at an appropriate time is inevitable, pending further discussions and negotiations between industry and the government of the day. So I am satisfied that a review will inevitably occur at an appropriate time prior to the end of ACIS in 2005.

Given the need for this scheme to commence on 1 January next year, the Australian Democrats will not be supporting the opposition’s amendment on this second occasion. However, I do foreshadow that I will be moving a second reading amendment calling upon the government to give an undertaking that a review of ACIS will be conducted within a reasonable time frame but not less than 12 months before ACIS ceases in 2005.

It is certainly the Democrats’ hope that the passage of the ACIS bill will enable Australian automotive manufacturers to build upon success stories so far, and I think they do need to be put on the record. There are success stories such as the export of 100,000 Toyota Camrys to the Gulf and Middle East region from the Altona plant in Victoria. General Motors-Holden have also identified the Middle East as an export market suitable for expansion and have exported 30,000
Commodores there in the past year alone. Mitsubishi have exported 15,000 vehicles to the USA over the past 12 months, which it claims are worth some half a billion dollars in exports. That provides much needed employment in its two Adelaide plants and of course the many Australian component manufacturers in both South Australia and Victoria. I am told that the decision to proceed with the production of Toyota’s new Avalon range in Australia was made partly in anticipation of the introduction of this legislation and that overall it is anticipated that new investment in the order of $4 billion may be realised by 2005 under the scheme.

The latest range of Australian built cars offer extraordinarily good value for money, and it will hopefully not be too long before the rest of the world realises this and we secure a healthy future for the industry in Australia. I think it is also important that we continue to design and build vehicles suited to Australian conditions. Our vehicles are currently being built to cope with a range of conditions that make them suitable for export to virtually every continent, and our workers are acknowledged as being capable of producing cars with exceptional build quality and value for money. There is no denying that the build quality of Australian vehicles has improved considerably in the past few years and that we are capable of manufacturing some truly world-class vehicles that offer exceptional value for money. Australian technology has been showcased with international exhibitions of our capabilities—concept cars such as aXessaustralia, although I acknowledge the recent announcements about that particular company being taken over by a multinational. The Ecomodore is another example. It is to be hoped that the further development of such concept cars will extend to the production stage. This has been a project that Australians can be very proud of.

It seems far more sensible to me that we go down the path of developing vehicles with the sort of performance consumers need, rather than have the motoring press herald the arrival of 250 or 300 kilowatt V8 supercars that the average motorist will never fully utilise legally. From the Democrats’ perspective, car manufacturers are sitting on the answer to fuel efficiency, and it is to be hoped that fuel cell powered, hydrogen powered and other alternatively powered vehicles will be developed, built and exported from Australia around the world. Australian industry should be leading the way in the development of such vehicles. There is no doubt that if clean green cars can be built and sold at the right price, people will choose to buy and drive them. It is to be hoped that this legislation will aid in the birth of such ‘new age’ cars and componentry as part of the Australian manufacturing industry.

The Australian Democrats support the bill and trust that Australian car manufacturers will see the future, grasp the opportunity and develop a worldwide reputation for building innovative, fuel efficient vehicles domestically and, more importantly, for export. Finally, the second reading amendment on sheet 2047 has been circulated in my name and I ask that it be dealt with at the appropriate time. I move:

At the end of the motion, add:

“but the Senate calls on the Government to give an undertaking that a review of the ACIS Scheme will be conducted within a reasonable timeframe, but not less than 12 months, before the Automotive Competitiveness and Investment Scheme ceases in 2005”.

Senator MINCHIN (South Australia—Minister for Industry, Science and Resources) (7.49 p.m.)—Can I briefly respond by thanking the opposition and the Democrats for their support for the ACIS Administration Amendment Bill 2000, which I regret it was necessary to bring on, but we did uncover a technical amendment that needed to be made to ensure the integrity of the scheme and its proper and effective delivery. I regret it because it has meant that we have revived what I think is a quite silly and semantic debate which we had over a year ago where the proposition being advanced by the ALP again tonight was debated and defeated. I think it is really quite silly and churlish to do it all over again on the eve of the scheme coming into effect. We said then that of course we had already committed to a review. To get into a
To get into a semantic argument about the timing of the review seemed quite silly.

I think it is critical that the industry has the certainty of knowing that the tariff will remain at 15 per cent for the next five years but that it will drop to 10 per cent in 2005. The government has said from the outset that the basis for taxpayers and the government forgoing revenue of some $2 billion over the next five years to ensure that this industry does invest in the latest technology and R&D is to make sure that it is ready to be as competitive as will be required when the tariff drops to 10 per cent. Others have spoken about the tremendous improvement in the quality of Australian cars, and I add my name to that. But the industry admitted that is clearly a function of the fact that tariffs have dropped, initiated by the opposition when it was in government, and for the industry to have to be more competitive and to produce more competitive and better built automobiles. They have responded to the challenge and done it very well.

The trouble with where the opposition in particular is coming from is that it leaves open the possibility that somehow that tariff commitment of 10 per cent in 2005 may not happen. I think that is the worst signal to send. The scheme is premised on helping the industry to prepare for that tariff cut in 2005. There will be a question for the government of the day to decide whether or not there is a case for this particular scheme or a variant of it continuing beyond 2005. We have indicated that there should be a review to determine that question, and that will be a matter for the government of the day. What I find extraordinary about the ALP’s position is that it is so defeatist and so admitting of the probability that they are not going to be in government that they want to enshrine it in legislation. I think the government amendment is uncontroversial and is understood and accepted by the opposition and the Democrats, so I will not speak further on it.

I also table a supplementary explanatory memorandum relating to the government amendment moved to the bill. The memorandum was circulated on 2 November 2000. I think the government amendment is uncontroversial and is understood and accepted by the opposition and the Democrats, so I will not speak further on it.

But I am very appreciative of the Democrats agreeing that what is necessary is to ensure that there is no hold-up in this scheme coming into effect and that they are prepared to move their proposition as a second reading amendment and not seek to amend the bill itself. I indicate now that the government has no objection to the second reading amendment proposed by Senator Ridgeway.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

Bill read a second time.

In Committee

The bill.

Senator MINCHIN (South Australia—Minister for Industry, Science and Resources) (7.53 p.m.)—I move government amendment No. 1:

(1) Schedule 1, item 21, page 9 (lines 9 to 19), omit section 6B, substitute:

6B  Plant and equipment sold by participant

If approved plant and equipment is sold by, or on behalf of, a participant, the investment in that plant and equipment is to be treated, for the purposes of the operation of sections 43, 44, 46, 48 and 50, with effect from the start of the quarter in which that sale took place, as if the investment had never occurred.

I also table a supplementary explanatory memorandum relating to the government amendment moved to the bill. The memorandum was circulated on 2 November 2000. I think the government amendment is uncontroversial and is understood and accepted by the opposition and the Democrats, so I will not speak further on it.

Senator SHERRY (Tasmania) (7.54 p.m.)—I move opposition amendment No. 1:

(1) Schedule 1, after item 47, page 18 (after line 13) insert:

47A  Part 14

Insert:

PART 14—REVIEW OF AUTOMOTIVE INDUSTRY

117  Independent Public Inquiry

(1) After 30 June 2002 and before 1 January 2003, the Minister must issue terms
of reference and establish an independent public inquiry into the automotive industry.

(2) The independent public inquiry must:
(a) examine the need for assistance to promote competitiveness and encourage investment in the automotive industry after the arrangements set out in the ACIS Administration Act 1999 expire; and
(b) consider the appropriate level of import tariffs for vehicles and components.

(3) The independent public inquiry must call for submissions, hold public hearings and commission research to inform its deliberations.

(4) The independent public inquiry may take evidence in private on matters that are commercially sensitive.

(5) The independent public inquiry must deliver its report to the Minister before 31 March 2004.

(6) The Minister must cause a copy of the report to be laid before each House of the Parliament as soon as practicable after receiving it.

In moving this amendment, I do not want to repeat my arguments. I know the time of the year and the pressures on the program. I just want to make a couple of points before we move to a vote on this matter. Firstly, I refer to the Democrat second reading amendment. The reason why we are pursuing our amendment and did not support the Australian Democrat amendment moved by Senator Ridgeway is that using words like 'calls on', 'to give an undertaking' and 'reasonable timeframe' is not giving a level of surety as to the timetable and conduct of an inquiry that we would require.

In my second reading debate contribution, I have touched on Labor's reasons for wanting included in the legislation a number of issues in relation to the conduct of the inquiry. Obviously, in respect of an independent public inquiry, a clear time frame is needed, which is included in subclause (1). It must be an 'independent' inquiry. The terms of reference are laid out in subclause (2). In subclause (3) is the need for public hearings and the calling of submissions. Fourthly, there is the calling of evidence in private 'on matters that are commercially sensitive'—for obvious reasons. Fifthly, there is the delivery of the report to the minister before 31 March 2004. Finally, there is a requirement that a copy of the report 'be laid before each House of the Parliament as soon as practicable' after it is received by the minister, whoever that will be.

I note the minister’s comments about the result of the next election. Certainly, Minister, the Labor Party are not so arrogant as to assume that we will win the next election. I believe we will win it but that we will have to work very, very hard. I will not touch on the policy issues that we will have to work hard on. I still believe that we will win the next election; you believe you will win it. It is up to the people to decide. There is no concession and no admission, and we will work hard to make sure that, when we do consider this legislation next year, you will be sitting over here considering it in whatever detail is required.

The reasons for having the inquiry are as I have outlined. Very briefly, the resolution passed earlier is not binding on the government, and we wanted a clear, specific timetable before the year 2005. We believe at least in part that the government is not accepting our position because it emanates from the Labor Party. I do not think that is a particularly positive approach. We believe there should be certainty that there will be an inquiry; circumstances may change in the industry and in the market and people involved in the industry and others who have quite legitimate concerns, such as state governments, are entitled to know that an inquiry will take place and what the parameters of that inquiry will be. There is some $2 billion in moneys involved here. We believe it is perfectly appropriate that there be considerable public scrutiny of, amongst other issues, the $2 billion in moneys that are being committed to this. We do not believe that is an unreasonable proposition.

It is a matter of regret to me that the Australian Democrats have indicated they will not be supporting our amendment. We believe that, regardless of who is in government—and I certainly hope that it will be the Labor Party—we should be ensuring that a
commitment is given here and now in the legislation that that inquiry will take place. As I indicated earlier, it is the time of year when we have a difficult program to get through. The Democrats have indicated their position. I have put our remarks on the record and the reason why we have continued to pursue this matter. I will conclude my remarks there.

Senator MINCHIN (South Australia—Minister for Industry, Science and Resources) (7.59 p.m.)—I indicated in my second reading speech that the government opposed this amendment for very good reasons. I point out to Senator Sherry that there will be two federal elections before this scheme expires. I think it is silly for the legislature to impose in legislation a prescription of this kind upon the government of the day—it may be us; it may be the opposition. Whoever it may be, it is silly to impose such a prescription upon them. I think it is appropriate that it be left the responsibility of the government of the day to determine the appropriate timing, conduct and nature of a review of the effectiveness of this scheme and any industry assistance arrangements put in place post 2005. It is proper for the parliament to accord that sort of responsibility to the government of the day and not to stoop to this sort of amendment.

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

(8.05 p.m.)
(The Chairman—Senator S.M. West)

Ayes…………… 24
Noes…………….. 34
Majority………. 10

AYES
Bishop, T.M.
Buckland, G.
Carr, K.J.
Crossin, P.M.
Denman, K.J.
Forshaw, M.G.
Harradine, B.
Hutchins, S.P.
McKerran, J.P.
Murphy, S.M.
Ray, R.F.
Sherry, N.J.

NOES
Abetz, E.
Bartlett, A.J.J.
Bourne, V.W.
Calvert, P.H.
Cooman, H.L.
Eggleson, A.
Ferris, J.M.
Greig, B.
Lightfoot, P.R.
Mason, B.J.
Minchin, N.H.
Newman, J.M.
Payne, M.A.
Ridgeway, A.D.
Tchen, T.
Troeth, J.M.
Watson, J.O.W.

PAIRS
Bolkus, N.
Collins, J.M.A.
Conroy, S.M.
Cooney, B.C.
Faulkner, J.P.
Lundy, K.A.
Mackay, S.M.

* denotes teller

Question so resolved in the negative.

Bill, as amended, agreed to.

Bill reported with amendment; report adopted.

Third Reading

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

FAMILY AND COMMUNITY SERVICES AND VETERANS’ AFFAIRS LEGISLATION AMENDMENT (DEBT RECOVERY) BILL 2000

In Committee

Consideration resumed from 8 November.

The CHAIRMAN—I have amendments from the government and the Democrats. I was of the understanding that there are opposition amendments. Is that correct?

Senator CHRIS EVANS (Western Australia) (8.07 p.m.)—That was my understanding too, Madam Chair. I am not sure whether they have been circulated in the chamber. I know they have been made available to parties and discussed in recent days. I apologise, but if they have not been circulated, I do not know what else I can do at this moment.
Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (8.11 p.m.)—I table two supplementary explanatory memoranda relating to the government amendments to the bill; one was circulated on 16 November and one was circulated on 28 November.

The CHAIRMAN—We have a running sheet, but it is not complete as it has only the government and Democrat amendments on it. We now have further government amendments which are not on the running sheet. This is rather difficult.

Senator CHRIS EVANS (Western Australia) (8.12 p.m.)—I am conscious that we delayed this committee stage once before by agreement to try to avoid this situation. It seems we have not avoided it. I apologise to the chamber for our part in that. Perhaps we might make a start and play it by ear as those other amendments are moved. I see the first set on the running sheet are the government amendments. The set of amendments recently circulated on behalf of the government seem to be purely about the start-up date, which I think relates to the supplementary explanatory memoranda. That will still leave us with the problem about a running sheet. I am not sure how we are going to resolve that problem. As the second set of government amendments seem to be purely about changing the operative date, I am sure that will be just one debate and will not add too much confusion. I am sure the minister will move those cognately.

Senator Newman—Last, yes.

Senator CHRIS EVANS—That will not cause a problem. As the opposition amendments will not be on the running sheet, I am not sure whether I ought to try to jump as we go through or whether the clerks have some capacity to combine them on the running sheet. The government’s amendments—

The CHAIRMAN—Relate to clause 2—

Senator CHRIS EVANS—Of schedule 1, whereas my first amendments relate to schedule 1, item 12.

The CHAIRMAN—Yours are on page 9; the government’s are on page 1. They relate to the three schedules.

Senator CHRIS EVANS—I think it would be helpful if the government start with theirs and we will pick it up as we go.

The CHAIRMAN—Progress could be reported and we could come back to this matter after we have dealt with something else. This situation is less than satisfactory. Senator Bartlett, do you have some words of wisdom?

Senator BARTLETT (Queensland) (8.15 p.m.)—This is obviously an issue for the government and the Manager of Government Business in the Senate. As you just said, Madam Chair, this situation is less than satisfactory. That is not a criticism. I recognise that there are circumstances that could lead to any of us bringing things in at the last second—I would not want to criticise others because I am sure at some stage in the future I will be in that situation myself—even though we obviously try to avoid dropping things in at the last minute. As we have said many times before, particularly with respect to social security legislation, it really does present a difficulty if we are unsure about what we are doing and in what order we are doing it. It is technical legislation. It is a technical act. This particular bill, the Family and Community Services and Veterans’ Affairs Legislation Amendment (Debt Recovery) Bill 2000, deals with some specifically technical matters. I think it would be desirable to move to report progress, but I am not going to do so unless there is some indication that the government is fine with bringing on the next item. I personally think it would be helpful to move to report progress, but I think that would be better for the government or perhaps the opposition to do because they would need to be sure that they could move on to another item.

As I think all of us have said at different times in this place, it is dangerous to deal with amendments on the run and when we are unsure about the order. As I read things, without anticipating debate and statements people are going to make on this legislation, this is not a situation where everybody knows how everyone is going to vote on everything. It is yet to be unfolded what amendments, if any, will be agreed to. In such a dynamic situation, if you like, it is
particularly dangerous to be flying blind. To do so would probably mean that we would stuff it up somewhere along the way and have to come back and fix it up anyway. So it would take more time in the long run. Unless everything has become clear in the last minute, I would suggest that it may be highly desirable to report progress, look at all things and come back clear and fresh at 9.30 in the morning. We could probably sail through it reasonably quickly. It is certainly not the Democrats' intention to take a lot of time on this bill. I have about 35 amendments circulated in my name on behalf of the Democrats, and some of those are in groups. Whilst the amendments are technical, the issues are not overly complex and it should not take a lot of time. It would probably take us twice as long if we dealt with the amendments now, and possibly twice as long again because we would probably stuff it up, because we would have to figure out what we are doing as we go along. That is always undesirable.

As I have also said in this place many times before, it is important to keep reminding ourselves that, apart from being parliamentarians, we are also legislators. We are making laws. This is a law making process. The laws affect the Australian community, particularly if you are talking about social security laws. This particular bill potentially affects hundreds of thousands of people in the Australian community each year. We want to make sure that we know what we are doing and that the will of the Senate and the parliament prevails. I think the best way to do that would be to be totally clear about what is going on rather than to do it by the seat of our pants. Having said that, I do know that the government has to find other legislation to be brought on. If nothing else, my outlining this situation a little bit more clearly might have provided a bit more time to decide the best way to go. My personal preference would be that we report progress and move on to something else. But, clearly, that is a decision for the chamber as a whole. I would rather take the government's lead on where to go in that regard.

The CHAIRMAN—Without a running sheet, I have no way of knowing what is crossing over one another.

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (8.20 p.m.)—I think we are all in the same boat. I recognise that there are always reasons why people end up with late amendments. The government also brought in some late amendments, but we were not planning to circulate them straight away because we did not know whether they would even be required. However, I understand that the opposition amendments were not received by you, Madam Chair, until we received them in the chamber. I think for everybody's sake we should accept Senator Bartlett's suggestion that I should move to report progress.

Progress reported.

BROADCASTING SERVICES AMENDMENT BILL 2000

Second Reading

Debate resumed from 7 November, on motion by Senator Heffernan:

That this bill be now read a second time.

(Quorum formed)

Senator MARK BISHOP (Western Australia) (8.25 p.m.)—The Broadcasting Services Amendment Bill 2000 has a brief history which I will outline for the record. I will refer to a public hearing and the findings of a Senate committee inquiry into this bill and to additional comments by Labor senators arising out of that bill. I will then briefly refer to the second reading amendment that the opposition has circulated and will speak to in due course.

This bill, in a different form, first came to the House around this time late last year as the Broadcasting Services Amendment Bill (No. 3) 1999. At that stage, both the government and the opposition regarded the bill as relatively non-contentious, and there was not major opposition to the passage of the majority of the content of the bill. Some time immediately prior to the bill being introduced into the House, there were some further negotiations—with Senator Alston on
behalf of the government, and Mr Smith on behalf of the opposition. In those discussions, the opposition put it to the government that a section of the Broadcasting Services Amendment Bill (No. 3) 1999 should be deleted and considered in the New Year when the parliament resumed. Labor put it to the government that, on the provision of international communications, the appropriate minister—whether it be the Minister for Communications, Information Technology and the Arts or the Minister for Foreign Affairs—should be granted power under the act to appropriate licences or, as we put it, matters of substance worthy of serious and considered deliberation. My understanding was the government was not overly happy at that stage to separate those particular provisions in the bill but agreed to do so in the negotiation process.

When parliament resumed earlier this year, the matter was referred to the Senate Foreign Affairs, Defence and Trade Legislation Committee for consideration of the content of the outstanding matters. Senators Hogg and Schacht are members of that committee on behalf of the opposition, and they attended the hearings and participated in the deliberations. They made a brief additional statement at the conclusion of the report of the committee—which was lengthy; some 20-odd pages—and they made the point, by way of introduction, that the opposition members of the committee agreed with the report of the committee insofar as it goes. There was only one issue on which opposition members could not agree with other members of the committee—those other members being government members—and that was the role of the Minister for Foreign Affairs.

A significant number of submissions were made to the Senate inquiry, and they are listed in Appendix 1. I will not bother to read them. They did raise an issue of some consequence, a matter which the opposition has held to at that time. That question, reduced to basics, was whether it was appropriate for the Minister for Foreign Affairs or the Minister for Communications to decide whether a particular international broadcasting service, or an application for an international broadcasting service, was contrary to the national interest in respect of international relations. So the two key areas are: who should have control of this agenda in Australia—the Minister for Foreign Affairs or the Minister for Communications; secondly—the guiding test, if you like—whether considerations of national interest were paramount in the issuing of a licence, the withdrawal of a licence or attaching conditions to the issuance of a licence.

As I recall the discussions at the committee and the position of the government and the department as given in evidence before the committee—and I understand it is their position now—it is without precedent for a government minister with essentially domestic responsibilities, that is, the Minister for Communications, Information Technology and the Arts, to be involved in consideration of international or foreign affairs matters which are part and parcel of the issuing or withdrawing of licences to broadcast into and out of this country. The government held steadfastly to that position. They were of the view that it was appropriately reserved for the Minister for Foreign Affairs.

The opposition have given this matter some consideration, and we hold to our arguments; that is, it is appropriate for the minister for communications to be the decision maker in this light. I suppose that if a contentious matter came across the desk of the relevant minister, he or she would, as a matter of caution and a matter of courtesy, consult with his or her colleagues as to the desired outcome. But in the government’s preferred model, whilst it would be unprofessional not to consult with colleagues on a contentious matter, the government’s final decision maker in this matter is the Minister for Foreign Affairs. The opposition is of the view that there should be a two-stage process: firstly, that the minister for communications is required to consult with the Minister for Foreign Affairs, and, secondly, that the final decision is made by the minister for communications. In that context, if the Minister for Foreign Affairs was concerned about a particular international broadcast, he or she could take the initiative and advise the
We take the view that, in this contentious area—and we only have to examine the amount of involvement the current government has had to have in trade, defence and foreign affairs matters, particularly in the last two years—it is not to be unexpected that any range of foreign governments might take the opportunity, in the course of negotiations, to attempt to put pressure on, or bring about a particular result from, the Minister for Foreign Affairs which does not reflect the broader, long-term national interests of this country. In that respect, the opposition is of the view that that decision, as it relates to broadcasting in and out of this country, is appropriately made by the minister for communications.

It is our view that if decisions in respect of the national interest under the Broadcasting Services Act were the responsibility of the Minister for Communications, Information Technology and the Arts, it would place the Minister for Foreign Affairs in a better position to handle pressure which might be applied in particular circumstances by foreign governments. That is the rationale for our overall policy approach in this area. This is primarily and substantially a broadcasting matter. It relates to broadcasts in and out of Australia to both commercial and government enterprises. We are of the view that it is appropriate for the government minister of the day to consult with cabinet colleagues when a particularly contentious matter arises for a decision. But because the application relates to broadcasting, it is appropriately within the purview of the minister for communications. In no way do we want this to be portrayed as an attack on the current government or on the carrying out of these sorts of affairs of state by either the current Minister for Foreign Affairs or the current minister for communications. We offer no criticism, at this stage, of the conduct of those portfolios; we simply draw attention to the changing nature of the region and the increasing pressures in trade, defence and diplomatic areas.
national interest; and (8) calls upon the government to amend the bill to provide for the Minister for Foreign Affairs to advise the Minister for Communications, Information Technology and the Arts on whether an application for an international broadcasting service is contrary to the national interest.

The ACTING DEPUTY PRESIDENT (Senator Murphy)—Before you proceed further, Senator Bishop, the amendment that I have before me contains only six clauses. Have we got an upgraded model?

Senator MARK BISHOP—I can advise the chamber that paragraphs (7) and (8) that I referred to have now disappeared off the ledger, so to speak. To clear the record, we are confined to paragraphs (a) to (f)—not paragraphs (1) to (6), as I said.

The ACTING DEPUTY PRESIDENT—And I assume you will move that amendment before you sit down.

Senator MARK BISHOP—I will move that amendment shortly, prior to sitting down. Thank you for your assistance.

Senator Ian Campbell—And the first three letters are ABC!

Senator MARK BISHOP—Thank you for yours, too. This amendment really does transverse an issue that has been the subject of some discussion in this chamber and in the House of Representatives for the best part of the last three or four years. It addresses an issue that has been the subject of widespread alarm in the community and it addresses an issue which has been the subject of copious amounts of correspondence—certainly to my office and, I presume, to the offices of other senators, particularly those involved in this debate. It goes to the role of the transmitter facility on Cox Peninsula in Australia and to the desire and the ability of our country to broadcast messages into East Asia, South Asia and across to the Pacific Islands.

The opposition takes a very simple view on this issue. We take the view that we are a major player in this region. We have a long tradition of arguing for democracy and human rights and for the establishment and maintenance of market based economies. We say, without reservation, that they are positive things. In this area there are lots of regimes known to us which do not subscribe to those sorts of values or to the integrities inherent in those sorts of values to the extent that governments of either major party in this country do. We say that those values are absolutes and are worthy of discussion, are worthy of persuasion and are worthy of articulation in the community of East Asia, South Asia and the Pacific Islands. We say that a well-funded Radio Australia, preferably with access to its own facilities, but, if not with access to its own facilities, with access to sufficient finance to arrange its own facilities, is something that is of critical importance to the future of this country. We have repeatedly said that in the House. I recall that within the last month or so there was a rather lengthy debate in this chamber one Thursday afternoon on the future of Radio Australia.

We have had no cause to revise our criticisms of the government over the last few years on this issue. We think it was a poor step, a retrograde step, and a step taken without adequate planning for the future when the budget of Radio Australia was cut. Again it was a poor step and a step taken without adequate foresight when the Cox facility was sold off to another competitor broadcaster. We think both of those decisions of government were poor and, in due course, if we are elected into government next year, we intend to remedy both of those deficiences.

I recall last week at estimates questioning the ABC representatives on the future of Radio Australia and the recently concluded negotiations whereby the ABC was given an extra $9 million or $11 million for three years to try to overcome some of the difficulties that organisation had come into consequent upon, and relating to, the cuts inflicted on its funding by the current government. The representatives of the ABC were trying to avoid the issue but, when pinned down, they made the point that even with the extra $9 million or $11 million over three years they went nowhere close to restoring the funding position they had when the cuts were first visited upon them, that their range of programs had diminished as a conse-
sequence and would not be restored to the levels that were extant when the cuts were imposed upon that organisation and that the volume of broadcasting hours, whilst it would be increased—and that was a welcome step—would not again be restored to the levels that were present when those cuts were imposed upon ABC by the current government.

We do, as I said, take the view that, in this rapidly changing world where there are great pressures being imposed upon this country for access to our markets, where there are indeed great pressures being placed upon this government—and possibly ourselves in the future—to adopt attitudes that are more compliant to the dictates of major powers in this area, it is incumbent upon the Australian government of the day to act responsibly, to have regard to the long-term interests of this country and, in carrying out that obligation which governments freely choose to adopt, to have regard to those earlier features of our system of government that operates in this country and, in developing that system of government, which governments freely choose to adopt, to have regard to those earlier features of our system of government that operates in this country.

We are strongly of the view that a government should have the ability to send out its message on issues in the region, whether it be on East Timor, on Bougainville, on developments in Vietnam or on developments in the Pacific Islands, in particular Fiji, to neighbouring countries and their citizens. Our government does, and should have, a perspective on those issues. Radio Australia is critical to putting those views out into the wider community of nations that are to the north of our continent.

Radio Australia is critical to putting those views out into the wider community of nations that are to the north of our continent. Radio Australia, while certainly not an arm of government—it is an independent agency but is funded by the state—does have that critical role to present the views of this country and the government of the day. Before I sit down, Mr Acting Deputy President, with your indulgence, I move:

At the end of the motion add:

“but the Senate, recognising the key role played by Radio Australia as our public international broadcaster in explaining Australia’s national values to the world, and in particular encouraging closer ties with our Asian and South Pacific neighbours, as well as serving the needs of Australians abroad:

(a) notes that the Howard Government’s funding cuts to our national public broadcaster, the Australian Broadcasting Corporation, have caused significant adverse funding cuts to Radio Australia;
(b) notes that these adverse cuts have only been partially restored by the Government’s recent decision to provide Radio Australia with an additional $9 million over 3 years;
(c) notes that the Howard Government’s decision to lease the Cox Peninsula transmitter facility has resulted in a severe diminution of Radio Australia’s transmission capacity and ability to reach audiences in Asia;
(d) notes that this capacity will only be partially restored even if Radio Australia can successfully negotiate transmission capacity from the Cox Peninsula transmitter facility from the current lease holders;
(e) condemns the Howard Government for this reduction in public funding and transmission capacity for Radio Australia; and
(f) calls upon the Government to maximise Radio Australia’s capacity to communicate with our Asian and South Pacific neighbours and for the enhancement of its international broadcasting capacity”.

(Time expired)

Senator BOURNE (New South Wales)

(8.45 p.m.)—As we know, the Broadcasting Services Amendment Bill 2000 is designed to establish a new licence regime for international broadcasting services transmitted from Australia. The bill provides for the Minister for Foreign Affairs to determine whether the granting of an international broadcasting licence is in the national interest. Importantly, the bill provides an exemption for services broadcast by the two national broadcasters, the ABC and SBS. Radio Australia is included in this framework. There has been no regulatory regime for international broadcasts in the past because governments have never seen a need for the introduction of such a regulatory regime. The two international broadcasts from Australia into the region and other parts of the world were both ABC broadcasts, delivered via
short-wave radio on Radio Australia and via television on Australian Television International which, of course, has most recently been operated by Channel 7. We know that the government is currently assessing submissions for the granting of a licence to continue the Australia Television service to the Asia-Pacific region and is seeking an editorially independent Australian television presence in the region projecting accurate images and perceptions of Australia.

To provide this service the government is also considering providing funding assistance for both programming and transmission. I make this point because of the absurdity that the government is considering subsidising a commercial broadcast service into the region when it has cut the same size subsidy from the ABC. Funding cuts forced the ABC to cut back drastically on the funding of all its services, its international broadcasting services included. It is a pity the government was not so generous when the ABC ran the Australia Television service. In accordance with its act and with other legislation, the ABC provided editorially independent news and current affairs, and a general programming service. But of course anything run by ABC or operated by the ABC is, in the eyes of this government, inherently unworthy.

This is not to say that other providers of an Australian television service cannot provide a good service. Imparja Television is just one tenderer. But I do believe that the loss of the ABC operated Australia Television service was a huge loss to Australia and to the region. The government’s vicious cuts to the ABC in the 1996-97 budget substantially weakened the ABC’s ability to provide the high level and full range of international broadcasting services that it once did. At the time that Mr Mansfield recommended the cessation of the ABC’s international broadcasting services, all of them—not that he was asked to recommend whether they should keep going or not but he did recommend that anyway—the government mothballed the state-of-the-art short-wave transmission facility at Cox Peninsula. There has never been an adequate explanation for the closure of that facility. That can only lead us to conclude that it was merely to save the government money. I have heard a couple of amounts of how much it would have cost to keep Cox Peninsula operating: $1.6 million per annum is one figure, the one I have heard most. That $1.6 million per annum would be the cost to have the Cox Peninsula transmitter fully operational again and for Radio Australia to regain its full voice to the region. In some areas of Sydney, of course, $1.6 million would not even buy you a house. For this relatively ridiculous amount of money, the government refused to reopen the Cox Peninsula facility, at least for Radio Australia. They were happy for it to be sold off and to be operated by somebody else, but Radio Australia could not have that facility.

Recently the government announced that it had leased the land and sold the equipment to an international broadcaster unlicensed in Australia. This is partially the reason for this legislation, of course. Having sold this desperately needed equipment to a foreign broadcaster, it had to somehow provide a proper regime under which the sale could be justified and the broadcaster allowed to operate from Australia. The Democrats understand the price the government received from the sale of the Cox Peninsula transmitter—and this is only a rumour, I have to say; nobody has said what the sale amounts to but it is rumoured—to be about $2 million. I noticed that one of the opposition speakers in the other place nominated an amount of $2½ million. I hope it is that little bit more, laughable amount as it is. I recall that the last upgrade to the transmitter was something like $20 million. To sell it for that amount truly has to be the worst case of economic mismanagement of public funds that anybody has ever seen. This figure is even worse if you take into account the depreciation of the asset. Such a valuable asset sold off so cheaply—valuable both in terms of need for having the service into the region and in terms of money!

I would like to comment briefly on the definition of ‘the national interest’ in the bill. The Senate committee, which I was on, heard that it is not possible to define precisely what sort of broadcast would be in the national interest or would be likely to be
contrary to the national interest. However, some broadcasting services are more likely to be contrary than others. For example, hostile broadcasters promoting communal violence or terrorism on a foreign state or inciting or promoting or encouraging armed hostilities or the violent overthrow of an established government would likely be viewed as contrary to Australia’s national interests. Likewise, broadcasts which demean persons or groups on the basis of ethnicity, nationality, race, gender, sexual preference, religion, or mental or physical disability would also be likely to be unacceptable. Of course there are issues for the minister to take into consideration, but it would be unlikely that a potential broadcaster would make it clear that this was going to be the content or the intent of its broadcast content. Some content may be less than obvious and much more insidious.

Thankfully, the government has agreed to amend the bill in accordance with the concerns voiced by the Senate committee and, as Senator Bishop said, that was all members of the Senate committee including the government ones. The minister will now table the reasons given for not providing an international broadcasting licence to an international broadcasting licence aspirant, and the applicant can appeal the decision. To a point at least, this provides some transparency in the process. I am also pleased that ABC and SBS services delivered in accordance with their charters will be exempt from having to apply for an international broadcasting licence. On the issue of the opposition’s second reading amendment, I can indicate now that we will be supporting that amendment, particularly because it is so strong on the funding and importance of Radio Australia. I hope that the strong language of support used by the opposition in this motion about Radio Australia means that they will be willing to support my ‘must carry’ amendment which I am going to be moving in the committee stage.

While I am on my feet, I will just say a few things about that amendment. The amendment would mean that an international broadcaster with the capacity to broadcast more than three short-wave signals at once would be required to provide space to the ABC for the purposes of Radio Australia broadcasts. The amendment also provides that the licence holder would be paid an appropriate fee. Of course, we do not want to fall foul of section 51(xxxi) of the Constitution, so that would cover us for that. The passing of the proposed amendment would ensure that Radio Australia would be broadcast from the Cox Peninsula transmission facility, going at least some way to restoring the service lost following the budget cuts of four years ago. We should not forget, as well, that international broadcasting services covered by this bill may not be Australian services; Australian broadcasters may not provide the content.

In closing, I indicate that the Democrats are supporting this bill because we believe that the provision of an international broadcasting service from Australia into the region should be licensed and should be approved in order that such broadcasts are not contrary to the national interest. The Democrats are concerned that such services used to be provided by the ABC without fear of their ever contravening the national interest and in the knowledge that such services were provided most economically. We continue to be concerned that these services may not deliver the same level or type of content as the past ABC services. That would be a huge loss to Australia, and we continue to urge the government to properly fund the ABC, not just for their domestic service but for their international service, a service that has been acknowledged around the world and particularly in our region as being one of the best in the world, and a service that this government has consistently tried to get rid of.
diture had to be made four years ago when the coalition government was elected, the Australian Labor Party did not support one of those cuts. They opposed, tooth and nail, every single cut to government expenditure that has been made by the coalition government. They are in some sort of denial about the deficits they left. The $10 billion deficit that was left in the final financial year by the Keating-Beazley government gained a lot of prominence—we talked about the black hole that was called Beazley’s bankcard, and it got a lot of publicity at the time. But what a lot of people do not understand is that the $10 billion in the last year was only one of about five deficits of that order in as many years and that they ran serial deficits of more than $10 billion.

Why I relate this to Radio Australia and the Cox Peninsula is that it is very easy when you are the opposition to criticise a government that is trying to take a budget out of serial serious deficits—$10 billion a year, year on year on year—which are forcing the Commonwealth to borrow. But it is the taxpayers of today and of tomorrow who have to pay back the interest—and we were paying to the banks, foreign lenders, something like $10 billion a year just in interest, close to the entire defence budget, close to the entire education budget in Australia. This government made a decision that you cannot maintain your independence in the world, you cannot maintain living standards for the citizens of Australia if your fundamental economy is based on borrowing $10 billion every year, if you are basically spending $10 billion a year more than you are earning. So we had to go about making a whole range of cuts. It is easy for an opposition, especially an opposition that has run such a loose economy, that has mismanaged the economy, that has run high interest rates that have been up to 30 per cent for small businesses at times, that has had unemployment rates that are high, inflation rates that are high—basically a range of economic policies that have destroyed the lives of so many individuals, such as one million unemployed people. You remember, Mr Acting Deputy President Murphy, that at times there were massive interest rates. But for the government to make these cuts it has to look seriously at every angle, every part of Commonwealth expenditure.

Of course you can say, ‘You didn’t have to cut this, you didn’t have to cut that. You didn’t really have to make these savings.’ But all of us know that if you are trying to make your own household budget balance at the end of the month you have to look at all areas of expenditure. It is the same when you are running a national economy; it is no different. You can always say, ‘Gee, we would really like that, and we would really like this. We would like to go out to Hungry Jack’s again this week. We would like to go to the movies.’ Of course you would, but there are some things you just cannot do. Ultimately you have to balance the budget, unless you want to keep running a fiscally irresponsible ship. The people who suffer most when you do that at the national level in Australia are the battlers who are on average weekly earnings. When the interest rates went up to 17 per cent—as they did often under Labor; 30 per cent for many small business—and you went to AGC or a number of secondary lenders in those days, you used to have to pay 30, 31 or 32 per cent effective interest rates on small business lending, development finance and so forth. It is very hard if you are a householder with a mortgage in the suburbs of any of our capital cities, you are raising some children, you have a car in the driveway, you are paying lease payments on your car, and you are paying mortgage payments on your house, when these people opposite spend all the money, live outside their means, act irresponsibly—as they are doing now, quite frankly, because they are irresponsible as an opposition. You cannot say, ‘We are a new Labor Party, we are going to be economically responsible, we are going to balance the budget’, but then, when the government proposes expenditure restraint, take the populist route, which is to say, ‘Well, we oppose that.’

Senator Mark Bishop—You don’t spend your surplus now.

Senator IAN CAMPBELL—You never had the problem of spending a surplus because you have never had one.

Senator Schacht—That’s wrong.
Senator IAN CAMPBELL—No, sorry, that is wrong. Senator Schacht is right. They had a couple of surpluses. They were in power 13 years and they had—

Senator Schacht interjecting—

The ACTING DEPUTY PRESIDENT (Senator Murphy)—Order! Senator Schacht, you have had plenty of practice at interjections and you know they are disorderly. Senator Campbell, you should direct your remarks through the chair.

Senator IAN CAMPBELL—Of course, Senator Schacht squeals and squirms because the government that he was a member of were spendthrifts. They were prepared to spend the money of future generations. When they are in opposition they are even more opportunistic than they were in government. They are prepared to oppose every single hard decision this government makes. When it comes to fuel prices, they say, ‘Cut the excise.’ What did they do when they were in power? They brought the excise in and cranked it up. They cranked up taxes. They opposed indirect taxes in one election and then cranked up indirect taxes. They opposed every single measure. When we got rid of wholesale sales taxes, they opposed that. They are opposed to everything. This is the most carping, whining, whingeing, negative opposition that this nation has ever seen. They do not have an alternative policy. They say that they want to balance the budget, but whenever we cut expenditure they oppose it. When the hard times come in relation to international fuel prices, what will they do? They do not say, ‘We went through this in the Gulf crisis.’ What did they do when petrol prices went up in the Gulf crisis? They did not do anything. They did not cut taxes or excises. Do you know what they did shortly after the Gulf crisis? They actually put the excise up. Mr Acting Deputy President, when it comes to Cox Peninsula, when it comes to Radio Australia, I say to the Labor Party that what I would—

Senator Ludwig—Mr Acting Deputy President, I raise a point of order. It is a point of relevance. We are talking about the Broadcasting Services Amendment Bill but, after listening to Senator Ian Campbell tonight, we would doubt whether that is what we are talking about. We have gone on to budgets, surpluses and a whole range of other things. It would be appreciated if Senator Campbell would come back to the point.

The ACTING DEPUTY PRESIDENT—Order! Senator Ludwig, there is no point of order. You can resume your seat. I am sure Senator Campbell is aware of the fact that we are debating the amendment moved by Senator Bishop and that he is making his contribution along those lines somewhere.

Senator IAN CAMPBELL—Thank you, Mr Acting Deputy President. The point I make, because it does irk me, is that this opposition are so populist that whenever there is an expenditure cut they oppose it. What we are trying to do in government is to keep a running tally of all of the opposition’s expenditure promises. They have not quite promised to do what they are suggesting on excise yet, but we would like to see what the Labor Party would do about ABC funding. What will you do about fuel taxes? What will you do about roll-back? What are the costs of all these new regulatory regimes you are proposing? Basically the Labor Party’s policy in a whole range of areas is to introduce a whole range of new government departments. What are you going to do about IT outsourcing? As Senator Vicki Bourne would know better than others, this is critical; it is an area where we are discussing communicating with the rest of the world, being a part of the information age. What will we see from the Labor Party? They want to roll back the GST. We want to see whether they will roll the wholesale sales tax back onto computers and put the prices of computers back up by 20 per cent again? Will they roll back IT outsourcing, bring it all back in-house again, expand the Australian Public Service and increase taxes again? We want to see what you are actually going to do.

We will oppose this most pious of pious amendments because the Labor Party are not fair dinkum. Why don’t we add paragraph (g) saying that the Senate notes that the Australian Labor Party will restore the ABC’s funding to 1990 levels? Just have the
guts to put in part (g). We have had to slice out a couple of pieces, because obviously the drafting was no good, but let us see for the first time the Australian Labor Party put pen to paper and actually have a policy. Instead of just being negative, carping, whining—the most negative opposition, the most leaderless opposition in Australian history—let us see you have a fresh idea. Don’t just criticise; let us see you have a fresh idea. Here is the place to start. I will give you leave to amend your motion tonight to say what the Australian Labor Party’s policy is. I think we will be waiting in a vacuum of silence.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

Bill read a second time.

In Committee

The bill.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts) (9.05 p.m.)—I table a supplementary explanatory memorandum which relates to the government amendments to be moved to this bill. I advise honourable senators that this memorandum was circulated today. Could I also move the government amendments?

The TEMPORARY CHAIRMAN (Senator Murphy)—Is it the wish of the committee that we deal with all the government amendments, then the opposition amendments, and then the Democrat amendments?

Senator MARK BISHOP (Western Australia) (9.05 p.m.)—We would prefer to deal with the opposition amendments. There are 31 amendments, but I want to move them and speak to them as of one. I see the Manager of Government Business is agreeing to that process.

The TEMPORARY CHAIRMAN—I assume the Democrats are happy with that.

Senator Bourne—Yes.

Senator MARK BISHOP—On behalf of the opposition, I move:

(1) Schedule 1, item 1, page 3 (line 8), omit “for Foreign Affairs”.

(2) Schedule 1, item 1, page 3 (lines 9 to 11), omit “(for this purpose, Minister for Foreign Affairs has the same meaning as in that Act)”.

(3) Schedule 1, item 22, page 8 (line 13), omit “Minister for Foreign Affairs”, substitute “Minister, after taking advice from the Minister for Foreign Affairs.”.

(4) Schedule 1, item 22, page 8 (line 22), omit “Minister for Foreign Affairs”, substitute “Minister, after taking advice from the Minister for Foreign Affairs.”.

(5) Schedule 1, item 22, page 10 (line 25), after “Minister”, insert “and the Minister”.

(6) Schedule 1, item 22, page 10 (line 26), after “Minister”, insert “and the Minister”.

(7) Schedule 1, item 22, page 11 (lines 12 to 21), omit “for Foreign Affairs” (wherever occurring).

(8) Schedule 1, item 22, page 13 (line 1), after “Affairs”, insert “advises the Minister that he or she”.

(9) Schedule 1, item 22, page 13 (line 4), omit “for Foreign Affairs”.

(10) Schedule 1, item 22, page 13 (line 12), after “Affairs”, insert “advises the Minister that he or she”.

(11) Schedule 1, item 22, page 13 (line 15), omit “for Foreign Affairs”.

(12) Schedule 1, item 22, page 13 (lines 18 to 23), omit subsection (3), substitute:

Australia’s national interest

(3) For the purposes of this section, in advising the Minister whether a proposed international broadcasting service is likely to be contrary to Australia’s national interest, the Minister for Foreign Affairs:

(a) must have regard to the likely effect of the proposed service on Australia’s international relations; and

(b) may have regard to a report given by the ABA under subsection 121FB(1).

Paragraph (b) does not limit the material to which the Minister for Foreign Affairs may have regard.

(13) Schedule 1, item 22, page 13 (lines 24 to 29), omit subsection (4), substitute:

(4) For the purposes of this section, in determining whether a proposed international broadcasting service is likely to

be contrary to Australia’s national interest, the Minister:

(a) must have regard to the advice of the Minister for Foreign Affairs; and

(b) may have regard to a report given by the ABA under subsection 121FB(1).

Paragraph (b) does not limit the material to which the Minister may have regard.

(14) Schedule 1, item 22, page 13 (line 31) to page 14 (line 3), omit “for Foreign Affairs” (wherever occurring).

(15) Schedule 1, item 22, page 14 (line 5, omit “for Foreign Affairs”.

(16) Schedule 1, item 22, page 14 (line 13) omit “for Foreign Affairs”.

(17) Schedule 1, item 22, page 17 (line 7), after “Affairs”, insert “advises the Minister that he or she”.

(18) Schedule 1, item 22, page 17 (line 9), omit “for Foreign Affairs”.

(19) Schedule 1, item 22, page 17 (line 20), after “Affairs”, insert “advises the Minister that he or she”.

(20) Schedule 1, item 22, page 17 (line 22), omit “for Foreign Affairs”.

(21) Schedule 1, item 22, page 18 (line 1), after “Affairs”, insert “advises the Minister that he or she”.

(22) Schedule 1, item 22, page 18 (line 3), omit “for Foreign Affairs”.

(23) Schedule 1, item 22, page 18 (lines 6 to 14), omit “for Foreign Affairs” (wherever occurring).

(24) Schedule 1, item 22, page 18 (lines 18 to 22), omit subsection (8), substitute:

Australia’s national interest

(8) For the purposes of this section, in advising the Minister whether an international broadcasting service is contrary to Australia’s national interest, the

Minister for Foreign Affairs:

(a) must have regard to the effect of the service on Australia’s international relations; and

(b) may have regard to a report given by the ABA under section 121FM.

Paragraph (b) does not limit the material to which the Minister for Foreign Affairs may have regard.

(25) Schedule 1, item 22, page 18 (lines 23 to 28), omit subsection (9), substitute:

(9) For the purposes of this section, in determining whether an international broadcasting service is contrary to Australia’s national interest, the Minister:

(a) must have regard to the advice of the Minister for Foreign Affairs; and

(b) may have regard to a report given by the ABA under section 121FM.

Paragraph (b) does not limit the material to which the Minister may have regard.

(26) Schedule 1, item 22, page 25 (line 23), after “Minister”, insert “and the Minister”.

(27) Schedule 1, item 22, page 25 (line 26), omit “for Foreign Affairs”.

(28) Schedule 1, item 22, page 26 (line 1), after “Minister”, insert “and the Minister”.

(29) Schedule 1, item 22, page 26 (lines 3 to 7), omit “for Foreign Affairs” (wherever occurring).

(30) Schedule 1, item 22, page 26 (after line 15), at the end of section 121FP, add:

(3) Guidelines made under subsection (1) are disallowable instruments for the purposes of section 46A of the Acts Interpretation Act 1901.

(31) Schedule 1, item 22, page 27 (lines 1 to 27), omit “for Foreign Affairs” (wherever occurring).

This series of amendments goes essentially to two issues. I discussed them in some detail in my contribution to the second reading debate. I will not bother to go into them again at length; I simply place on the record that the opposition is of the strong view that the power to make decisions in the broadcast area as to issuance of licences for broadcasting of material out of this country should be vested in the Minister for Communications, Information Technology and the Arts, not in the Minister for Foreign Affairs. We do say without reservation that it is appropriate for the minister for communications to consult with his ministerial or cabinet colleague, the Minister for Foreign Affairs, on matters that are relevant to that minister’s domain. Obviously that could affect trade matters, diplomatic matters and defence matters relating to material that is broadcast.
by broadcasters out of this country and the licences issued to that particular entity. However, we do take the view that, for a range of reasons, principally that the matter relates to domestic issues, that final decision should be a matter for the minister for communications. As I said at the outset, I am not going to go into those reasons at length. I simply refer to the additional statement prepared by Senators Schacht and Hogg for the Senate Foreign Affairs, Defence and Trade Committee inquiry into this bill and their reasons for the recommendation in supporting our argument tonight.

Senator BOURNE (New South Wales) (9.08 p.m.)—The Democrats believe that this is more a matter of the power to determine what is in the national interest than a broadcasting matter. Therefore, we do believe that it is more appropriate that the Minister for Foreign Affairs determine what is in the national interest, particularly due to the information that was given to the committee, even though it was quite a while ago. I am just trying to remember back, but it was the information that I quoted in my speech in the second reading debate a little while ago. Therefore, we would rather that the Minister for Foreign Affairs retained that power as it is in the original bill. We will be voting against all of these amendments.

Senator SCHACHT (South Australia) (9.09 p.m.)—I want to speak in support of the amendments moved by my colleague Senator Bishop on behalf of the opposition. In his remarks he quite rightly drew attention to the Senate Foreign Affairs, Defence and Trade Legislation Committee report on the bill. There was a minority report signed by Senator Hogg and me, representing the opposition on this committee, making a major recommendation on the issue of which minister should have the power in the national interest to allow or disallow the licence. I am disappointed to hear my colleague Senator Bourne from the Democrats disagreeing with the opposition on this issue. Usually she is absolutely reliable on these sorts of issues of broadcasting and foreign affairs. I do not think that we have too often disagreed on these sorts of issues, Senator Bourne.

Before I talk to the amendments we are moving, I want to put on the record a couple of the points that came out of the inquiry, and the background to this bill. One should remember that the reason this bill is before the parliament is fundamentally that the government wanted to close down the Cox Peninsula transmitter and sell it off to the highest bidder in the private sector, whether it is a national or an international consortium, to broadcast some message other than what the ABC, a statutory authority established by this parliament, had done through Radio Australia for so many years, and very successfully so.

Before this government moved to allow this facility to be closed down, the previous government had spent nearly $30 million over a number of years to upgrade it to a high quality transmitter, putting a strong signal on behalf of Radio Australia into practically all of Asia. It was a signal that was respected and that had credibility equal to that of the BBC’s Overseas Service in that it was listened to by people throughout Asia, who knew that this was a factual service, providing decent information on what was going on in the world and in the region. Only we and the BBC had that credibility. This government, in a narrow-minded fund saving measure, closed it down. It is an extravagant waste of taxpayers’ money for which no justification has been given other than the ideological obsession of this government to get at the ABC.

When they appointed Mr Mansfield to do a review, they did not realise that he would recommend that the only way to maintain the ABC to enable it to continue all its domestic services with a $50 million cut was to cut the overseas service. So the government were stuck with a decision which has been roundly condemned by various parliamentary committees on a bipartisan basis—signed up to by government members, as well as by Democrat and Labor Party members. It has been condemned by any knowledgeable group of interest in the international community in Australia and by many countries overseas which recognise the service that Radio Australia provided. When the signal was reduced, it was received with incredulity
in many parts of Asia by governments and, above all else, by populations.

When the government wanted to sell it they found that some of the bids coming in were from organisations about which the foreign affairs’ department said, ‘Hang on, Minister Alston, it may not be in the national interest having a non-Australian organisation broadcasting from Cox Peninsula a signal into Asia that may upset our relations with various Asian countries.’

We do not believe that we should have a signal that automatically kowtows to what one-party governments in various parts of Asia may wish to hear or not hear. We think Radio Australia quite rightly and proudly received criticism from authoritarian governments in Asia in particular when the truth was broadcast. But the organisations that were going to bid for this licence may not necessarily have the interests of Australia at heart.

The foreign affairs department delayed the sale of this magnificent asset at Cox Peninsula because they kept saying that that organisation and its bid may not be in the national interest of Australia. An example was given at the hearings. What would we do if an organisation that got the licence to put a signal into Asia was proselytising against the Islamic religion—and just to the north of us is the most populous Islamic country in the world, Indonesia—and in favour of another religion? That is not impossible because we know around the world that there are religious groups that would like the opportunity, using their own theology, to do such broadcasts. Or what if we had an organisation from another country that was putting propaganda out in favour of their own country and attacking another country or another country’s policy? As I say, we have no objection to Radio Australia doing that because that is our organisation, established by this parliament, with a public charter to provide factual information and services.

Out of this mess started by the government’s stupid decision to sell Cox Peninsula they then had to look at drafting a set of rules on how you would grant licences not just for Cox Peninsula but if someone else might want to do it elsewhere. We have now opened a Pandora’s box of people wanting to come into Australia. If they do not want to bid for Cox Peninsula, they may want to build their own transmitter and transmit another signal. We have now gone through what has been a tortuous process. We have had this bill before the parliament, and the debate about it, for well over a year in one form or another. And finally the government’s legislation says that the foreign affairs minister should have the power in the national interest.

In the committee hearings that took place, Senator Hogg and I took the view that it would be better in the national interest to separate the position of the foreign affairs minister from the communications minister, and that the communications minister should have the power in the national interest to make the decision—obviously on cabinet advice—and he or she should be the one who signs the order to oppose the sale. We did this because we believe it is important, in the subtleties and complexities of international relations, not to have the foreign affairs minister having to go as the responsible minister to various countries where we might have refused a local company the right to have the licence. We think it is better for him or her to be able to say, ‘I have made representations to the communications minister outlining the international consequences. I put my view about it, but the communications minister took a different decision.’ It is quite an acceptable arrangement that the foreign affairs minister is one step removed from making the actual decision.

Let me give an example. If an organisation with an Islamic background wanted to get a licence to broadcast from Australia, and we found that unfortunately that group might have some antisocial features at an international level—I will not say terrorist connections, but features about it that are unsavoury and are not in accordance with our views on international relations and international human rights—we may wish to say, ‘No, you can’t get the licence.’ The company may well come from an Islamic country in the Middle East where that signal would go. I know what would happen. The foreign affairs minister would be lobbied, if he were the one
making the decision, to change the decision. What we propose here is an opportunity for him to say, ‘I have passed your representations on to the minister for communications, but it is his decision, not mine.’ Therefore, if the decision did go against such an application, the foreign affairs minister would be one step removed and would be able to say, ‘It is not my signature on the refusal but that of the minister for communications. It is properly his decision.’

I have to say to my colleague Senator Bourne, who has a great and knowledgeable interest in foreign affairs, that I find it strange that anyone would think that it would be better not to have the communications minister with the power to make decisions. The foreign minister should have the discretion not to be responsible and to be able to stay one step back from that. We have to recognise that international relations are subtle and complex and we should not hamstring the foreign affairs minister by making him face the music when he goes to some international forum or engages in bilateral discussions.

The real reason that this bill is before us, and let us not get away from it, is the mess the government have made in closing down Cox Peninsula and then wanting to sell it but running the risk of finding that they might have sold it to somebody who would be unfavourable to Australia’s national interest. If Cox Peninsula had not been closed, if Radio Australia had not been gutted, this bill would not be before us today. That is the shame of this bill: that it is totally the result of Senator Alston and this government’s mad ideological obsession with destroying the ABC. What better proof than the events in the last week that we find that the biggest complainer about so-called ABC bias happens to be the federal director of the Liberal Party. He has sent 70 letters since 1996 to the ABC complaining about bias. I think the organisation with the next biggest number of complaints had two. Lynton Crosby must spend all his time listening to every ABC show across Australia and then writing a letter. But that is the obsession this government has about the ABC—

Senator McGauran—The Nats like the ABC.

Senator SCHACHT—I was waiting for you to interject, Senator McGauran. I knew you could not help yourself. I want to acknowledge that the National Party apparently have not been in league with Mr Crosby to complain about bias in the ABC. And the National Party would be nuts to complain about bias in the ABC, because when you get out to regional Australia and travel around you could never say that the National Party do not get a big run on regional ABC radio on any issue they wish to talk about, no matter what it is and on what program. They understand that they get a very good run. It is just a couple of ideologically obsessed Liberals, led by the Prime Minister, who have led this attack on the ABC, which has had the domino effect of our having this bill before us so that we can find a way in which we can sell Cox Peninsula without affecting the national interest. Again, the government has picked the wrong person. Although Senator Alston has clearly been found guilty of trying to wreck the ABC, he is still a better person to make that decision in the national interest, on advice from and in consultation with the foreign minister and others. Therefore, we strongly commend the amendments to the Senate.

Amendments not agreed to.

Senator BOURNE (New South Wales) (9.23 p.m.)—by leave—I move:

(1) Schedule 1, item 22, page 14 (line 31), at the end of subsection 121FF(1), add:

; or (d) if the international broadcasting licence applies to a transmission facility with the capacity to broadcast simultaneously on more than three shortwave frequencies—the licensee must, at all times, make one shortwave signal on appropriate frequencies and bearings available to the ABC for the exclusive use of Radio Australia.

(2) Schedule 1, item 22, page 15 (after line 5), after section 121FF, insert:

121FFA Compensation—constitutional safety net

(1) If:
(a) apart from this section, the operation of this Division would result in the acquisition of property from a person otherwise than on just terms; and

(b) the acquisition would be invalid because of paragraph 51(xxxi) of the Constitution;

the Commonwealth is liable to pay compensation of a reasonable amount to the person in respect of the acquisition.

(2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

(3) In this section:

acquisition of property has the same meaning as in paragraph 51(xxxi) of the Constitution.

just terms has the same meaning as in paragraph 51(xxxi) of the Constitution.

The amendments that the Democrats are moving today would require that, in the case of any international broadcasting licence when it applies to a transmission facility—and this would include Cox Peninsula and any other transmission facility that was built in Australia to these specifications—that has a capacity to broadcast simultaneously on more than three short-wave frequencies, the licensee ‘must, at all times, make one short-wave signal on appropriate frequencies and bearings available to the ABC for the exclusive use of Radio Australia’. I think at Cox Peninsula they have the capacity to broadcast on five; they used to broadcast on four and they left one as a standby in case one of the others went down, so they do have that capacity. In moving these amendments, I would like to quote Sir Robert Menzies. When Sir Robert Menzies set up Radio Australia more than 60 years ago, he said:

The time has come to speak for ourselves. He was so proud of Radio Australia. He was so proud of the fact that he had set up this broadcasting service that went into the region so that Australia would be understood in the region and so that our regional neighbours would get news that was clear and precise and unbiased, and would get a picture of Australia that was clear and precise. He was so proud of it, and it is such a tragedy. What has happened to what was one of his great legacies is such a dishonour to the memory of Sir Robert Menzies. I think Radio Australia is a great legacy of his. I think what has happened to Radio Australia is an absolute disgrace.

Senator Schacht—It is a disgrace to see how the Liberal Party has sunk since Sir Robert Menzies’ days. It has descended into a pit of mediocrity.

Senator BOURNE—I agree—although perhaps the minister might not—with much of what Senator Schacht has said about Radio Australia and the absolute tragedy of the way it has been cut back. This government did try to destroy it. I remember that plan A was: no more Radio Australia; it has gone. Plan B was: it can go out on satellite—and of course that was just ridiculous. Plan C: it can go out on short wave but not ours, somebody else’s; we will give you a bit of money and you can go and try to find someone who will transmit it on short wave. They did find someone in Taiwan and, I think, in Singapore for some time. But of course it was not adequate: the number of languages that went out was not anywhere near the number it used to be when the service went out from Cox Peninsula. Now we are up to plan D, which is: we will give you a little bit of money because we have actually decided that it is an important service and you can do a bit with it. As to that bit that the ABC and Radio Australia want to do with it, one of the things involved will be transmitting from Cox Peninsula.

I should say that I have spoken to the new owners of Cox Peninsula and they are more than happy to put out Radio Australia on one of their bandwidths, one of their appropriate frequencies and bearings, for an appropriate price. I am sure they would be quite happy to live with these amendments. They would have no problem with them. There is a possibility that another broadcaster will be building a facility in northern Australia—not an Australian company, I understand—and I have been contacted by them as well. They are also happy with this. If they do decide to
put in their transmission facility and they get an international broadcasting licence, they would also be more than happy to abide by what would happen if these amendments went through.

These are important amendments. As I said, they would mean that as long as the transmission facility at Cox Peninsula was available Radio Australia would always be able to go out from that facility, even if somebody else bought the facility or whether it was still the people who have bought it now. There is no problem according to the people who currently own the facility and there would be no problem according to a representative of the company who are considering building a similar facility also in northern Australia.

The really important thing about these amendments is that they would mean that Radio Australia could not be cut out of at least the Cox Peninsula facility as long as they had the money to pay an appropriate amount to get the signal on air. There is no problem with the people who currently own that facility. If they decide to sell that facility to someone else and new arrangements are made and if these amendments have gone through, those new arrangements would have to include the ability of the new licensee to put Radio Australia on air from Cox Peninsula. It is absolutely essential that Radio Australia has that capacity and has the certainty that they will always have available to them from Cox Peninsula, as long as the capacity is there to put out more than three signals, the ability to say, ‘We require that we are able to put out a short-wave signal on appropriate frequencies and bearings from this facility’—a facility that should never have been sold and taken away from Radio Australia. They are having to claw it back, and I think it is so important that they are able to use that facility. As I said, the current owners are more than happy for them to use it and they are currently negotiating, I understand, for that to happen. The important thing would be that every owner in the future would know that they would have to do the same negotiation with the ABC to put Radio Australia into the region that our parliament and our government believe is so important, so that the great legacy that Sir Robert Menzies started, to put this service from Australia into the region, would continue. I commend these to the Senate.

**Senator SCHACHT (South Australia)** (9.30 p.m.)—As has been indicated, the opposition will not support these amendments although we have some sympathy, in principle, with what the Democrat amendments are trying to achieve. We believe that there are a number of practical aspects about contractual arrangements that may or may not be compromised by such amendments. I want to take this opportunity to further point out some of the difficulties that we are going to have in this licensing regime beyond the national interest. I point out that, as has been mentioned by Senator Bourne, the Cox Peninsula transmitter has been sold to a Christian broadcasting group, which I believe gave quite reasonable evidence to our committee. The question was put to them of how, as a Christian organisation, they would handle broadcasting messages into Asia, into countries that have an overwhelmingly non-Christian background and that follow religions such as Islam, variations of Buddhism, Confucianism, Taoism, Shintoism and other various subgroups of those major religious and/or cultural beliefs. There is no doubt that in some of those countries supporters of those religions would find what we would consider the most innocuous message in favour of Christianity somewhat offensive.

As a supporter of free speech, I defend the right of the Christian group to give their message, but I also point out that some people in these countries with different cultural and religious backgrounds do not automatically accept the right of different religions to promote their views, no matter how benign they may be. Appendix 3 of the report goes to the principles of transborder satellite television broadcasting in the Asia region as endorsed by the Australian government. I understand from the note in the report from the government that these would effectively be a code of practice for broadcasters such as the Christian group that has bought Cox Peninsula. In their own way, they cannot be argued with; they sound very reasonable to Australians in the Australian political culture.
However, I am not sure that they would sound reasonable to some of the people with a zealot-like approach to supporting their religion.

In recent times in Indonesia, we have unfortunately seen communal strife between different religious groups leading to people being killed in riots. We also know the unfortunate example of the Indian subcontinent where there is, from time to time, communal violence between different religious groups. I draw attention to the second dot point of these principles, which sounds very good:

... recognising the global nature of transborder satellite television broadcasting and acknowledging that transborder broadcasting has a purpose for the public good and the betterment of societies, offering benefits to communities through entertainment, information and education...

It sounds pretty innocuous to me, but I am not sure that we will not hear complaints against a religious broadcaster of any type from Australia acting under those guidelines. Others in our region might find them offensive. The third dot point goes on to say:

... including safeguarding national cultures and traditional values from potential adverse effects ...

At times Radio Australia was criticised, and TV Australia, when it was run by the ABC, was criticised for putting news and current affairs programs on air and broadcasting comments about which some countries in Asia complained, saying that they offended their national culture and traditional values. I have no doubt that even a benign and non-proselytising Christian program could be seen as offensive to other religious groups within Asia although they meet these guidelines, which have been apparently signed off in the Asia-Pacific region. I think that we have seen another outcome of the government’s policy faults in this area. The problems are not going to be solved by this legislation; rather, we are going to have further difficulties.

I will watch with interest how many organisations from other countries with a different cultural background from Australia will make application to have a transmitter service from Australia, knowing that Australia, with our stable political and economic environment, is the best place to put such a transmitter. For example, I ask: would we let the American government, with its broadcasting services—which makes no bones about the fact that they proselytise a particular view; Radio Free America, for example, or variations thereof—broadcast from Australia? If the British government—a former colonial power in the region—wanted to have the BBC Overseas Service broadcast from Australia, would we allow it? If the German overseas broadcasting service or the French overseas service—countries with which we have good and friendly relations—wanted to have a licence, would we allow it in the national interest? Sooner or later, I would not be surprised if one of them takes the view that it is safer to build a transmitter in Australia than attempt to negotiate a place for a transmitter in Asia without the same long-term guarantees, security and safeguards. It will be very interesting if the Australian government says, ‘We have an ANZUS arrangement with America. We will let the Americans have a broadcasting facility for one of the services of the American government.’

Once we say yes to that, how do we differentiate to say no to the British, the French, the Germans or the Italians, if we want to? Then, if we say yes to the Christian group, do we automatically have to say yes to an Islamic group, a Hindu group or a Buddhist group? Once we say yes to one and no to the other, we are on the treadmill for an endless round of difficulty. The government has not thought this through—the outcome of what they did to Cox Peninsula. What they have sown here over the last couple of years they may not reap in the final 12 months of their government. Unfortunately, I suspect we in government in 12 months time will have some difficulty dealing with this issue.

Senator Calvert—You wish!

Senator SCHACHT—You laugh, Senator Calvert. I am glad you laughed when I said we will have difficulty in government. It will be difficult to run an even-handed approach on these applications because as soon as you say no to one they will claim discrimination. If they claim discrimination, they may put pressure on diplomatically. What the government has done in this area is
extremely disappointing. We are now left with this unsatisfactory bill, even though Senator Bourne has attempted to make some arrangement to help Radio Australia with the Cox Peninsula transmitter. That is a bit like putting a very small bandaid on the gaping hole in the side of the *Titanic*, which is the equivalent of this government’s radio broadcasting policy and what they have done to Radio Australia. They sank it.

**Senator BOURNE (New South Wales)**

(9.41 p.m.)—I feel I have to answer that. Senator Schacht said that the reason the opposition was not agreeing to my amendments was due to two things: commercial arrangements may or may not be compromised by such amendments; and, secondly—I am paraphrasing here with this *Titanic* illusion—it is such a small assistance.

**Senator Schacht**—A bandaid.

**Senator BOURNE**—A bandaid on the *Titanic*, yes—it is such a small assistance that it is not worth doing. A couple of things can be said about that. First of all, the only commercial arrangement it could possibly affect would be the one with the broadcaster who have already bought the equipment at Cox Peninsula, who tell me they want a licence. They are not worried about it. They are leasing the space to Radio Australia anyway and are entering into commercial arrangements with them. It is not a problem. So if that is your problem, it is not one. Extending on that, if another broadcaster, with either the Cox Peninsula facility or another facility which could broadcast simultaneously more than three signals into the region, and another licensee, who does not exist at the moment, were to acquire that licence, then they would know that along with that licence they would have to make available to the ABC the facility to broadcast, on an appropriate frequency and bandwidth, Radio Australia’s signal. It is not a problem with the current owner of that equipment. If that is your problem with the amendments, you do not have a problem. There is no problem with the amendments. It does not affect that. It is not a problem.

**Senator Schacht**—The way you described it, the amendment is not even needed then because you are giving them a licence.

**Senator BOURNE**—No, I am telling you Senator Schacht the amendments are needed because—you should not have been talking to other people, that is very naughty; listen this time—the problem comes when another licensee, who does not exist at the moment, gets that licence to broadcast into the region from Australia. It will be a provision of that licence, because it will be in this act if you agree to this, that they will have to allow Radio Australia to broadcast from their facility, if their facility can broadcast more than three signals simultaneously.

**Senator Schacht**—I forgot to ask: did the ABC request this?

**Senator BOURNE**—If you have a question, get up and ask it because I cannot quite hear you. Therefore, the problem does not exist now. The people who own this equipment now are happy with it. So there is not a problem with them. The problem would come in the future, and this would solve the problem in the future. If a future licensee has available to them the capability to put out more than three signals, then they would have to make available to the ABC one of those signal capabilities. It is not a problem at the moment. It makes Cox Peninsula available to Radio Australia forever, as long as it is in this act. I think that is terribly important.

If the current licensee is happy to have Radio Australia—it is, in fact, currently communicating with Radio Australia, and I understand they are hoping and intending to come to an arrangement with them where they can put out the signal—then the question is about future licensees. I think it is very important that, when this bill becomes part of the act, it has in it that any future licensee would have to make available to Radio Australia the ability to put out one signal from Cox Peninsula. I think that is very important. That is what this amendment would achieve. Senator Schacht also made the comment about the amendment being a small bandaid. The thing about Radio Australia is that it is not dead. It is amazing that it is not dead. This government has tried so hard to
kill it and it is not dead. In 1996 Radio Australia received $13.5 million from the ABC’s budget. That was for program production, administration and satellite transmission. It had 144 staff and it produced programs in English, Mandarin, Cantonese, Vietnamese, Khmer, Thai, Indonesian, French and Tok Pisin or pidgin. A year later, in 1997, it had less than half of that operational budget. It had $6.3 million. Of course, it had to slash everything. The government was desperately trying to get rid of it, and it did not.

Radio Australia is a magnificent service. It is a service which has been praised by committee after committee of this parliament: the Joint Standing Committee on Foreign Affairs, Defence and Trade, the Senate Standing Committee on Foreign Affairs, Defence and Trade and various Senate committees, including the committee which specifically looked into this bill. Senator Schacht and I were members of several of those committees. I will quote from the Senate inquiry which resulted from the attack on Radio Australia and Australia TV. It found that:

The broad aspects of international broadcasting cannot be valued in dollars and cents. It is about the subtle messages conveyed to the peoples of the region about life in Australia. It is about creating an awareness of Australia, an understanding of our way of life and the multicultural nature of our society. It is also about programming which draws attention to things which relate specifically to trade, business, education, tourism or diplomacy from which Australia might benefit directly as a result of those broadcasts.

It is so important that Radio Australia goes out into our region. At the moment it goes out into the Pacific. We are sending it out from Shepparton in Victoria and Brandon in Queensland, and it is getting out to most of the Pacific. But it is not getting out to the amount of Asia that it used to, and it will not unless it goes out from Cox Peninsula or unless a lot more money is given to it to boost the signals from other places. It goes out for a couple of hours a day. I do not know if Singapore is finished now or if Taiwan is finished now—it may be. Asia is very underused by Radio Australia, and it should not be. This is a huge part of our region. Radio Australia can be heard in the Pacific, and there are far fewer people in the Pacific. It is not that they are not important—they are. It is important that Radio Australia gets out to those people, that they have a feel for Australia and that they get accurate news and current affairs about what is going on in their region. But it is equally important, if not more important, that Radio Australia also goes out to our Asian neighbours.

It is absolutely essential that our Asian neighbours get an accurate picture of Australia. During the problems with East Timor it was being reported by Antara, the official Indonesian newsagency, that our soldiers in INTERFET in East Timor were doing absolutely dreadful things, which of course they did not do. But the official Indonesian newsagency was saying that they did. The problem was that at that stage in Jakarta you could not get Radio Australia. Nobody knew what the truth was—it sure wasn’t being broadcast from anybody in Indonesia or around there. The only place the truth was going to be broadcast from was Australia, and it was not because it was not getting as far west as that. It is absolutely vital that we do everything we possibly can to get the Radio Australia service into as much of our region as possible, and that has to include Asia. One of the ways to do that is to go from Cox Peninsula. There is no problem with the current owners of the equipment. They are currently negotiating with the ABC. The problem would come with future licensees who may build facilities, and I understand one is looking at that at the moment. That is where the problem will come. We need to say to those people that it is in our law that, if you own a facility in Australia and you have an international broadcasting licence, you are required under that licence to make available one signal to Radio Australia to get out into the region. It is really important that we do that. So I cannot accept either of the reasons that Senator Schacht gave for not agreeing to this amendment. I do not think that they are real reasons, and I do not think that it is the problem he thinks it is.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Minister for Communications, Information
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I think it is appropriate that I make it clear to all honourable senators why the government does not support the amendment. I think, in a way, Senator Bourne would agree with us. Firstly—and there is no disagreement over this—the ABC are certainly making arrangements with the new owners of Cox Peninsula, so Senator Bourne would not envisage a problem in the near term. The honourable senator did say that we were giving the ABC only a small amount of money. It is in fact $9 million over three years. When you are in Canberra dealing in billions of dollars, granting $9 million in the budget does not seem like much. But it is a lot of money. If you want to spend $9 million, you have to raise it in taxes. I remind people that, when they start thinking about spending millions of dollars, they should walk through the suburbs of Thornlie, Leederville or anywhere like that and figure out how many doors they would have to knock on—asking the people to contribute their entire annual income tax—to collect $9 million. You would have to visit a lot of houses to collect $9 million in taxes, so we should not say that $9 million is a small amount of money. One of the problems with Canberra is that you write cheques willy-nilly—with gay abandon.

I say that in relation to the Democrat amendment because the government has ensured that the ABC has supplementary funding of $9 million to ensure that Radio Australia can transmit services into Australia. There are technical and legal defects in the amendment—specifically, the way the amendment is framed any future holder of an international broadcasting licence would be required to reserve one out of three channels for the ABC. The amendment wrongly assumes that the holder of an international broadcasting licence owns and operates the related transmission facility. There may be a number of international broadcasters using a particular transmission facility, and each such broadcaster would be required to carry the Radio Australia signal and to make a channel available for exclusive use by Radio Australia regardless of whether they had the capacity to do so.

The other thing that could happen as a result of this amendment is that potential holders of IBLs would arrange their affairs to ensure they got around this legislative requirement—so, instead of having a facility, if they had the potential to broadcast three different signals they would have licences that allowed them to broadcast two as a way of getting around it. We think that the regime that we are putting in place will allow the ABC and Radio Australia to broadcast. As I said in my response to the second reading amendment moved by Senator Bishop, we would welcome hearing what the Australian Labor Party will do to ABC funding. We would welcome a commitment from them. They have made no commitments in relation to what they will do on any matter. They have opposed every expenditure cutting measure this government has made, so one would assume that they would return the budget to deficit almost overnight. They criticise us in relation to ABC funding and decisions on Radio Australia. At least Senator Schacht has had the guts to get up here and say what he thinks about it. Does Senator Schacht speak on behalf of the ALP? Will Senator Schacht indeed make a commitment to the funding of Radio Australia? Will he return it to 1986 levels or to 1990 levels? Will he return it to the levels that it was at before the Keating government started to cut its expenditure? Will the Labor Party make a commitment? They are the reasons I say to my colleague Senator Bourne that we think this amendment, although clearly honourably intentioned in relation to Radio Australia, will adversely affect the potential of international broadcasters basing themselves in Australia.

Although Senator Schacht makes a range of interesting hypotheses about what could occur—and I think they are legitimate hypotheses about international broadcast space in Australia—and although I am aware of a number of proposals to base the broadcasters out of Australia, I would have thought that, generally speaking, it is a good industry to have based in Australia. I know that in the north of Western Australia, my home state, there are proposals by some proponents to set up transmitting facilities. I would have thought it is a good industry to have based in
Australia, and I would have thought an international broadcasting regime would be conducive not only to helping Radio Australia with their efforts into the region but also to a range of other diverse broadcasting operations. This legislation should facilitate that and should be encouraged.

Senator COOK (Western Australia—Deputy Leader of the Opposition in the Senate) (9.56 p.m.)—I want to say a few things on this amendment. Bizarrely, I might say, I will reject some of the propositions put by the government but will not support this amendment which has been advanced by the Australian Democrats. It is an awkward position, to be quite frank, because the views expressed by Senator Bourne about Australia’s increasing alienation from Asia are absolutely right. She is right on that point. In fact, we are becoming knitted out of the Asian presence—overlooked and forgotten. I say that with some considerable passion because, having been in the region recently, that point was driven home to me. There is every reason why Australia’s presence should be made more manifest, and there is every reason why the national broadcaster should be adequately serviced in order to deliver a quality signal to Asia both in radio and in television and to at least have a presence by virtue of the capacity of the ABC to broadcast Australian culture, Australian sport and Australian drama to the region not to mention the ABC’s high quality news service.

Senator Bourne is quite right to say all those things, because they are true. We will ultimately pay a massive economic penalty if the current drift in our relationship with Asia continues. It will be a penalty that each of us will have to bear, and the penalty will be alienation from our region. From that point of view, there is considerable sympathy for the aspirations behind the amendment. I do not agree, either, with the zero sum game that the government puts—that a consequence of this amendment, if it were to carry, increases expenditure. You do not have to knock on every door of every house in Thornlie or anywhere else to raise extra revenue; you can make savings in the Commonwealth budget to do so. In comparison with the size of the overall budget allocation, we are not talking about massive amounts.

One of the problems with making savings is that the Commonwealth budget has been shaved down, and we do have a massive bill in rolling back parts of the GST where we can effectively do that. But there are savings that could be made, and accommodations could be made to find the funding. In any case, that should be one of the targets of a government. But the problem that I see here—and the reason, in part, that we do not support the amendment—is that, in the explanatory terms that have been given to us, as well-motivated as the amendment is, it is fundamentally misdirected in operational terms. What we are hearing in support of the amendment is a cry from the heart, and a genuine one—one in which I join and share—about the way in which this government has allowed the ABC to be run down, the way in which this government has undermined the ABC, and the way in which this government has selected a board—and, through the board, a general manager who is committed to marginalising the ABC. So the only question left is: why not privatise it? That is the direction in which things are now going.

I think that is a lamentable outcome, and I am part of any criticism that makes that point about the government. We need a genuinely independent, properly funded international broadcaster which is able to provide an independent service; which is able to reflect Australian cultural mores; which is able to deliver services across a range of areas; and which is able to reflect our unique national culture in drama, sport, news and in a range of other services.

The misdirection that I see here is driven by a laudable motive. We are overreaching ourselves, if this amendment were to be adopted, in the technical terms. I say that for several reasons. The first reason is that it is clear, from what we all know and from what has been agreed by all speakers in this chamber, that there have been and are currently talks between the current licence holder and the ABC about fitting together a commercial relationship. Senator Bourne has emphasised in her remarks that the current
licence holder has no objections to this and may even welcome that type of presence. I am not in a position to be so bold as to say that, but that is certainly an implication. Indeed, the government says something similar. I think it is appropriate that those negotiations be concluded. Senator Bourne’s concerns would then be, ‘But if at some future time the business is to be sold, then the commitments entered into commercially would not necessarily be transmitted to the new owner.’ I do not know if that is true or not. I certainly think that an entity that has taken on an even more commercial hue, like the ABC, would want, in any negotiations, to reflect some longer term stability for itself, to guard against the vicissitudes of commercial life and to negotiate some sort of transmittal provision in its own right in any case.

Why would the parliament want to stand between the commercial partners at this point when their processes are inconclusive and while there is still some distance to travel? I do not see that it is possible to conclude a commercial arrangement. In short, the must-carry amendment that the Democrats have proposed is understandable but, in the circumstances, should not carry.

Senator BOURNE (New South Wales) (10.05 p.m.)—I would just like to answer some of the things that have been said by the last two speakers. Senator Campbell does tend to get carried away on occasion. He did mention $9 million over three years and, as Senator Cook has just said, ‘Whose door are you going to knock on,’ to get that $3 million a year. If you knock on every Australian door and ask for that $3 million a year from every Australian, the cost would be 16c per person per year. In the greater scheme of the budget, that is extremely small. That is very, very little. That is 16c per person per year. He said that the licensee who is transmitting may not be the licensee who is broadcasting. That is true, but I understood under this bill that the government had accepted the committee’s suggestion that there be two different types of licensees: a transmission licensee and a broadcasting licensee. I think it is in there. It is obvious from the amendment that we are only talking about transmission. The amendment states:

... if the international broadcasting licence applies to a transmission facility with the capacity to broadcast simultaneously on more than three shortwave frequencies—the licensee must, at all times ...

That is the transmission licensee, obviously, because we are talking about the transmission facility. So that is not really a problem. Senator Cook went on to say a couple of things. He believes that the ABC can suc-
cessfully negotiate a commercial arrangement with the current owners of Cox Peninsula. I agree. I think that is exactly right. I do not think that is the problem. As I said, the future is the problem. As Senator Campbell said, there is a possibility at the moment of another licensee building a facility in Western Australia—and I have been told about that as well. That licensee is considering what sort of capacity they will have. If they have a capacity of more than three signals, they are happy to negotiate also with the ABC to make one of the more than three signals available to the ABC for Radio Australia. Senator Cook said that he did not think the parliament should stand between commercial partners—it is not. I do not believe that this is the case at all. I think all that this amendment would do, if it were passed—I still have hopes that it will be passed—is back up what they are doing. It would not stand between anybody. I really do not think there is a problem with that. On the other hand, I can see it is 10 past 10 and there a lot of people who do not really want to be here for very much longer. I still hope that this can be carried, and I look forward to winning this vote.

Senator MARK BISHOP (Western Australia) (10.09 p.m.)—In listening to the various contributions by Senator Bourne from the Democrats and my colleagues from the Labor Party to this debate and the ongoing issue of Radio Australia and its ability to transmit out of this country into our immediate geographic neighbourhood, I and others have had to consider what it is that is so important about Radio Australia and why it is that both the opposition and the Democrats have made lengthy contributions this evening and at other times on what they believe to be a most critical and wrong decision by this government in the area of funding cuts. Radio Australia and its transmission facilities at Cox Peninsula is like any other asset, I suppose. It comprises people, the markets it broadcasts into and the capacity or product it attempts to deliver into that particular region of the world.

Firstly, the people are obvious assets. The technicians, producers, various reporters, correspondents and, deriving from them, the various experts they rely on for advice on a range of topical and usually public issues, and the contacts they have developed over time, all add value to their reporting of our immediate area. That probably goes with any broadcasting medium. But in the form of a public broadcaster, which broadcasts into an area of the world that is becoming increasingly difficult for this nation to live and engage in, that corporate knowledge in the organisation, the expertise and the history built up within those people over a period of many years is increasingly invaluable. So it is not just the technical expertise of the technicians, producers and so on—who can be hired, rehired and trained and who can move fairly well within both public and private industry, but the expertise and the value they bring to Radio Australia and the knowledge they bring to their tasks and their job—but their expertise, their history, their contacts, their ability to get into areas that ordinary arms of government or ordinary agents of the government may not be able to get into that adds value to that organisation. We, in the opposition, regard that as being something of real value and worthy of ongoing significant funding to maintain in the public area.

The second core asset of Radio Australia, after its people and the corporate knowledge they bring, is the markets that organisation broadcasts into. Senator Bourne has outlined in previous debates that it has been broadcasting since some time in the late 1940s or early 1950s. It started out with broadcasts only into Indonesia, which was going through a revolutionary period at that time, and then to Singapore and Malaysia, which I think was its limit. Over the next 40 or 50 years, it developed extra capacity and went further north, and east and west into China and India—both countries impact on Australia in a major way now and will increasingly do so over the next 20 years—and then further east into the Pacific Islands and as far north in the Pacific to Hawaii, a state of the United States. That little geographical rundown has no value in itself; it is the message that is sent by Radio Australia that is important. The elites and governments in those areas hear the values that this nation holds dear and critical. Expatriate Australians who live and do business in those areas are al-
ways interested in an Australian perspective that comes from a public broadcaster as opposed to a perspective that might come from a commercial broadcaster seeking to derive profit. I think somewhat more important to the ordinary people, the ordinary citizens, of those countries—most of whom have lived under what can at best be described as rather unpleasant authoritarian regimes for many years—is that the message they have received from their own governments has often been one of lies and misinformation while the messages they have received from broadcasts from the BBC out of the United Kingdom via its relayers and from Radio Australia have allowed them to be well-informed of developments in this part of the world and to perhaps make some sort of comparison or analysis of the messages they receive from broadcasting facilities in their own country.

The product that is going to those areas is the news, the documentaries, the information about Australia, the views that this country holds and wishes to transmit and broadcast about itself and, more importantly and more critically, the views this country might hold on particular events or discussions or issues or developments that are occurring right throughout the Pacific islands across into East Asia and to South Asia. Instead of just receiving the message of a one-party state or the government of a state, when you receive news or information broadcast from Radio Australia you receive not just the view of the government of the day or the opposition of the day or a particular politician of the moment who might be being broadcast; you receive in totality the diversity of views on a range of issues that comes out of this country. On nearly every issue that is topical or public or in the domain for debate, there are a diversity of views. People have differing views, often dearly held, and that diversity of viewpoint is what is important to put out into Asia for those ordinary people as well as elites in governments to listen to and hear and have regard to. It is worthwhile to put on the public record why the opposition hold dearly to Radio Australia and why we hold dearly to the ability to broadcast in an ongoing well-funded, well-organised way to the countries in our immediate area. It relates back to those things I identified—the people involved in the organisation, the markets that it serves and its capacity to deliver the product that it has.

Turning to the instant debate and the amendments moved by Senator Bourne on behalf of the Democrats: I do not want to go into them in detail, because Senator Cook has foreshadowed the position of the opposition. We have some sympathy for the aim of the Democrats in this debate but when the vote is called we will oppose the Democrats amendments. We will oppose them for three reasons: firstly, for the reasons stated by the government—we have listened to those reasons and we are attracted to their intrinsic sense; secondly, we do not know the consequences of amendments for commercial arrangements entered into by the government with Christian Broadcasters for Cox Peninsula; and, thirdly, the ABC has advised the opposition that they can successfully negotiate a commercial arrangement with Christian Broadcasters for the use of the transmission facility on Cox Peninsula. It was important to put on the record that that is the thinking of the opposition.

Amendments not agreed to.

Amendments (by Senator Ian Campbell)—by leave—proposed:

(1) Clause 2, page 1 (line 17), omit “This Act”, substitute “Subject to this section, this Act”.

(2) Clause 2, page 1 (after line 18), at the end of the clause, add:

(2) Schedule 2 commences immediately after the commencement of item 140 of Schedule 1 to the Broadcasting Services Amendment (Digital Television and Datacasting) Act 2000.

(3) Clause 3, page 2 (line 2), omit “Each Act”, substitute “Subject to section 2, each Act”.

(4) Page 33 (after line 35), at the end of the Bill, add:

Schedule 2—Designated teletext services

Broadcasting Services Act 1992

Paragraph 6(3)(k) of Schedule 4

Omit all the words after “the purpose”, substitute:

of the transmission of either or both of the following:

(i) datacasting services provided under, and in accordance with the
conditions of, datacasting licences;
(ii) designated teletext services;

2 Clause 49 of Schedule 6 (note)

Omit “Note”, substitute “Note 1”.

3 At the end of clause 49 of Schedule 6 (after the note)

Add:

Note 2: For exemptions for designated teletext services, see clause 51A.

4 Clause 50 of Schedule 6 (note)

Omit “Note”, substitute “Note 1”.

5 At the end of clause 50 of Schedule 6 (after the note)

Add:

Note 2: For exemptions for designated teletext services, see clause 51A.

6 After clause 51 of Schedule 6

Insert:

51A Exemption for designated teletext services

Clauses 49 and 50 do not apply to the provision of a designated teletext service (within the meaning of Schedule 4).

Radiocommunications Act 1992

7 Section 5

Insert:

designated teletext service has the same meaning as in Schedule 4 to the Broadcasting Services Act 1992.

8 Subsection 102(5)

Omit all the words after “has no effect”, substitute:

unless:

(a) the licensee holds a BSA datacasting licence authorising the provision of that service; or

(b) the service is a designated teletext service.

9 Subsection 102(6)

After “other than a test transmission” (first occurring), insert “or a transmission of a designated teletext service”.

10 Subsection 102A(5)

Omit all the words after “has no effect”, substitute:

unless:

(a) the licensee holds a BSA datacasting licence authorising the provision of that service; or

(b) the service is a designated teletext service.

11 Subsection 102A(6)

After “other than a test transmission” (first occurring), insert “or a transmission of a designated teletext service”.

Senator MARK BISHOP (Western Australia) (10.18 p.m.)—I thank the parliamentary secretary for that lengthy explanation of the government amendments! I advise on behalf of the opposition that the amendments were raised with the opposition late in the day by the government. We are of the view that they should have been fixed at the time of the digital TV date but, upon consideration of the material contained in the matters, the opposition shares the view of the government that they relate to technical matters that need to be fixed. Accordingly, the opposition will support the amendments.

Senator BOURNE (New South Wales) (10.19 p.m.)—These amendments were raised rather late with us too. In fact I thought that they had been fixed up when the bill went through. As far as I know, they relate to Channel 7 being able to keep running its teletext service, not as part of its datacasting service but just running its teletext service as it does. I imagine that that would then metamorphose in some way when the datacasting starts into a datacasting service and that they would do everything they have to under the bill when that happens. This is a service they have been running for years now, and it seemed reasonable to us at the time when the original bill was going through that they should be able to keep running it until they get into their real datacasting service. It seems reasonable to us now. We have had a look through the amendments and they do seem to be the same amendments that we had expected to go through with the bill, so we will be supporting them as well.

Amendments agreed to.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.
Third Reading

Motion (by Senator Ian Campbell) proposed:
That this bill be now read a third time.

Senator MARK BISHOP (Western Australia) (10.21 p.m.)—I just want to place on the record that the opposition, its amendments having failed, will vote against the third reading but, it being a late hour, will not divide and will not oppose the Senate’s message in the House.

Question resolved in the affirmative.

TELECOMMUNICATIONS LEGISLATION AMENDMENT BILL 2000

Second Reading

Debate resumed from 30 August, on motion by Senator Ellison:
That this bill be now read a second time.

Senator MARK BISHOP (Western Australia) (10.22 p.m.)—The Telecommunications Legislation Amendment Bill 2000 has been the subject of an inquiry by the Senate Environment, Communications, Information Technology and the Arts Legislation Committee. The minority report by ALP senators outlines areas of potential concern with the provisions of the bill that were raised during the inquiry process. Criticisms of the bill contained in submissions to the inquiry have been noted by Labor senators. Those criticisms relate to the following issues: (a) the bill does not address the issue of existing domain name registries being monopolies; (b) the bill does nothing to ensure competitive pricing; (c) competitive pressures will adequately regulate domain name allocation and naming policy, and consequently there is no need for this legislation; (d) the existence of the bill’s safety net measures might undermine the cooperative self-regulatory process; (e) the role of the ACA in managing electronic addressing and the clarity with which the circumstances for invoking the safety net measures are defined.

I will discuss each of these criticisms in turn but, first, a brief description of the bill’s provisions and the context of the bill’s introduction is warranted. The bill provides safety net mechanisms for the management of electronic addressing through the Australian Communications Authority and the Australian Competition and Consumer Commission. These safety net mechanisms are designed to be invoked in the event that attempts at self-regulation prove ineffective in managing electronic addressing. The government has indicated that it favours industry self-regulation for the management of electronic addressing services, which includes domain name allocation. Consultative processes for the formulation of a self-regulatory regime are presently being undertaken by au Domain Administration or auDA, which is an industry self-regulatory body for the au namespace. It formed two panels to investigate self-regulatory approaches to competition issues and naming policy issues through industry and public consultative processes. However, attempts at industry self-regulation over the last few years have consistently broken down or failed for various reasons. The provisions of this bill are intended to operate in the case of continuing failure of self-regulatory processes.

In response to a question I asked at the public hearing of the committee, Melbourne IT indicated that it has paid auDA $659,000 this financial year, pursuant to an agreement signed on 12 July 2000. auDA has stated that this financial support will enable it to continue to carry out its policy development role, and to continue with the Competition Model Advisory Panel process to introduce competition in the provision of domain names in au. The opposition will continue to observe these processes and their outcomes with interest.

The safety net mechanisms in this bill have the wide support of industry and government. This was evident from the absence of industry objections to the bill when the inquiry was first advertised and the limited number of concerns expressed when the inquiry was subsequently readvertised and its time frame extended. The bill comprises two schedules which implement the safety net mechanisms. The first schedule specifies circumstances in which the ACCC or the ACA can intervene in the management of electronic addressing. The second schedule establishes an alternative mechanism by
which the minister can give the ACA responsibility for managing a specified type of electronic addressing in consultation with the ACCC. This mechanism will only be invoked in exceptional circumstances where direct ACA management is the only viable alternative to management by a self-regulatory body.

I will turn now to criticism (a) of the bill raised during the committee inquiry. The criticism is that this bill does not overcome existing monopolies of domain name registries. The competition panel of auDA is presently working through competition issues so that they will be addressed by the self-regulatory scheme. It was argued that the legislation will not prevent anticompetitive conduct but that its existence could undermine the self-regulatory processes that ultimately aim to overcome such conduct. The effective monopolies of the existing domain name registries need to be addressed. A means by which there can be multiple registries for each of the domain name spaces needs to be established to allow a number of different companies to compete in the market. The wider competition policy in the United States, for example, allows many stakeholders to enter the market as a competitive domain name system. It was suggested to the committee that the US approach indicates that, at this stage, there are no operational threats to Internet domain name addressing which require—or justify—legislative intervention.

Turning to issue (b) identified during the inquiry: the criticism was that the bill does not resolve, nor does it seek to address, the issue of competitive pricing of domain names. There is a close connection between competitive pricing and competition between domain name registries. As I have already mentioned, each second-level domain in Australia is an effective monopoly. The committee was advised that competition in pricing is contingent on there being future competition between registries. According to Melbourne IT, the high price of registering domain names in Australia compared to US prices is a result of the complexity of Australian naming policy which requires a lot of manual administration. Thus, the complexity of the regulatory environment in terms of naming policy is determinative of the price to the extent that it impacts upon the cost of providing the service. Consequently, in the United States, where the system is fully automated and there is virtually no policy except that seven particular swearwords are unavailable, the cost ranges from as little as $5.99 into the hundreds of dollars. In Australia, .com.au retail prices are around $140. It is expected that the issue of competitive pricing will, to a large extent, be addressed by the implementation of a means for introducing competition to the provision of domain name services in Australia. The opposition will watch the development of this aspect of the regulatory scheme with interest.

The third criticism brought to the attention of the inquiry relates to the substance of domain name policies and competition issues. Industry favours the introduction of effective competition into the Australian market over regulatory policy for domain names which reflects that for business names. Ensuring there are multiple issuers of domain names and resultant competitive pressures is, according to industry, the more appropriate regulatory approach for domain names. Any analogy between company registration and domain name registration is considered inappropriate due to the global aspect of domain name policy. Domain name policy is not, however, a matter with which the bill is concerned. It will be an issue that the self-regulatory scheme will address based on the results of the relevant auDA panel investigations. Industry indicated support ‘for some degree of policy in .com.au’ to promote consumer confidence when addressing companies in .com.au.

Debate interrupted.

Senate adjourned at 10.30 p.m.

DOCUMENTS
Tabling

The following government documents were tabled:


Commonwealth Electoral Act—2000 Redistribution into electoral divisions—Western Australia—Report, together with maps showing proposed boundaries and names and compact disc containing submissions and transcripts of proceedings.


Tabling

The following document was tabled by the Clerk:
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Transport and Regional Services Portfolio: Agency Boards
(Question No. 2202)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 4 May 2000:

(1) Do chairpersons of any boards that administer agencies within the Minister’s portfolio receive any payments, or other allowances, in addition to those paid to other board members; if so: (a) what is the nature of these additional payments or allowances; and (b) how is the quantum of these additional payments determined.

(2) On how many occasions since January 1998 have the above payments been varied, and in each case: (a) what was the reason for the variation; (b) who determined the quantum of the variation; and (c) what was the quantum of the variation.

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

Civil Aviation Safety Authority (CASA)

(1)(a) The Board chairperson receives a higher level of remuneration than is paid to Board members—$51,600 per annum for the Chair, $21,700 per annum for members. The Chairperson does not receive any other payments or allowances that are different from those made to Board members.

(b) The rate is set by the Remuneration Tribunal.

Airservices Australia (AA)

(1)(a) The Chairperson receives a higher level of remuneration than is paid to other Board members—$51,600 per annum for the Chair and $21,700 per annum for other members. The Chairperson does not receive any other payments or allowances that are different from those made to other Board members.

(b) The rate is set by the Remuneration Tribunal.

National Rail Corporation (NRC)

(1) (a) The Chairperson receives a higher level of remuneration than is paid to other Board members—$51,600 per annum for the Chair, $21,700 per annum for other members. The Chairperson does not receive any other payments or allowances that are different from those made to other Board members.

(b) The National Rail Corporation Constitution provides that the three government shareholders determine the remuneration rates for the Chairperson and the Board. The National Rail shareholders determined in 1993 that these rates shall be consistent with rates set by the Remuneration Tribunal.

Australian Rail Track Corporation (ARTC)

(1)(a) The Chairperson receives a higher level of remuneration than is paid to other Board members—$51,600 per annum for the Chair, $21,700 per annum for other members. The Chairperson does not receive any other payments or allowances that are different from those made to other Board members.

(b) The rate is set by the Remuneration Tribunal.

Albury-Wodonga Development Corporation (AWDC)

(1)(a) The Chairperson receives a higher level of remuneration than is paid to other Board members—$32,600 per annum for the Chair, $500 per diem for the Deputy Chair and $420 per diem for other members. The Chairperson does not receive any other payments or allowances that are different from those made to other Board members.

(b) The rate is set by the Remuneration Tribunal.
National Capital Authority (NCA)
(1)(a) The Chairperson receives a higher level of remuneration than is paid to other Board members—$32,600 per annum for the Chair, $13,100 per annum for other members. The Chairperson does not receive any other payments or allowances that are different from those made to other Board members.
(b) The rate is set by the Remuneration Tribunal.

Australian River Co. Limited
(1)(a) The Chairperson receives a higher level of remuneration than is paid to other Board members—$520 per diem for the Chair, $470 per diem for the Deputy Chair, and $420 per diem for other members. The Chairperson does not receive any other payments or allowances that are different from those made to other Board members.
(b) The rate is set by the Remuneration Tribunal.

Stevedoring Industry Finance Committee (SIFC)
(1)(a) The Chairperson is the only Board member to receive remuneration—$18,600 per annum. The Chairperson does not receive any other payments or allowances that are different from those made to other Board members.
(b) The rate is set by the Remuneration Tribunal.

Australian Maritime College (AMC)
No payments are made to the Chair or other members.

Maritime Industry Finance Company (MIFCo)
The Chairperson receives payments and allowances as determined by the Remuneration Tribunal—$570 per diem.
Other members are not remunerated. The Chair also receives travel allowance determined by the Remuneration Tribunal. Other members are not remunerated.

Australian Maritime Safety Authority (AMSA)
(1)(a) The Chairperson receives a higher level of remuneration than is paid to other Board members—$39,300 per annum for the Chair, $25,800 per annum for the Deputy Chair, and $17,200 per annum for other members. The Chairperson does not receive any other payments or allowances that are different from those made to other Board members.
(b) The rate is set by the Remuneration Tribunal.

Casino Surveillance Authority (CSA)
(1)(a) The Chairperson receives a higher level of remuneration than is paid to other Board members. The annual fee for the Chairperson is $32,600 and for members $17,200.
(b) The fees are determined by the Remuneration Tribunal.

CASA
The payment applicable to the Chairperson has been varied twice since January 1998.
(2)(a) The variation resulted from the general review of fees and allowances.
(b) A Remuneration Tribunal Determination varied the payments with effect from 1 March 1999 and from 1 June 2000.
(c) The determination of 1 March 1999 resulted in the Chair’s fee increasing from $48,500 to $50,000 per annum, an increase of $1,500. The determination of 1 June 2000 resulted in the Chair’s fee increasing from $50,000 to $51,600, an increase of $1,600.

AA
The payment applicable to the Chairperson has been varied twice since January 1998.
(2)(a) The variation resulted from the general review of fees and allowances.
(b) A Remuneration Tribunal Determination varied the payments with effect from 1 March 1999 and from 1 June 2000.

(c) The determination of 1 March 1999 resulted in the Chair’s fee increasing from $48,500 to $50,000 per annum, an increase of $1,500. The determination of 1 June 2000 resulted in the Chair’s fee increasing from $50,000 to $51,600, an increase of $1,600.

**NRC**

Consistent with the decision of shareholders, all increases have been consistent with Remuneration Tribunal increases. The payment applicable to the Chairperson has been varied twice since January 1998.

(2)(a) The variation resulted from the general review of fees and allowances.

(b) A Remuneration Tribunal Determination varied the payments with effect from 1 March 1999 and from 1 June 2000.

(c) The determination of 1 March 1999 resulted in the Chair’s fee increasing from $48,500 to $50,000 per annum, an increase of $1,500. The Determination of 1 June 2000 resulted in the Chair’s fee increasing from $50,000 to $51,600, an increase of $1,600.

**ARTC**

Since February 1998, the date of the commencement of the Australian Rail Track Corporation, the Chairperson’s remuneration has been varied twice.

(2)(a) The variation resulted from the general review of fees and allowances for holders of public office.

(b) A Remuneration Tribunal Determination varied the payments with effect from 1 March 1999 and from 1 June 2000.

(c) The determination of 1 March 1999 resulted in the Chair’s fee increasing from $48,500 to $50,000 per annum, an increase of $1,500. The Determination of 1 June 2000 resulted in the Chair’s fee increasing from $50,000 to $51,600, an increase of $1,600.

**AWDC**

The payment applicable to the Chairperson has been varied twice since January 1998.

(2)(a) The variation resulted from the general review of fees and allowances.

(b) A Remuneration Tribunal Determination varied the payments with effect from 1 March 1999 and from 1 June 2000.

(c) These determinations resulted in the Chair’s fee increasing by $1,750 per annum and $1,100 per annum respectively.

**NCA**

The payment applicable to the Chairperson has been varied twice since January 1998.

(2)(a) The variation resulted from the general review of fees and allowances.

(b) A Remuneration Tribunal Determination varied the payments with effect from 1 March 1999 and from 1 June 2000.

(c) The determination of 1 March 2000 resulted in the Chair’s fee increasing by $1,750 per annum. The determination of 1 June 2000 resulted in the Chair’s fee increasing by $1,100 per annum.

**Australian River Co. Limited**

The payment applicable to the Chairperson has been varied four times since January 1998.

(2)(a) The variation resulted from the general review of fees and allowances.

(b) A Remuneration Tribunal Determination varied the payment with effect from 1 March 1999 and from 1 June 2000.
(c) Variations in remuneration for Australian River Co. (ARCo, formerly ANL) are as follows below. During the changeover from ANL to Australian River Co., ARCo’s remuneration was shifted from annual fees to part-time fees.

(i) Det 1997/16:
ANNUAL FEES (For ANL):
Chairperson: $48,500
Member: $19,850

(ii) Det 1999/3 (annual review of fees): increases annual and daily fees by an overall average of 5.5 per cent effective from 1 March 1999.
ANNUAL FEES: (replaced by part time fees 1 April 1999)
Chairperson: $50,000
Member: $21,000
PART TIME FEES: (replaced annual fees from 1 April 1999)
Chairperson: $500 per diem
Deputy Chair: $450 per diem
Member: $400 per diem
PART TIME FEES: (from 1 June 2000)
Chairperson: $520 per diem
Deputy Chair: $470 per diem
Member: $420 per diem

SIFC
The payment applicable to the Chairperson has been varied twice since January 1998.

(2)(a) The variation resulted from the general review of fees and allowances.
(b) A Remuneration Tribunal Determination varied the payment with effect from 1 March 1999 and from 1 June 2000.
(c) Remuneration Tribunal Determination 1999/3 (annual review of fees): increased annual fees by an overall average of 5.5 per cent.

AMC
Not applicable.

MIFCo
The payment applicable to the Chairperson has been varied twice since January 1998.

(2)(a) The variation resulted from the general review of fees and allowances.
(b) A Remuneration Tribunal Determination varied the payment with effect from 1 March 1999 and from 1 June 2000.
(c) Remuneration Tribunal Determination 1999/3 (annual review of fees) increased fees by an overall average of 5.5 per cent. Remuneration Tribunal Determination 1999/3 consolidated as at 27 July 2000 adjusted rates of fees by 3.2 per cent.

AMSA
The payment applicable to the Chairperson has been varied twice since January 1998.

(2)(a) The variation resulted from the general reviews of fees and allowances.
(b) A Remuneration Tribunal Determination varied the payments with effect from 1 March 1999 and from 1 June 2000.
(c) Remuneration Tribunal Determination 1999/3 (annual review of fees) consolidated as at 18 May 1999 increased fees by an overall average of 5.5 per cent. Remuneration Determination 1999/3 consolidated as at 27 July 2000 increased rates of fees by 3.2 per cent.

CSA

The payment applicable to the Chairperson has been varied twice since January 1998.

(2)(a) The variations were due to the Remuneration Tribunal inquiry under subsections 7(3) and 7(4) of the Remuneration Tribunal Act 1973.

(b) A Remuneration Tribunal Determination varied the payment with effect from 1 March 1999 and from 1 June 2000.

(c) The annual fee for the Chairperson was increased from $29,750 to $31,500 in March 1999 and to $32,600 in June 2000.

2002: The Year of the Outback
(Question No. 2398)

Senator Greig asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 26 June 2000:

(1) Is it a fact that on 20 November 1999 at Longreach in Queensland, the Minister endorsed the year 2002 as Australia’s ‘Year of the Outback’.

(2) Was a meeting held with the Outback Highway Development Council to discuss the possibility of funding for the proposal known as ‘The Outback Highway’, which would stretch from Laverton in Western Australia to Winton in Queensland.

(3) Has the Minister seen the financial estimates for the upgrading of ‘The Outback Highway’ available at the Outback Highway Development Council website, www.outback-hwy.gov.au

(4) Will the Commonwealth Government match money provided by the states, on a dollar-for-dollar basis, to pay for the upgrade to an all-weather road as a gesture of goodwill in readiness for the ‘Year of the Outback’.

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

(1) Yes. The Minister confirmed the Federal Government’s support for the Australian Year of the Outback in 2002. The Government has provided funding of $2m over the next three years to assist in the preparation of a comprehensive Business Plan to cover all facets of the Year of the Outback and to seed regional initiatives.

(2) Yes. The Minister met with the Outback Highway Development Council who have made him aware of the group’s funding proposal for the route.

(3) Yes. The Minister is aware of the cost estimates of upgrading the ‘Outback Highway’.

(4) The only Commonwealth programme under which funding could be provided for the Outback Highway is the Roads of National Importance (RONI) programme.

Any proposal for RONI funding for the Outback Highway would need to come from the State/Territory governments involved (Queensland, Northern Territory and Western Australia) all of whom would need to attach a higher priority to the Outback Highway than any other RONI proposals from those governments.

As no funds are available for this project, it would be necessary for the States to reorder priorities for their existing RONI projects to fund it.

Networking the Nation: South Australia
(Question No. 2556)

Senator Schacht asked the Minister for Communications, Information Technology and the Arts, upon notice, on 6 July 2000:
(1) Can the Minister provide details of a grant to the Local Government Association of South Australia of $1.5 million for the provision of public access to the Internet in public libraries in country regions of South Australia.

(2) Is the Minister aware of cuts and savings imposed on the Libraries Board of South Australia totalling $1.5 million.

(3) What procedures does the Minister have in place to ensure that entities that take the initiative under the Minister’s Networking the Nation program are not subject to corresponding funding cuts by the relevant state governments.

(4) Has the Minister addressed the issue of ‘cost shifting’ from the states to the Commonwealth under this program.

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

(1) A grant of $1,502,400 was approved by the Networking the Nation Board in August 1998 to establish internet access points in regional public libraries in South Australia and Regional Development Board offices. The project is being implemented by a consortium comprising the South Australian Regional Development Association, the South Australian Public Libraries Automated Information Network and the South Australian Local Government Association.

The facilities provide regional communities with free access to online services and information. Networking the Nation funding covers the computers and related equipment, fitout and provision of training through those access points.

(2) No. Funding for the Libraries Board of South Australia is the responsibility of the South Australian Government.

(3) and (4) I do not have responsibility for funding decisions made by relevant State or Territory Governments, but I have approved guidelines for the Networking the Nation program. These guidelines include the selection criteria that applicants must address.

Under the key selection criteria ‘Meeting Needs’, it is stated that applicants must, “Show that the project would not duplicate any existing similar infrastructure, service or initiative in, or to, the targeted area, including services provided by Federal or State and Territory Government agencies and grants provided by governments or other sources”.

In addition, the Networking the Nation Funding Priorities and Principles Fact Sheet provides details of the funding priorities of the Networking the Nation Board. This fact sheet has been developed on the basis of the Board’s consideration of a broad range of proposals against the program’s selection criteria, during the life of the program.

This fact sheet states that the Board will consider proposals from Commonwealth/State/Territory and Local Government Departments/Agencies on a case-by-case basis and “…funding will not be provided for agencies to undertake activities which are considered to be their core business. Priority will be given to projects which:

- will serve, and have been developed in consultation with, the broader community in regional, rural and remote areas, in addition to the organisation’s target group; and
- include a significant cash contribution from the organisation’s normal funding source, with the expected contribution varying depending on the nature of the proposal; and
- would achieve more than just supplementation of the current activities of the organisation; and
- use telecommunications services and infrastructure to provide services in innovative ways.”

**Department of Employment, Workplace Relations and Small Business: Salaries**

(1) What was the departments total outlay on salaries and salary-related costs in the financial years: (1996-97); (b) 1997-98; (c) 1998-99; and (d) 1999-00.
(2) As a dollar amount and as a percentage of the department’s total outlay on salaries, what was the cost of contracts for outsourced services and functions in the financial years: (a) 1996-97; (b) 1997-98; (c) 1998-99; and (d) 1999-00

Senator Alston—The Minister for Employment, Workplace Relations and Small Business has provided the following answer to the honourable senator’s question:

<table>
<thead>
<tr>
<th>(1)</th>
<th>Total outlay on salaries and salary related costs: $</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) 1996-97</td>
<td>31,474,000</td>
</tr>
<tr>
<td>(b) 1997-98</td>
<td>43,376,000</td>
</tr>
<tr>
<td>(c) 1998-99</td>
<td>98,139,000</td>
</tr>
<tr>
<td>(d) 1999-2000</td>
<td>135,163,000</td>
</tr>
</tbody>
</table>

Note: the outlays in the latter two years reflect the change in the size of the Department after the Administrative Arrangements Orders (AAO) of 20 October 1998 when the employment function was added to the Workplace Relations and Small Business Portfolio. Salary costs for 1998-1999 include expenses relating to the employment function for the 8.3 months following the AAO; for 1999-2000 they include a full year of the expense for the employment function.

<table>
<thead>
<tr>
<th>(2)</th>
<th>Costs of contracts for outsourced services and functions: $</th>
<th>% of total salaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) 1996-97</td>
<td>1,072,881</td>
<td>3.41%</td>
</tr>
<tr>
<td>(b) 1997-98</td>
<td>1,642,415</td>
<td>3.79%</td>
</tr>
<tr>
<td>(c) 1998-99</td>
<td>36,559,005</td>
<td>37.25%</td>
</tr>
<tr>
<td>(d) 1999-2000</td>
<td>27,531,742</td>
<td>20.37%</td>
</tr>
</tbody>
</table>

Note: As for salaries, the costs of contracts for outsourced services and functions in the department increased markedly after the employment function joined the department.

The costs provided for contracts for outsourced services and functions do not include the costs of the Job Network.

During 1996-1997 The Commonwealth Employment Service (CES) delivered employment services. As a result of the decision in relation to Reforming Employment Assistance, the CES was closed on 30 April 1998 and labour market programmes were cashed out to establish a contestable employment services market called Job Network. Job Network members commenced delivering services under contractual arrangements with the Commonwealth from 1 May 1998. The Job Network came to be administered by DEWRSB after the AAO of 20 October 1998.

The first Job Network contract period concluded on 27 February 2000, with some Job Network members continuing to provide service under this contract and remaining eligible for payments into 2001. The second contract period commenced 28 February 2000.

For 1998-1999, the allocation for Job Network was $805.9m

For 1999-2000, the allocation for Job Network was $834.7m

Department of Education, Training and Youth Affairs: Salaries

(1) What was the Department’s total outlay on salaries and salary-related costs in the financial years: (a) 1996-97; (b) 1997-98; (c) 1998-99 and (d) 1999-00.

(2) As a dollar amount and as a percentage of the Department’s total outlay on salaries, what was the cost of contracts for outsourced services and functions in the financial years: (a) 1996-97; (b) 1997-98; (c) 1998-99 and (d) 1999-00.

Senator Ellison—The Minister for Education, Training and Youth Affairs has provided the following answer to the honourable senator’s question:

(1) In the financial year 1999-00, the Department’s total outlay on salaries and salary related costs was $86,113m.
(2) The cost for outsourced departmental services and functions contracted in the financial year 1999-00 was an expenditure of $8,223,846 representing 9.55% of the Department’s total outlay on salaries for that financial year.

Data for previous years is unavailable for comparative purposes as a result of Machinery of Government changes in October 1998.

National Crime Authority: Matters Referred
(Question No. 2628)

Senator Murray asked the Minister representing the Attorney-General, upon notice, on 28 July 2000:

With reference to the answer to question on notice no. 2195 (Hansard, 26 June 2000, page 14673) in which the Minister indicated that two matters relating to corruption were referred to the National Crime Authority for investigation, how many matters of a general nature or otherwise, irrespective of whether the case related to corruption, were referred for the investigation of: (a) members of State or Commonwealth Parliaments or the staff; (b) members of the judiciary or their staff; (c) people who might reasonably be classified as senior public servants; and (d) any registered political party, its staff or executive members. (This extends to criminal activity of any kind and, is not limited to corruption offences).

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

With reference to the answer to question on notice no 2195 (Hansard, 26 June 2000, p. 14673) the answer did not indicate that two matters relating to corruption were referred to the National Crime Authority for investigation. As stated in that answer, the present references are issued to the NCA in broad terms. The references do not name specific individuals rather they refer to allegations of a general nature. The answer referred only to those of the many allegations within the references which in their terms could relate to the persons in the categories (a) to (d).

Because the broad terms of those references do not restrict the NCA as to who may be investigated, they do not specifically identify persons in the categories (a) to (d), whether in relation to corruption or more generally.

As stated in my previous answer, prior to the issue of the present form of references in 1998, specific persons were named for the purpose of NCA references. However the Authority has no direct knowledge that any of those persons came within the categories (a) to (d) between March 1996 and 1998.

Department of Foreign Affairs and Trade: Public Opinion Research
(Questions Nos 2652 and 2657)

Senator Faulkner asked the Minister representing the Minister for Foreign Affairs and the Minister for Trade, upon notice, on 9 August 2000:

(1) Since 1 July 1999, has the department, or any agency in the portfolio, commissioned or participated in any way in public opinion research in non-metropolitan areas; if so, which agency or which functional area of the department.

(2) What was the purpose of this research and what were the objectives as set out for the research company or body when commissioned.

(3) Was any of this research designed to test the reaction of rural and regional constituents to Federal Government decisions, policies or potential policies, in any way similar to the research described in the Sunday Telegraph, 23 July 2000, page 81.

(4) (a)Which company or other body carried out the research; (b) what were the research methods to be used; and (c) what was the expected timetable for this research.

(5) Was any of the work sub-contracted to any other company or body; if so, why, and to which company or body.

(6) What were the results of this research.
(7) Who made the request that this research be undertaken, and who authorised the expenditure.
(8) What was the estimated cost of this research, and what was the total cost.
(9) How will the results of this research be used.

**Senator Hill**—The Minister for Foreign Affairs and the Minister for Trade have provided the following answer to the honourable senator’s question:

**Department of Foreign Affairs and Trade (DFAT)**

(1) For details of research jointly commissioned by DFAT and Austrade, see answer provided under Austrade. Apart from this research, the Department of Foreign Affairs and Trade has not commissioned any public opinion research in non-metropolitan areas. However, in 1999, the Department provided advice on the development of a questionnaire for a survey by PricewaterhouseCoopers, for their client, the Australian Services Network. The title of the survey was “Exports of Services: Path to Prosperity Survey of Business Interests in the WTO and GATS”.

(2) PricewaterhouseCoopers said the purpose was to help ensure the government negotiating team to the Seattle WTO Ministerial Conference was well briefed on issues concerning Australian businesses trading services internationally prior to the resumption, in December 1999, of mandated multilateral negotiations on services.

(3) No.

(4)(a) PricewaterhouseCoopers and the Australian Services Network.
(b) A questionnaire was sent out to Australian services companies.
(c) The report was finalised before the WTO Ministerial Conference in November-December 1999.

(5) No

(6) Respondents to the survey indicated the need for an integrated government-industry strategy for the WTO services negotiations.

(7) PricewaterhouseCoopers and the Australian Services Network initiated the survey. There was no government expenditure.

(8) There was no cost to the Government.

(9) DFAT is using the report to refine its negotiating strategy for the WTO services negotiations and to identify market access barriers.

**AusAID**

(1) No.

**Austrade**

(1) Yes. Since 1 July 1999, the Corporate Communications Unit of Austrade, and the Images of Australia Branch of the Department of Foreign Affairs and Trade (DFAT), jointly commissioned research undertaken by Newspoll (May 2000) and Bennett Research (June 2000). The research samples included metropolitan and non-metropolitan areas of Australia.

(2) Austrade and the Department of Foreign Affairs and Trade commissioned quantitative research by Newspoll in May 1999 to establish baseline data on community attitudes to trade and exports. Specifically, data was collected on: what is an export?; contribution of exports to the Australian community; contribution of exports to the individuals’ standard of living; awareness of the jobs created by exports; understanding of tariffs and tariff levels; and awareness of Austrade and DFAT.

A similar quantitative study was commissioned in May 2000 to track changes in community awareness about these issues. In addition, qualitative research was commissioned in June 2000 to explore public attitudes in greater depth. This qualitative research sought to identify and gain insights into the reasons for the opinions which people hold on the surface, and how this network of reasoning drives the underlying structure of attitudes which help determine perceptions and opinion formation.

(3) No.

(4) May 2000 research:
(a) Newspoll Market Research.
(b) Quantitative – a telephone omnibus survey was conducted of 1,200 respondents aged 18 years and over, using a stratified random sample process which included a set quota for each capital city and non-capital city area.
(c) The telephone interviews were conducted during the period 19-21 May 2000.

June 2000 research:
(a) Bennett Research Australia Pty Ltd.
(b) Qualitative – 5 focus groups were conducted in Parramatta (2), North Sydney (1), Dubbo (1) and Mackay (1).
(c) The focus group interviews were conducted during the month of June 2000.
(5) The research was carried out by professional market research companies, as outlined in the answer to question 4, in order to ensure that the surveys were carried out effectively and professionally.
(6) Findings of Newspoll research (May 2000):
. Awareness of Austrade is at 67%.
. Survey respondents were evenly split between believing tariffs were too high, too low, about right and didn’t know.
. Fewer than 15 per cent of respondents felt they were well informed about trade issues. A further 40 per cent felt they weren’t knowledgeable, but would like to know more.
. Awareness of DFAT’s role in assisting Australians overseas is at 70%.

Findings of Bennett Research (June 2000):
. Knowledge of exports among focus group participants was strongly related to primary products.
. Participants’ understanding of the impact of exports on their daily lives was limited.
. Opinions expressed about trade focused on imports and inwards investment.
. Views about international trade rules focused on Australia’s ability to influence trade terms and conditions.
(7) The research was undertaken at the initiative of Austrade’s Corporate Communications Unit, to help inform the Unit’s work. Austrade’s portion of the cost was authorised by David Rose, Senior Manager, Corporate Communications.
(8) The estimated cost of the research was $30,000.
(9) The results of this research are being used to inform Austrade’s work on developing programs to show Australians the benefits of overseas trade and to raise awareness of export assistance programs (as set out in the Portfolio Budget Statement, p87).

Export Finance and Insurance Corporation (EFIC)
(1) EFIC has undertaken a range of research projects, broadly aimed at measuring client perception of the quality of its services. None of the projects were conducted specifically with respondents from non-metropolitan areas, but in most cases, there were respondents from both metropolitan and non-metropolitan areas.
(2) EFIC has commissioned four separate public opinion research projects:
(i) To measure and identify ways to improve client satisfaction.
(ii) To understand why clients cancel their insurance policies and measure satisfaction of cancelled clients.
(iii) To understand client reactions to the new EFICAssist policy (developed for Small-Medium Exporters).
(iv) To understand and identify ways to improve client satisfaction amongst Working Capital clients.

(3) No.

(4)(a)(i) Newspoll / Eureka Strategic Research
(ii) Susan Bell Research / Newspoll
(iii) Susan Bell Research
(iv) Susan Bell Research

(b)(i) Annual telephone survey / face to face or telephone depth interviews
(ii) Monthly telephone survey
(iii) Face to face depth interviews
(iv) Face to face or telephone depth interviews

(c)(i) November 1999 and April 2000
(ii) Each month
(iii) September 1999
(iv) July 1999

(5) No.

(6) Our clients are generally satisfied with our services (even those who have cancelled their policies). As a result of each research project, EFIC has been able to identify areas for improvement and development.

(7) All projects were requested and authorised by EFIC management.

(8) Actual agency costs were:

(i) $44,057
(ii) $10,015
(iii) $14,500
(iv) $10,000

(9) The research will be used to improve EFIC’s client satisfaction and services.

**Department of Family and Community Services: Public Opinion Research**

*(Question No. 2656)*

Senator Faulkner asked the Minister for Family and Community Services, upon notice, on 9 August 2000:

(1) Since 1 July 1999, has the department, or any agency in the portfolio, commissioned or participated in any way in public opinion research in non-metropolitan areas; if so, which agency or which functional area of the department.

(2) What was the purpose of this research and what were the objectives as set out for the research company or body when commissioned.

(3) Was any of this research designed to test the reaction of rural and regional constituents to Federal Government decisions, policies or potential policies, in any way similar to the research described in the *Sunday Telegraph*, 23 July 2000, page 81.

(4) (a)Which company or other body carried out the research; (b) what were the research methods to be used; and (c) what was the expected timetable for this research.

(5) Was any of the work sub-contracted to any other company or body; if so, why, and to which company or body.
The answer to the honourable senator’s question is as follows:

The table below details public opinion research conducted in non-metropolitan areas. The response includes public opinion research covering both metropolitan and non-metropolitan respondents, as well as research focussing exclusively on non-metropolitan respondents.

The response does not provide details of 49 Centrelink market research projects, all of which were for the purpose of testing public information material. We do not believe any value would be added in actioning these items, and to do so would require committing excessive resources and time. These projects are of a minor nature and constitute letters, forms and information product research, publication research, customer surveys and communication research. A more detailed outline including the project titles, Research Company and date undertaken can be found at the end of this document. However, the response does include surveys of Centrelink customers by the Department of Family and Community Services for the purpose of policy development and evaluation.

<table>
<thead>
<tr>
<th>Project</th>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Attitudes Surveys in metropolitan and non-metropolitan areas</td>
<td>1</td>
<td>Centrelink.</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>The objective of the Community Attitudes Survey is to assess community perceptions of, and familiarity with Centrelink compared to a range of other organisations in the Australian community.</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>No.</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>(a) The Community Attitudes Survey is conducted on behalf of Centrelink by Roy Morgan Research as part of their omnibus survey - the Consumer Opinion Trends Survey. (b) Data is collected through face-to-face interviews. (c) These surveys are run bi-annually in May/June and November/December each year.</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>No.</td>
</tr>
<tr>
<td></td>
<td>6</td>
<td>The results indicate that generally the public is less familiar with Centrelink than with other large, well established organisations, such as Telstra and Australia Post.</td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>The research and associated expenditure for the first two surveys was proposed and approved by the National Manager, Centrelink Customer Service Improvement Team.</td>
</tr>
<tr>
<td></td>
<td>8</td>
<td>Both the estimated and total costs of the Community Attitudes Surveys run since 1 July 1999 was $53,100.</td>
</tr>
<tr>
<td></td>
<td>9</td>
<td>The community attitudes data is used by Centrelink, along with customer feedback and other organisational performance data, to help inform its strategic and business planning activities.</td>
</tr>
<tr>
<td>Community Service Providers Satisfaction Survey</td>
<td>1</td>
<td>Child Support Agency.</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>The purpose of the research was to produce a robust measure of community organisations’ satisfaction with CSA. As part of the project, the researchers sought to: - develop a Community Service Providers’ (CSPs) Satisfaction Index. - provide initial reporting against Challenge 2 of CSA’s...</td>
</tr>
</tbody>
</table>
Project Question Response

1998-1999 Business Plan which is to ‘build a community focus’.
- develop benchmarks of CSP satisfaction with CSA.

3
No.

4
(a) Data collection was undertaken via a postal survey designed by Corporate Diagnostics. Analysis and reporting was also undertaken by Corporate Diagnostics.
(b) The research methods comprised two stages. Stage 1 involved qualitative in-depth interviews with CSA Community Relations Officers and several CSPs and a workshop with CSPs to provide the conceptual model and Stage 2 methodology. Stage 2 involved a postal survey distributed to 1703 CSPs.
(c) Qualitative workshops were undertaken in July 1999, the postal survey was completed in May 2000 with preliminary results available in June 2000 and completion of the final report expected in November 2000.

5
Four Design was commissioned to design the survey forms. Printing of the survey was undertaken by Goanna Print. Mail merge and postage by the Canberra Mailing House and data entry by Commercial Computer Centre.

6
Preliminary results show that CSPs’ satisfaction with the professional characteristics of CSA staff was found to be generally very good to excellent with all issues rating an average of 3.6 or higher on a 5 point scale. The survey has provided CSA with information on the products and services that would benefit community service providers. It has also provided useful feedback on their satisfaction with CSA’s effectiveness, quality of relationship with community organisations, outcome of their interaction and government cooperation.

7
The research was undertaken as part of the CSA’s evaluation framework for the 1999-2000 financial year. Expenditure was authorised by the Assistant General Manager, Business Strategy Branch.

8
The contract price was $45,130 which included an estimated amount of $8,500 for data entry, design and printing. The total cost will not be available until the research is finalised.

9
The results will be used to identify opportunities to improve the level of support the CSA provides to Community Service Providers to assist CSA clients with their child support responsibilities.

2000 Client Satisfaction Survey

1
Child Support Agency.

2
The purpose of the research was to evaluate overall client satisfaction with CSA service. As part of the project, the researchers sought to:
- measure current level of satisfaction clients have with CSA.
- Compare data analysis with previous surveys to measure any movements in the level of satisfaction.

3
No.

4
(a) Data collection was undertaken by Colmar Brunton Social Research and Marketing and Research Associates; data analysis and reporting was conducted by Corporate Diagnostics.
(b) The research methodology comprised computer aided
<table>
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<tr>
<th>Project</th>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>telephone interviewing (CA TI) of 2210 CSA clients. (c) CA TI was conducted between 6 and 27 March 2000 with the analysis and reporting completed by July 2000.</td>
<td>No sub-contractors were engaged for this project. All contracts were managed by the CSA.</td>
</tr>
<tr>
<td>5</td>
<td>No sub-contractors were engaged for this project. All contracts were managed by the CSA.</td>
<td>The results show that overall client satisfaction has remained consistent with previous surveys and the differences between payer and payee satisfaction with CSA have remained. Satisfaction with the Charter service commitments is the area that has shown most improvement. For the first time CSA measured client satisfaction against the demographic variables of ‘contact with children’ and ‘extent of cooperation between parents’. The results indicated that parents who are satisfied with the contact arrangements and have a cooperative relationship with their ex-partner are more satisfied with the service CSA provides. These findings highlight that there are additional dimensions to CSA client satisfaction beyond client service issues.</td>
</tr>
<tr>
<td>6</td>
<td>The results show that overall client satisfaction has remained consistent with previous surveys and the differences between payer and payee satisfaction with CSA have remained. Satisfaction with the Charter service commitments is the area that has shown most improvement. For the first time CSA measured client satisfaction against the demographic variables of ‘contact with children’ and ‘extent of cooperation between parents’. The results indicated that parents who are satisfied with the contact arrangements and have a cooperative relationship with their ex-partner are more satisfied with the service CSA provides. These findings highlight that there are additional dimensions to CSA client satisfaction beyond client service issues.</td>
<td>The research was undertaken as part of the CSA’s evaluation framework for the 1999-2000 financial year. Expenditure was authorised by the Assistant General Manager, Business Strategy Branch.</td>
</tr>
<tr>
<td>7</td>
<td>The research was undertaken as part of the CSA’s evaluation framework for the 1999-2000 financial year. Expenditure was authorised by the Assistant General Manager, Business Strategy Branch.</td>
<td>The total cost was $104,045. This was $8,960 more than estimated due to re-analysis of data following the quality assurance procedures.</td>
</tr>
<tr>
<td>8</td>
<td>The total cost was $104,045. This was $8,960 more than estimated due to re-analysis of data following the quality assurance procedures.</td>
<td>These results will be integrated with other research findings to better determine the needs of CSA clients.</td>
</tr>
<tr>
<td>9</td>
<td>These results will be integrated with other research findings to better determine the needs of CSA clients.</td>
<td>The research was undertaken as part of the CSA’s evaluation framework for the 1999-2000 financial year. Expenditure was authorised by the Assistant General Manager, Business Strategy Branch.</td>
</tr>
<tr>
<td>Professionalism Surveys November 1999 and May 2000</td>
<td>The purpose of the research was to measure client perceptions of the professionalism of CSA staff.</td>
<td>No.</td>
</tr>
<tr>
<td>2</td>
<td>The purpose of the research was to measure client perceptions of the professionalism of CSA staff.</td>
<td>Data collection was undertaken by Marketing and Research Associates. Analysis and reporting was conducted by Corporate Diagnostics.</td>
</tr>
<tr>
<td>3</td>
<td>Data collection was undertaken by Marketing and Research Associates. Analysis and reporting was conducted by Corporate Diagnostics.</td>
<td>(a) Data collection was undertaken by Marketing and Research Associates. Analysis and reporting was conducted by Corporate Diagnostics.</td>
</tr>
<tr>
<td>4</td>
<td>(a) Data collection was undertaken by Marketing and Research Associates. Analysis and reporting was conducted by Corporate Diagnostics.</td>
<td>(b) The research methodology comprised computer aided telephone interviewing (CA TI) of 600 CSA clients.</td>
</tr>
<tr>
<td></td>
<td>(b) The research methodology comprised computer aided telephone interviewing (CA TI) of 600 CSA clients. (c) CA TI for the November 1999 survey was conducted between 11 and 21 November 1999 with the analysis and reporting completed by January 2000. CA TI for the May 2000 survey was conducted from 4-15 May with the analysis and reporting completed by June 2000.</td>
<td>CA TI for the November 1999 survey was conducted between 11 and 21 November 1999 with the analysis and reporting completed by January 2000. CA TI for the May 2000 survey was conducted from 4-15 May with the analysis and reporting completed by June 2000.</td>
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<tr>
<td>5</td>
<td>CA TI for the November 1999 survey was conducted between 11 and 21 November 1999 with the analysis and reporting completed by January 2000. CA TI for the May 2000 survey was conducted from 4-15 May with the analysis and reporting completed by June 2000.</td>
<td>No sub-contractors were engaged for this project. All contracts were managed by the CSA.</td>
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<tr>
<td>6</td>
<td>No sub-contractors were engaged for this project. All contracts were managed by the CSA.</td>
<td>Results of the two professionalism surveys clearly showed that:</td>
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<td></td>
<td>Results of the two professionalism surveys clearly showed that:</td>
<td>- Overall staff professionalism has been maintained in the past 12 months.</td>
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<tr>
<td></td>
<td>- Overall staff professionalism has been maintained in the past 12 months.</td>
<td>- The score given by payers has increased significantly since professionalism was first measured in May 1998.</td>
</tr>
<tr>
<td></td>
<td>- The score given by payers has increased significantly since professionalism was first measured in May 1998.</td>
<td>- Payees’ rating of staff professionalism has remained fairly constant in all surveys.</td>
</tr>
<tr>
<td>7</td>
<td>- Payees’ rating of staff professionalism has remained fairly constant in all surveys.</td>
<td>The research was undertaken as part of the CSA’s evaluation framework for the 1999-2000 financial year. Expenditure was authorised by the Assistant General Manager, Business Strategy Branch.</td>
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<tr>
<td>Project</td>
<td>Question</td>
<td>Response</td>
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<tr>
<td>Change of Assessment Client</td>
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<td>Satisfaction Survey</td>
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<tr>
<td>Regional Service Centre Client</td>
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<td>Satisfaction Survey</td>
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The purpose of the research was to evaluate the measure to introduce a minimum child support assessment from 1 July 1999. The project was designed to evaluate implementation of the policy initiative to introduce a minimum child support assessment. As part of the project, the researchers also sought to:

- identify specific payer groups (eg by source of income, ethnicity, current family composition, nature of employment, payment arrangement, geographical location, contact with children);
- identify specific payee groups (eg by source of income, ethnicity, current family composition, payment arrangement etc);
- assess its positive or negative impacts on different client groups;
- investigate its impact on the general community and community sector;
- determine whether it has had any effect on care arrangements of children, proportion of private collect cases, or non-agency payments;
- identify where it is working and where it is not; and
- identify any problems in collection.

No.

(a)Data collection was undertaken by CSA staff; survey forms were designed by Four Design and printed by Goanna Print; data entry is currently being undertaken by Commercial Computer Centre; analysis and reporting will be conducted by Corporate Diagnostics.

(b)The research methodology comprised survey forms handed out to clients following a face-to-face appointment.

(c)Survey forms will be handed out between 1 September and 30 November 2000 with preliminary analysis of the September surveys completed by November 2000 and the final report completed in early 2001.

5 No sub-contractors were engaged for this project. All contracts were managed by the CSA.

6 The research has not been finalised.

7 The research is being undertaken as part of the CSA's evaluation of the Regional Service Centre initiative. Expenditure was approved by the Assistant General Manager, Business Strategy Branch.

8 The estimated cost is $37,937. The total cost will not be available until the research is finalised.

9 The results will form part of an overall evaluation of the Regional Service Centre initiative.
<table>
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<tr>
<th>Project</th>
<th>Question</th>
<th>Response</th>
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<tbody>
<tr>
<td>2000, an interim paper completed in July 2000, with completion of the final report expected in late October 2000.</td>
<td>5</td>
<td>Lane Printing Pty Ltd was commissioned to print and post letters to 10,000 randomly selected clients, notifying them of the study and requesting their participation.</td>
</tr>
<tr>
<td>The research clearly showed that there was broad support for the principle of applying a minimum assessment to child support cases. There was little dissenting opinion on this issue, with the greatest negativity coming from payers surveyed, where 30 per cent thought that it was not reasonable to pay $5 a week in child support. The quantitative research showed that there was a general acceptance of the measure and that most clients were able to meet their obligations. The qualitative research complemented these findings, by identifying issues that had a significant impact on those clients who had the greatest difficulties.</td>
<td>6</td>
<td>The research was undertaken as part of the CSA’s research program for the 1999-2000 financial year. Expenditure was authorised by the Assistant General Manager, Client and Community Branch.</td>
</tr>
<tr>
<td>The cost was $70,670. This was $5,640 more than the estimated cost because additional client interviews were undertaken at CSA request.</td>
<td>7</td>
<td>The results will be used to identify improvements that may be made to the policy and administration of the measure.</td>
</tr>
<tr>
<td>The research was to market test a series of design concepts for the International Year. The objectives were to ascertain the acceptance of the imagery from non-volunteers, volunteers under and over 30.</td>
<td>8</td>
<td>No.</td>
</tr>
<tr>
<td>(a) Orima Research. (b) Focus groups. (c) 22 &amp; 25 August, 3 October &amp; 5 October 2000.</td>
<td>9</td>
<td>No.</td>
</tr>
<tr>
<td>One particular design has been selected.</td>
<td>10</td>
<td>No.</td>
</tr>
<tr>
<td>Research was requested and expenditure authorised by the Assistant Secretary, Community Branch.</td>
<td>11</td>
<td>$30,000 estimated, actual, $31,000.</td>
</tr>
<tr>
<td>The research will guide placement and further development of imagery used for the Year.</td>
<td>12</td>
<td>The results will be used to identify improvements that may be made to the policy and administration of the measure.</td>
</tr>
<tr>
<td>The Commonwealth Child Care Advisory Council (CCCAC) has commissioned four research projects since 1 July 1999 and beyond as requested by Minister Newman in May 1999.</td>
<td>13</td>
<td>(a) The purpose of the research was to inform the Council’s inquiry into the nature of and demand for child care in 2001 and beyond. (b) The objectives set out for the first ‘State of Play’ study conducted by AIFS were to investigate and report on the views of parents and families of children using child care on: - the extent to which the current child care system meets the needs of parents and children; - the major child care issues facing parents and families now and in the next 5-10 years; - the specific issues that relate to the provision of sick care and children with special needs;</td>
</tr>
</tbody>
</table>
- the specific issues that relate to the provision of child care in rural and remote areas and for the children of shift workers;
- the elements of the current child care system that parents and families may wish to change, and how, in order of priority;
- what would represent and ‘ideal type’ of child care system; and
- what factors, in order of priority, contribute most to quality in child care.

The objectives set out in the second ‘State of Play’ study undertaken by SPICE were to investigate and report on the views of child care services and staff, and employers generally, on:
- the extent to which the current child care system meets the needs of child care services and employers;
- the major child care issues facing child care services and employers now and in the next 5-10 years;
- the specific issues that relate to the provision of child care for sick children and children with special needs;
- the specific issues that relate to the provision of child care in rural and remote areas and for the children of shift workers;
- the elements of the current child care system that child care services and employers may wish to change, and how, in order of priority; and
- what would represent an ‘ideal type’ of child care system.

The objective of the Stage 1 Consultation consultancy conducted by SPICE were to assist the Council in developing a short information based pamphlet to present key concepts emerging from the Council’s wider 2001 inquiry. The consultant was required to develop an effective strategy and mechanism for obtaining stakeholder feedback on these concepts. The consultant was also required to assist the Council to co-ordinate the promotion of and feedback provided as part of an Interactive Television Broadcast organised and hosted by the Council on 29 May 2000. The consultant was required to analyse all feedback provided and report the findings to Council.

The objective of Stage 2 consultations presently being undertaken by SPICE is to engage a broad representative cross section of parents, child care workers and employers to explore issues on:
- the status and standing of the child care field;
- work, family and flexibility issues; and
- inclusive practices

The consultant is to provide the Council with a written report detailing its findings by 30 November 2000.

The research was information gathering. It was not designed to test reaction to any current Federal Government decisions or future policies.

(a) The Australian Institute of Family Studies and Spice Consulting.
(b) Focus groups, an interactive television broadcast and information brochure followed by a feedback form, interviews with peak bodies and case studies.
**Survey of Customer Delivery Preferences for Family Tax Benefit and Child Care Benefit**

1. **Family and Children Branch.**

2. The purpose of the survey was to establish customers’ likely preliminary choices of delivery mode and delivery agency (ie Centrelink, the Australian Taxation Office (ATO), Medicare) for Family Tax Benefit (FTB) and Child Care Benefit (CCB), and the factors that may affect their decisions about these matters. It also aimed to identify any possible issues created by the end of year financial year reconciliation of entitlement. These were the objectives set out for the consultant at the time of commissioning.

3. No.

4. (a)Marketing Science Centre (University of South Australia) (b)A telephone survey of 1,517 ATO and Centrelink customers. The sample for the survey was chosen to adequately represent customers from remote (24% of sample), rural (23%), and urban (53%) locations. (c)Expected project time lines: Agree methodology28 May 1999 Research brief18 June 1999 Tender process13 July 1999 Design phase17 September 1999 Field survey undertaken26 November 1999 Preliminary results17 December 1999 Final analysis/reporting15 January 2000

5. No sub-contractors were used.

6. Key findings of the study indicated that:
   - After explanation of the reconciliation process, most customers (66%) chose fortnightly payments as their preferred method of Family Tax Benefit delivery. (The other
alternatives related to delivery through the tax system.)
Rural and remote customers did not differ from metropolitan customers in this respect.
- There was little difference amongst customers’ perceptions of the quality of the different agencies (ie ATO, Medicare, and Centrelink).
Rural respondents and farmers were more likely than others to claim that estimating their income was extremely difficult or difficult, but this did not influence their preference for delivery as a fortnightly payment.

7 The request that this research be undertaken was made by the FaCS Families Tax Reform Steering Committee. The expenditure was authorised by the FaCS Research and Evaluation Committee and the Assistant Secretary, Family and Children Branch.
8 The estimated cost of the project was $100,000. The actual total cost was $98,743.
9 The results of the research will be used to:
- provide information about customer preferences under the post-July 2000 family assistance system.
- provide a baseline data source for and assist in the planning of future evaluations.
- in combination with the experience of the first month of operation, inform longer-term customer service strategies.

Survey of the Impact of Banning Interactive Gambling Services
1 To survey public opinion concerning gambling and the banning of interactive gambling services.
2 No.
3 (a) IRIS Research
(b) Telephone survey
(c) October 2000
4 No.
5 Final report due shortly.
6 Research is part of Commonwealth investigation into the feasibility and consequences of a ban on interactive gambling. Expenditure authorised by Assistant Secretary, Housing Support Branch.
7 $63,434
8 The results of this survey will form part of the Commonwealth’s investigation into the feasibility and consequences of a ban on interactive gambling.
9

National Survey of Customer Satisfaction with Public Housing Assistance
1 The assess tenant satisfaction with the housing assistance provided by State Housing Authorities.
2 No.
3 (a) Donovan Research.
(b) mail-out of questionnaires, and face to face where required.
(c) December 1999.
4 1800 number and face-to-face interviews were sub-contracted to Surveys Australia. Data processing of questionnaires was sub-contracted to Axis Data Services as
<table>
<thead>
<tr>
<th>Project</th>
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<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Social Housing Survey - Public Housing, 2000</td>
<td>6</td>
<td>Donovan Research could not do these services in-house. 70% of public housing tenants were satisfied with their housing.</td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>Chief Executive Officers of the State Housing Authorities and the Commonwealth. The costs of the surveys are authorised by the CEOs of each of the State Housing Authorities.</td>
</tr>
<tr>
<td></td>
<td>8</td>
<td>$135,500</td>
</tr>
<tr>
<td></td>
<td>9</td>
<td>States Housing Authorities will use the outcomes of this research to assess where improvements can be made to the services they provide. It is also used as a performance indicator for the Commonwealth State Housing Agreement.</td>
</tr>
<tr>
<td>National Social Housing Survey (Community Housing – 2000)</td>
<td>1</td>
<td>Housing Support Branch.</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>To assess tenant satisfaction with the housing assistance provided by State Housing Authorities.</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>No.</td>
</tr>
</tbody>
</table>
| | 4 | (a) Donovan Research  
(b) mail-out of questionnaires and face to face where required.  
(c) December 2000. |
| | 5 | 1800 number and face-to-face interviews were subcontracted to Surveys Australia. Data punching of questionnaires was subcontracted to Axis Data Services as Donovan Research could not do these services in-house. |
| | 7 | Chief Executive Officers of the State Housing Authorities and the Commonwealth. The costs of the surveys are authorised by the CEOs of each of the State Housing Authorities. |
| | 8 | $147,800 |
| | 9 | States Housing Authorities will use the outcome of this research to assess where improvements can be made to the services they provide. It is also used as a performance indicator for the Commonwealth State Housing Agreement. |
| Survey of unemployed people receiving New-Parenting Payment | 1 | Parenting Payment and Labour Market Branch. |
The survey is intended to provide the department with information about the effectiveness of the activity test for unemployed customers by increasing our understanding of customer knowledge, attitudes and behaviour in relation to the activity test.

The objectives of the survey are to contribute to the overall evaluation by:
- providing information on the effectiveness of the activity test (and its component strategies) in achieving its lower order outcomes [targeted assistance, more active job search, more effective labour supply and greater participation in activities/community projects]; and
- increasing the department's understanding of how the activity test contributes (or fails to contribute) to the achievement of both lower order outcomes and higher order outcomes (such as exits from payment and incidence of earnings).

No.

(a) The Wallis Consulting Group conducted the research.
(b) The research included five focus groups held in Melbourne and regional Victoria. This was followed by a national telephone survey of 3,000 respondents.
(c) The survey was completed in August 2000.

No.

The report is being finalised.

Funding was provided in the 1996-97 Budget for the evaluation of the package of measures to tighten the administration of the activity test. The FaCS Research and Evaluation Committee and the Assistant Secretary, Parenting Payment and Labour Market Branch authorised the expenditure for the research.

The contract with The Wallis Consulting Group is for a maximum of $137,125, dependent on interview length and level of analysis provided.

This research will contribute to the overall Activity Test Evaluation.

Parenting Payment & Labour Market Branch.

The survey was undertaken primarily to inform the evaluation of the activity test which is currently being undertaken by the Department. The objectives of the survey were to establish:
- broad community attitudes to unemployed people and other workforce age income support recipients;
- community views on the obligations that should be placed on people in return for income support;
- community views on the appropriate balance between employment and social contribution objectives for different customer groups; and
- the reasons underlying these views.

No.

(a) Roy Morgan Research carried out the study.
(b) Focus group discussions conducted in 10 metropolitan.
<table>
<thead>
<tr>
<th>Project</th>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Survey into factors influencing voluntary compliance</td>
<td>1 Risk, Audit and Compliance Branch.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2 The purpose of the research is to explore factors influencing voluntary compliance with social security legislation.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 No.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4 (a) A C Nielsen has been commissioned to undertake collection of information through a survey. (b) The methodology used is in-depth face to face interviews with approximately 1,100 customers Centrelink customers and former customers. (c) The survey was commissioned in June 2000. Survey field work is currently under way. It is expected that the survey will be completed by January 2001.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5 No.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6 Results of the research are not yet available.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7 The research was suggested by the Risk, Audit and Compliance Branch. Funding for the Project was approved by the Department’s Research and Evaluation Committee and the expenditure approved by the Assistant Secretary, Risk, Audit and Compliance Branch.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8 The survey of factors influencing voluntary compliance is estimated to cost around $250,000.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>9 The results will be used to identify strategies to improve compliance and to inform a national media campaign on compliance.</td>
<td></td>
</tr>
<tr>
<td>Workforce Circumstances and Retirement Attitudes of Older Australians</td>
<td>1 Seniors &amp; Means Test Branch.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2 To provide a better understanding of the reasons for, and dynamics of, unemployment and labour force withdrawal among older workers, their income support patterns and their financial circumstances, with a special focus on workers with disabilities.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 No.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4 (a) Wallis Consulting Group Pty Ltd.</td>
<td></td>
</tr>
</tbody>
</table>
(b) Telephone interview.

(c) The research design commenced at the beginning of March 1999. The telephone interviews were conducted in June and July 1999. A final report is expected by late October 2000.

5 No

6 The results are not yet available.

7 The research was jointly requested by Seniors & Means Test, Office of Disability Policy and Parenting Payment & Labour Market Branches. Funding for the Project was approved by the Department’s Research & Evaluation Committee and day to day expenditure approved by the Assistant Secretary, Seniors & Means Test Branch.

8 The estimated cost of the research was $310,000. The total cost is $229,160.

9 The results of the research will be used to further refine the Department’s research agenda and to inform the Department’s policy development processes.

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FaCS General Customer Survey

1 Strategic Policy and Analysis Branch.

2 The General Customer Survey provides a range of data about social security and family support recipients to facilitate the Department’s policy analysis and development. The survey provides key data about customers such as demographic, family and household, education, children and childcare, employment, retirement, disability and caring, income and resources. This enables the Department to further its policy development emphasis on families, communities, and economic and social participation.

3 No.

4 (a) A C Nielsen Research Pty Ltd have been contracted to provide questionnaire design and fieldwork services.

(b) Computer Aided Telephone Interview and some mailed questionnaires.

(c) The survey consists of a three wave annual longitudinal survey. Each annual wave is spread over four quarters. Wave 1 of the survey will provide cross-sectional estimates. These estimates will be aggregated over the four quarters of each financial year. Wave 1 surveys occurred in March 2000, May 2000, and August 2000 and are planned for November 2000, February 2001, and May 2001. A sub-sample of Youth Allowance and Newstart recipients is also followed up with a quarterly interview for three further quarters after initial selection. Quarterly follow-up interviews have been conducted in May-June 2000 and August-September 2000 and are planned for November 2000, February 2001, and May 2001.

5 No.

6 The survey results are to be aggregated across quarters. Insufficient data has been collected for analysis at this stage.

7 Longitudinal data is an identified strategic priority for the department. This survey was approved by the Department’s Research and Evaluation Committee and payment was approved by the Assistant Secretary, Strategic Policy and Analysis Branch.

8 The 1999-2000 proposal estimated costs at $200,000. Expenditure for this period was $169,266.17.
Estimated costs for 2000-1 are $380,000. It is planned to make available a set of summary tables that would be used to publicise the output of the survey. It is also proposed to release unit record data for analysis within the department and possibly to outside researchers.

Transgenerational Income Support Dependence research (Youth Attitudes)

1 The Youth Attitudes research provided information about the attitudes and life aspirations of young people (aged 16-18) with various personal and family characteristics to education, employment, social security and family formation. The main aim was to describe attitudinal differences in young people who study, work or do not work, who live (or whose family lives) in urban or rural locations from low or medium/high socio-economic status (SES) areas, and whose parents themselves work or do not work.

2 (a) The Australian Institute of Family Studies (AIFS), (b) Sixteen focus groups with young people aged 16-18, plus 39 matched parent and child (young person aged 16-18) sets of CATI interviews. (c) This research was completed as agreed – the fieldwork in 1999 and a report was provided to the Department in March 2000.

3 No.

4 No.

5 There is qualitative evidence from a minority of the 16 focus groups for the existence of elements of a ‘dependency culture’ among some non-employed young people. There was no strong evidence of transmission of attitudes of dependence from parents to their offspring.

6 The Youth Attitudes research was designed to complement internal Departmental analysis of the extent of transgenerational income support dependence. It was authorised by the Assistant Secretary, Strategic Policy & Analysis Branch.

7 The contract price was $67,975 and the final amount paid was $65,987.50.

8 The results have already been disseminated - to the Minister, internally within the Department (particularly Parenting and Labour Market Branch and Youth Allowance Branch) and externally – to academics and attendees at the July 2000 AIFS Conference and, to readers of the AIFS book “Reforming the Welfare State”. The findings have and will continue to be used to underpin future planned research and policy work.

Families and Community Tax Reform Measures National Communication Strategy

1 Tax Reform Unit.

2 The purpose of the research was to assist in the development, refinement and evaluation of a public information campaign. The research companies were commissioned to provide input to the communication campaign for the family and community tax reform.
The aim was to ensure clarity and effectiveness of communication about changes to pensions, allowances and payments for retirees. This included testing of the ‘More Help for Families’ information product.

- No.
- Colmar Brunton Social Research and Sweeney Research Pty Ltd for the ‘More Help for Families’ product.
- Both qualitative and quantitative research included a non-metropolitan component.
- Developmental, baseline and creative concept research was carried out before the advertising campaign commenced in March 2000. Tracking research was carried out during the campaign from March to June 2000.
- No.
- Research assisted in the development of a communication strategy which used a combination of direct mail, television and press advertising (plus limited use of radio for special needs audiences) and public relations activities to communicate the complex changes to a direct audience of around 8 million people (as well as the general public). Tracking research showed increased reach and message awareness as the campaign progressed.
- The research was commissioned in line with usual practice set down by the Government Communications Unit for government communication campaigns. This expenditure was authorised by the Manager, Tax Reform Unit.
- The estimated total cost of the research, including some non-metropolitan based research, was $258,400 and the actual total paid for this research was $252,740.
- The research was used to assist in the development and refinement of the public information campaign regarding the department’s tax reform components.

### Longitudinal Survey of YA customers.

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<tr>
<th>Project</th>
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<tbody>
<tr>
<td>1</td>
<td>To assess the role of YA in encouraging young people to undertake education/training if they do not have sufficient skills for long-term employment.</td>
<td>Youth and Students Branch.</td>
</tr>
<tr>
<td></td>
<td>- What role does Youth Allowance play in encouraging young people to undertake or remain in education or training?</td>
<td>The research questions for the Longitudinal Survey of YA customers project are divided in two parts:</td>
</tr>
<tr>
<td></td>
<td>- What percentage of students receiving Youth Allowance would have undertaken or continued further education/training if Youth Allowance was not available?</td>
<td>- Part A consists of those questions that will be addressed by the Department’s Longitudinal Survey of YA customers; and</td>
</tr>
<tr>
<td></td>
<td>- Do young people understand various elements of Youth Allowance – eligibility criteria, activity test, means test, etc?</td>
<td>- Part B consists of those that will be addressed principally by other data sources.</td>
</tr>
<tr>
<td></td>
<td>- What changes to previous income support provisions are considered by young people as being the most important for enhancing incentives to undertake education/training in</td>
<td>There have been two phases of the YA Longitudinal Survey conducted with another planned for 2001:</td>
</tr>
<tr>
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<td>- Phase 1 – August and September 1999; and</td>
</tr>
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<td>- Phase 2 – June and July 2000.</td>
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</table>
preference to job search?
- Are there any provisions which act as disincentives to undertake or remain in education/training?
- What factors other than income support influence young people’s participation in education/training and employment?

Part B: In determining the role of factors other than income support, the consultant is expected to relate the findings of the survey with available research which addresses questions such as the following:
- To what extent does a young person’s socio-economic status and educational achievement interact with his or her personal attributes such as motivation and aspiration as well as with labour market requirements in terms of “desirable” skills?
- Are young people’s assessments of “sufficient skills” for employment consonant with employers’ perceptions and requirements?
- To what extent do structural barriers such as the following influence young people’s participation in further education/training:
  . lack of educational prerequisites for entry to further education/training;
  . lack of sufficient places in education/training institutions; and
  . lack of appropriate courses of study for various categories of young people.
- What types of courses/training improve the job prospects of young people?
- Does participation in further education/training lead to increased marketability of young people if larger numbers participate?

3  No.

4  (a) Phase 1: Wallis Consulting Group
    Phase 2: Wallis Consulting Group and Australian Council of Educational Research
    (b) Telephone survey
    (c) Phase 1: completed
    Phase 2: to be completed in November 2000

5  Yes. The first phase of the Longitudinal Survey included analysis and other services sub-contracted to the Australian Council of Educational Research.

6  Phase 1 results are available on pages 25-31 of the Youth Allowance Evaluation Interim Report released publicly in March 2000.
    Phase 2 results are not yet available but will be published in the Youth Allowance Evaluation Final Report to be completed in December 2001.

7  The research was requested by the Youth Allowance Evaluation Steering Committee.
    The expenditure was authorised by the Assistant Secretary, Youth and Students Branch.

8  Estimated Cost: Phase 1: $210,000; Phase 2: $250,000 Total: $460,000
    Total Cost: Phase 1: $211,054; Phase 2: $262,300 Total: $474,354

9  The results will be used by the Department of Family and
<table>
<thead>
<tr>
<th>Project</th>
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<th>Response</th>
</tr>
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</table>
| Family Responses to Youth Allowance Survey | 1 Youth and Students Branch. - Phase 1 – June 1999. - Phase 2 – April and May 2000. To collect information on the attitudes and behavioural responses to Youth Allowance of young people aged 15-24 and parents (of young people aged 13-24) and (in phase 2) to compare these with attitudes and behavioural responses reported in 1999. (1) How widespread is the view held by young people and their parents that government rather than parents should be responsible for the financial support of young job seekers aged under 21 years and students under 25 years if they are unable to support themselves? To what extent are parental attitudes to government and parental financial support affected by socio-economic status (including income support status of parents), cultural background, and geographic location? (2) Which parents are willing, and consider themselves able, to provide financial and other support for their children if government support is unavailable or withdrawn? - What level and types of support do parents provide with/without government support being available? - To what extent does socio-economic status, geographic location, cultural background and the young person’s place of residence affect parental willingness to provide support? What other factors influence parental willingness to provide support? (3) At what age or stage of life should young people move out of home? - Do parents accept young people remaining at home until they achieve financial independence? - Is this willingness dependent on financial constraints, family cohesion or the young person’s activity? What other factors influence parental acceptance? - Do young people return and/or remain at home in order to gain financial support from their parents? (4) Are young people willing to rely on support from their parents rather than receiving income support in their own right? If not, what steps do they take to secure financial support independent of their parents? - Which young people are more likely to receive support from a combination of sources (eg. parental support, earned income, income support payments, etc.)? What are young people’s attitudes to such an arrangement? (5) How does the withdrawal of income support or the reduction in the level of income support for job seekers aged 16-20 years affect parental decisions to save and work? Are parents more likely to save for these contingencies? (6) (a) Do parents and young people consider that the withdrawal of income support assists or hampers young people’s participation in jobsearch, education and training? (b) Do parents apply greater pressure to young people to find work if the parents have to provide financial support? (7) How do these attitudes and behavioural responses
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<tbody>
<tr>
<td>3</td>
<td>compare with those reported in the 1999 survey?</td>
<td>No.</td>
</tr>
</tbody>
</table>
| 4       | (a) Phase 1: Eureka Strategic Research  
(b) Phase 2: Wallis Consulting Group  
(c) Phase 1: completed November 1999  
Phase 2: to be completed November 2000 | (b) Phase 1: Focus groups, telephone survey  
Phase 2: Focus groups, telephone survey, case studies |
| 5       | Yes. The telephone survey for phase one of the Family Responses Survey was sub-contracted to NCS Australasia. | |
| 6       | Phase 1 results are available on pages 68-77 of the Youth Allowance Evaluation Interim Report released publicly in March 2000.  
Phase 2 results were presented at the Australian Institute of Family Studies Conference in Sydney on 26 July 2000 and will be published in the Youth Allowance Evaluation Final Report scheduled for completion in December 2001. | |
| 7       | The research was requested by the Youth Allowance Evaluation Steering Committee.  
The expenditure was authorised by the Assistant Secretary, Youth and Students Branch. | |
| 8       | Estimated Cost: Phase 1: $110,000; Phase 2: $110,000 Total: $220,000  
Total Cost: Phase 1: $108,780; Phase 2: $126,460 Total: $235,240 | |
| 9       | The results will be used by the Department of Family and Community Services to inform the evaluation and ongoing policy development for Youth Allowance. | |

Impact of Rent Assistance on the study and housing choices of young people receiving Youth Allowance or Austudy payment

1. Youth and Students Branch.

2. - To assess the role of Rent Assistance in a young person’s decision to study, choice of educational institution and choice of accommodation.
   - To supplement existing Rent Assistance data and to provide base information on Youth Allowance recipients as a new Rent Assistance customer group.
   - To obtain reliable data on the extent to which eligibility for Rent Assistance influences the decisions regarding study, choice of institution, hours of work, locations and living arrangements, the consultant will need to take into account:
     - the factors influencing (and relative importance of) YA recipients’ decision to undertake study and choice of study institution;
     - the factors influencing (and relative importance of) YA recipients’ choice of location and amenity of housing;
     - timing and extent of, and reasons for, an adjustment of working hours when studying;
     - the factors influencing (and relative importance of) YA recipients’ choice of living arrangements (for example sharing, boarding with family, boarding with others, living independently, living in some form of student accommodation) and tenure;
Project | Question | Response
--- | --- | ---
<p>| 1 | Effectiveness and Appropriateness of Youth Allowance and activity testing measures in rural and remote areas. | To undertake a study of customer and community attitudes towards, and responses to, changes introduced as part of Youth Allowance and activity testing and mutual obligation in rural and remote Australia (including indigenous customers and communities). It is intended to: (1) assess the extent to which YA (and changes under YA) assists and encourages education, training and employment participation or engagement in activities which enhance longer term employment prospects for young people in rural and remote locations, and how this is perceived by the young people and their parents; (2) assess the role of specific strategies introduced under Youth Allowance to assist and encourage education, training and employment participation (Rent Assistance to students, Parental and Actual Means Tests, Under 18s measure, Prior Workforce Independence criteria and Flexible activity testing); (3) provide an understanding of the attitudes towards Mutual Obligation and Activity Test measures by Newstart Allowance &amp; Youth Allowance recipients and the general community; and (4) assess the appropriateness and effectiveness of specific aspects of Mutual Obligation and Activity Test measures (Activity Test arrangements, Work for the Dole, access to employment services assistance, and the extent of activity test exemptions). |
| 2 | No. | (a) Centre for Research in Aboriginal and Multicultural |</p>
<table>
<thead>
<tr>
<th>Project</th>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awareness and access of Youth Allowance and Austudy.</td>
<td>Youth and Students Branch.</td>
<td>Youth and Students Branch.</td>
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<tr>
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<td>To:</td>
<td>To:</td>
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<td></td>
<td>- assess the level of awareness of Youth Allowance and Austudy payment;</td>
<td>- assess the level of awareness of Youth Allowance and Austudy payment;</td>
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<td></td>
<td>- evaluate the access customers have to Youth Allowance and Austudy payment;</td>
<td>- evaluate the access customers have to Youth Allowance and Austudy payment;</td>
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<tr>
<td></td>
<td>- assess the extent to which the advice and information regarding Youth Allowance and Austudy payment allows the target audience to benefit from these payments;</td>
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<td>- compare the 2000 study with the 1999 study to determine which strategies have been successful, and identify areas for further improvement and strategy development over the coming year.</td>
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<td></td>
<td>No.</td>
<td>No.</td>
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<td></td>
<td>(a) Woolcott Research.</td>
<td>(a) Woolcott Research.</td>
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<tr>
<td></td>
<td>(b) Telephone survey</td>
<td>(b) Telephone survey</td>
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<tr>
<td></td>
<td>(c) Phase 1: completed May 1999</td>
<td>(c) Phase 1: completed May 1999</td>
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<tr>
<td></td>
<td>Phase 2: completed May 2000</td>
<td>Phase 2: completed May 2000</td>
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<td></td>
<td>No.</td>
<td>No.</td>
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<td></td>
<td>Results (detailed in unpublished reports) are available on request.</td>
<td>Results (detailed in unpublished reports) are available on request.</td>
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<tr>
<td></td>
<td>Both the request for the research to be undertaken and the authorisation of expenditure were made by the Assistant Secretary, Youth and Students Branch.</td>
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<td></td>
<td>Estimated Cost: Phase 1: $50,000; Phase 2: $50,000 Total: $100,000</td>
<td>Estimated Cost: Phase 1: $50,000; Phase 2: $50,000 Total: $100,000</td>
</tr>
<tr>
<td></td>
<td>Total Cost: Phase 1: $48,850; Phase 2: $46,850 Total: $95,700</td>
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</tr>
<tr>
<td></td>
<td>The Department of Family and Community Services and Centrelink will develop and implement joint strategies to improve the level of awareness among customers and non-customers.</td>
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</tr>
</tbody>
</table>
**Centrelink - Communication Research**

**Research Projects Conducted - July 1999 to Date**

<table>
<thead>
<tr>
<th>Letters, Forms and Information Product Research (17 Projects)</th>
<th>Research Company</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>MARKET TESTING OF THE ABSTUDY CLAIM FORM B AND INFORMATION BOOKLETS</td>
<td>Newton Wayman and Associates</td>
<td>July 1999</td>
</tr>
<tr>
<td>PARENTING PAYMENT PILOT PROJECT - REPORT OF CONSUMER RESEARCH INTO INVITATION LETTER</td>
<td>Market Access</td>
<td>August 1999</td>
</tr>
<tr>
<td>FAMILY TAX BENEFIT AND CHILD CARE BENEFIT FORMS AND ASSOCIATED PRODUCTS</td>
<td>Sweeney Research</td>
<td>September 1999</td>
</tr>
<tr>
<td>AN EVALUATION OF CENTRELINK FORMS AND INFORMATION GATHERING PROCESSES</td>
<td>Roy Morgan Research</td>
<td>September 1999</td>
</tr>
<tr>
<td>FAMILY TAX BENEFIT AND CHILD CARE BENEFIT FORMS AND ASSOCIATED PRODUCTS</td>
<td>Sweeney Research</td>
<td>September 1999</td>
</tr>
<tr>
<td>A REPORT ON THE MARKET TESTING OF THE BOOKLET ‘FAMILY ALLOWANCE FOR 16 TO 24 YEAR OLDS’</td>
<td>Orima Research</td>
<td>September 1999</td>
</tr>
<tr>
<td>MARKET TESTING OF THE FORM SU505V CASUAL INCOME RECORD - EMPLOYER VERIFIED</td>
<td>Roy Morgan Research</td>
<td>September 1999</td>
</tr>
<tr>
<td>CENTRELINK STATEMENT STYLE LETTERS</td>
<td>Newton Wayman and Associates</td>
<td>October 1999</td>
</tr>
<tr>
<td>TESTING OF YOUTH ALLOWANCE CLAIM PACKAGE - FINAL DESIGN OUTCOMES, PHASE 2 TESTING OUTCOMES</td>
<td>Enterprise Marketing and Research Services</td>
<td>February 2000</td>
</tr>
<tr>
<td>CENTRELINK’S BUSINESS FORMS RESEARCH REPORT (DATA)</td>
<td>AC Nielsen</td>
<td>February 2000</td>
</tr>
<tr>
<td>EVALUATION OF THREE POSITIONING STRATEGIES</td>
<td>Newton Wayman and Associates</td>
<td>February 2000</td>
</tr>
<tr>
<td>FINE TUNING IMPROVEMENTS TO STATEMENT STYLE LETTERS</td>
<td>Orima Research</td>
<td>March 2000</td>
</tr>
<tr>
<td>CENTRELINK, DEPARTMENT OF VETERANS AFFAIRS AND ATO - A REPORT ON THE MARKET TESTING OF THE SAVINGS BONUS INITIATIVE PRINT PRODUCTS, COMMON FINDINGS FROM MARKET TESTING CENTRELINK FORMS AND INFORMATION PRODUCTS</td>
<td>Roy Morgan Research</td>
<td>May 2000</td>
</tr>
<tr>
<td>STATEMENT OF CUSTOMER CIRCUMSTANCES - QUALITATIVE RESEARCH REPORTS</td>
<td>The Research Advantage</td>
<td>June 2000</td>
</tr>
<tr>
<td>STATEMENT OF CUSTOMER CIRCUMSTANCES - QUALITATIVE RESEARCH REPORT</td>
<td>The Research Advantage</td>
<td>June 2000</td>
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<tr>
<td>Evaluation</td>
<td>Research Company</td>
<td>Date</td>
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<td><strong>Evaluation of Phone Lodgement Trial – Newstart Continuation Forms</strong></td>
<td>The Research Advantage</td>
<td>August 2000</td>
</tr>
<tr>
<td>Centrelink Publication Research (7 Projects)</td>
<td>BB Professional Services</td>
<td>August 1999</td>
</tr>
<tr>
<td><strong>Changes to Age Pension News April Edition 1999</strong></td>
<td>Orima Research</td>
<td>September 1999</td>
</tr>
<tr>
<td><strong>Evaluation of Four Editions of 2000 Employment Update</strong></td>
<td>Quadrant Research Services</td>
<td>December 1999</td>
</tr>
<tr>
<td>Report on Responses from Client Departments Toward the Centrelink Client Magazine</td>
<td>Roy Morgan Research</td>
<td>May 2000</td>
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<tr>
<td><strong>Qualitative Evaluation of the September 2000 Issue of Student Update</strong></td>
<td>Nexus Research</td>
<td>August 2000</td>
</tr>
<tr>
<td>Customer Surveys (16 Projects)</td>
<td>Research Company</td>
<td>Date</td>
</tr>
<tr>
<td><strong>Evaluation of Customer Reactions to the Trial of the ‘Lodge a Resume’ Service</strong></td>
<td>Orima Research</td>
<td>November 1999</td>
</tr>
<tr>
<td><strong>Centrelink Rural Call Centre Stage 1 &amp; 2</strong></td>
<td>Yann Campbell Hoare Wheeler</td>
<td>November 1999</td>
</tr>
<tr>
<td><strong>National Customer Satisfaction Survey</strong></td>
<td>Millward Brown Australia</td>
<td>December 1999</td>
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<tr>
<td>Customer Service Centre Satisfaction Survey</td>
<td>Roy Morgan Research</td>
<td>December 1999</td>
</tr>
<tr>
<td>Call Centre Customer Satisfaction Survey</td>
<td>Roy Morgan Research</td>
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</tr>
<tr>
<td>International Customer Satisfaction Survey</td>
<td>Roy Morgan Research</td>
<td>December 1999</td>
</tr>
<tr>
<td>Community Attitudes Survey</td>
<td>Roy Morgan Research</td>
<td>December 1999</td>
</tr>
<tr>
<td><strong>Validation of Life Events</strong></td>
<td>Millward Brown</td>
<td>May 2000</td>
</tr>
<tr>
<td><strong>National Customer Satisfaction Survey</strong></td>
<td>Millward Brown Australia</td>
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<tr>
<td>Community Attitudes Survey</td>
<td>Roy Morgan Research</td>
<td>June 2000</td>
</tr>
</tbody>
</table>
Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 15 August 2000:

(1) Did a Kendall Airlines aircraft suffer an engine failure during a flight to Portland in Victoria; if so: (a) when did this incident occur; (b) what type of aircraft was involved; and (c) how many passengers were in the aircraft at the time.

(2) Was the incident reported to both the Civil Aviation Safety Authority (CASA) and the Australian Transport Safety Bureau (ATSB); if so: (a) who reported the incident; (b) when was the report; and (c) to whom was the report made.

(3) What action has been taken by the ATSB and CASA to date and what further action is planned by both these agencies in relation to the incident.

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) and the Australian Transport Safety Bureau (ATSB) have provided the following advice:

(1)(a) and (b) The ATSB was advised that a Kendell Airlines flight, conducting a scheduled passenger flight from Melbourne to Portland, experienced a right engine malfunction during takeoff at Melbourne.
The incident occurred at 2015 eastern standard time on 27 July 2000 on a Fairchild Industries SA227-DC (Metro 23) aircraft.

CASA understands that the aircraft did not suffer an engine failure. The aircraft provided an indication of erratic engine operation, which led to the flight crew to interpret a malfunction. The flight crew then conducted an in-flight engine shutdown and returned for landing.

(c) CASA understands there were 9 passengers on board the aircraft.

(2) (a), (b) and (c)

The incident was reported to CASA via an Electronic Safety Incident Report (ESIR). The report was received electronically by CASA from the Melbourne Tower at 2042 hours on 27 July 2000. CASA received additional advice from the operator on 28 July 2000.

The ATSB was also advised of the incident. The incident was reported on 28 July 2000 to the Bureau by the operator and separately by Airservices Australia.

(3) CASA requested a detailed report of the results of the operator’s internal investigation into the incident. The internal report is currently being assessed by CASA. Initial indications are that the operator has completed an extensive review of the incident and that no aircraft malfunction was involved. The operator has taken steps to ensure that any human factors aspects associated with the incident are not repeated, and CASA will continue to monitor the operator’s procedures in this area as part of routine surveillance.

No further action by the ATSB on this incident is intended. A copy of the ATSB report has been provided to the Table Office.

Civil Aviation Safety Authority Board: Pilot Licences
(Question No. 2722)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 14 August 2000:

(1) How many members of the Board of the Civil Aviation Safety Authority (CASA) hold pilots licences, and, in each case: (a) what type of licence is held; and (b) how long has each licence been held.

(2) How many members of the CASA Board have seen military service, and, in each case, of those Board members who have served in the Armed Forces how many were pilots.

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 advised the following:

(1) Three members of the Board of CASA hold pilot’s licences:

- Dr Paul Scully-Power: Australian Student Pilot Licence issued July 1990.


(2) One Board Member, Dr Scully-Power, is an internationally awarded expert in aviation and aerospace, who began his career serving with the Royal Australian Navy in 1967 and became Australia’s first Astronaut in 1984, flying aboard the Space Shuttle Challenger. Dr Scully-Power is United States Air Force qualified for full pressure suit flying and is United States Navy qualified for high performance jet aircraft. Dr Scully-Power was recently awarded the Oswald Watt Gold Medal, Australia’s highest aviation award.
No other members of the CASA Board have served in the armed forces.

**Analogue Telephone Network: Alarm Security Systems**

**(Question No. 2751)**

**Senator West** asked the Minister for Justice and Customs, upon notice, on 16 August 2000:

Given the closure of the analogue network across Australia from 1 January 2000, can the Minister advise if the Australian Protective Service (APS) was responsible, both directly and indirectly, for any alarm security systems that were dependent upon access to the analogue network at 31 December 1999; if so: (a) at how many sites; (b) in what states and territories were these sites located; (c) what dates were these systems replaced; and (d) for which departments and agencies was the APS providing the services.

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

(a) As at 31 December 1999, the APS was monitoring thirteen alarm security systems which used the analogue network as a backup communications system. The primary means of communication for the alarm systems was a digital dialler over the Public Switched Telephone Network. A backup system was required only if the primary means of communication failed.

(b) The sites are located in the ACT, NSW, Victoria and SA.

(c) The upgrade of the systems was completed as follows:
   - One on 24 March 2000
   - Three on 8 May 2000
   - Two on 16 May 2000
   - One on 4 August 2000
   - One on 30 August 2000
   - Two on 6 September 2000
   - One on 8 September 2000
   - One on 11 September 2000
   - One client is selling the site involved and does not want the upgrade to proceed.

(d) APS records indicate that the Protective Security Coordination Centre was the only agency using such alarm security systems at 31 December 1999.

**Civil Aviation Safety Authority: Legal Advice**

**(Question No. 2771)**

**Senator O’Brien** asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 21 August 2000:

With reference to the legal advice sought by the then Chair of the Civil Aviation Safety Authority (CASA), Mr Dick Smith, on 15 February 1999:

(1) (a) What was the cost of that advice; and (b) was the cost met by Mr Smith personally or by CASA.

(2) Was the legal advice sought by, and provided through, the Office of Legal Counsel (OLC) or directly to Mr Smith.

(3) Was the OLC aware of the request for legal advice made by Mr Smith; if so: (a) when did the OLC become aware of the request; and (b) how did the OLC become aware of the request.

(4) Was the above legal advice provided, or its existence and contents made known, either formally or informally, to any members of the CASA Board; if so: (a) who on the board was provided with the legal advice or advised of the existence and contents of the legal advice; (b) when were they provided with the material or advised of its contents; and (c) what action was taken as a result.
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 advised the following:

1. (a) The cost of the advice was $2,576.00; and (b) the cost was paid by CASA.

2. Mr Smith raised the matter in general terms with CASA’s General Counsel on 12 January 1999. General Counsel advised Mr Smith to discuss the matter with the CASA Director and, if necessary, obtain legal advice from Mr Skehill on the issues. CASA’s General Counsel was not privy to correspondence in this matter.

On 15 February 1999, CASA’s General Counsel telephoned Mr Skehill and asked him to contact Mr Smith directly to obtain details about Mr Smith’s concerns and copies of the relevant correspondence.

3. See response above.

4. It is the recollection of a majority of members of the CASA Board serving at that time, that members were informally provided with the legal advice, or were made aware of its existence and contents:

   a. members of the Board at the time the advice was made available were Mr Smith, Dr Paul Scully-Power, Mr Bruce Byron, Mr Tony Pyne, Mr Mick Ryan, Ms Janine Shepherd and Mr Mick Toller;
   b. the advice is believed to have been provided in the period shortly after the advice was received by Mr Smith on 15 February 1999; and
   c. the matter which led to the legal advice originally being sought was considered by the Board at its regular monthly meeting held on 26 February 1999. The Board discussed a number of issues associated with the matter, including additional information provided by the Director of Aviation Safety. As a result of the proceedings, the Board resolved to take further legal advice, from the counsel who provided the original legal advice, on the appropriate steps to resolve the matter.

That advice was provided on 2 March 1999 and indicated that the matter was not one which required referral to the Australian Federal Police. The advice also concluded that it would be appropriate for the Board to raise with the company associated with the issue, the Board’s concerns about the manner in which statements were incorrectly attributed to the Company’s Safety Committee. The advice was accepted and the recommended course of action was adopted.

Department of Transport and Regional Services: Grants to Employer Organisations
(Question No. 2780)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 24 August 2000:

1. What grants or other payments were made to employer organisations by the department or any of its agencies in the 1996-97 financial year.

2. In each case: (a) what was the purpose of the grant or other payment; (b) what was the actual value of the grant or other payment; and (c) was the grant or other payment made as a result of an application from the organisation.

3. If the grant or other payment was made in response to an application from the organisation, in each case: (a) how was that application assessed; and (b) who approved the application.

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

Australian River Co. Limited

1. Payments were made to: (i) Australian Shipowners Association, and (ii) Australian Chamber of Shipping.

2. (a) (i) Annual subscription to the Australian Shipowners Association. (ii) Annual subscription to the Australian Chamber of Shipping.
   (b) (i) $180,055. (ii) $16,250.
Australian Maritime College

(1) A payment was made to the Australian Higher Education Industrial Association (AHEIA).

(2)(a) Annual membership subscription. 

(b) The payments cover calendar years. In 1996 the payment was $3,162 and in 1997 the payment was $3,126.

(c) No. The AMC was a member of the Australian Advanced Education Industrial Association which in 1990 merged with the Australian Universities Industrial Association to form the Australian Higher Education Industrial Association (AHEIA). The AMC automatically became a member of the AHEIA. 

(3) Not applicable.

Department of the Environment and Heritage: Grants to Employer Organisations

(Question No. 2783)

Senator O’Brien asked the Minister for the Environment and Heritage, upon notice, on 24 August 2000:

(1) What grants or other payments were made to employer organisations by the department or any of its agencies in the 1996-97 financial year.

(2) In each case: (a) what was the purpose of the grant or other payment; (b) what was the actual value or the grant or other payment; and (c) was the grant or other payment made as a result of an application from the organisation.

(3) If the grant or other payment was made in response to an application from the organisation, in each case: (a) how was that application assessed; and (b) who approved the application.

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

The information sought by the honourable senator would require more staff hours than I am prepared to authorise.

Some of the information sought has previously been tabled in Parliament in the departmental Annual Report and the Annual Reports of relevant portfolio agencies.

Department of Transport and Regional Services: Grants to Employer Organisations

(Question No. 2799)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 24 August 2000:

(1) What grants or other payments were made to employer organisations by the department or any of its agencies in the 1997-98 financial year.

(2) In each case: (a) what was the purpose of the grant or other payment; (b) what was the actual value of the grant or other payment; and (c) was the grant or other payment made as a result of an application from the organisation.

(3) If the grant or other payment was made in response to an application from the organisation, in each case: (a) how was that application assessed; and (b) who approved the application.

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

Australian River Co. Limited

(1) Payments were made to: (i) Australian Shipowners Association, and (ii) Australian Chamber of Shipping.

(2)(a) (i) Annual subscription to the Australian Shipowners Association. (ii) Annual subscription to the Australian Chamber of Shipping.

(b) (i) $180,055. (ii) $16,250.
Australian Maritime College

(1) A payment was made to the Australian Higher Education Industrial Association (AHEIA).
(2)(a) Annual membership subscription.
(b) The payments cover calendar years. In 1997 the payment was $3,126 and in 1998 the payment was $3,115.
(c) No. The AMC was a member of the Australian Advanced Education Industrial Association which in 1990 merged with the Australian Universities Industrial Association to form the Australian Higher Education Industrial Association (AHEIA). The AMC automatically became a member of the AHEIA.
(3) Not applicable.

Department of the Environment and Heritage: Grants to Employer Organisations
(Question No. 2802)

Senator O’Brien asked the Minister for the Environment and Heritage, upon notice, on 24 August 2000:

(1) What grants or other payments were made to employer organisations by the department or any of its agencies in the 1997-98 financial year.
(2) In each case: (a) what was the purpose of the grant or other payment; (b) what was the actual value of the grant or other payment; and (c) was the grant or other payment made as a result of an application from the organisation.
(3) If the grant or other payment was made in response to an application from the organisations, in each case: (a) how was that application assessed; and (b) who approved the application.

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

The information sought by the honourable senator would require more staff hours than I am prepared to authorise.

Some of the information sought has previously been tabled in Parliament in the departmental Annual Report and the Annual Reports of relevant portfolio agencies.

Department of Transport and Regional Services: Grants to Employer Organisations
(Question No. 2818)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 24 August 2000:

(1) What grants or other payments were made to employer organisations by the department or any of its agencies in the 1998-99 financial year.
(2) In each case: (a) what was the purpose of the grant or other payment; (b) what was the actual value of the grant or other payment; and (c) was the grant or other payment made as a result of an application from the organisation.
(3) If the grant or other payment was made in response to an application from the organisation, in each case: (a) how was that application assessed; and (b) who approved the application.

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

Australian River Co. Limited

(1) Payments were made to: (i) Australian Shipowners Association, and (ii) Australian Chamber of Shipping.
(2)(a) (i) Annual subscription to the Australian Shipowners Association. (ii) Annual subscription to the Australian Chamber of Shipping.
(b) (i)$75,024. (ii) $6,771.
(c) (i) No. (ii) No.
(3)(i) Not applicable. (ii) Not applicable

Australian Maritime College

(1) A payment was made to the Australian Higher Education Industrial Association (AHEIA).
(2)(a) Annual membership subscription.
(b) The payments cover calendar years. In 1998 the payment was $3,115 and in 1999 the payment was $2,901.
(c) No. The AMC was a member of the Australian Advanced Education Industrial Association which in 1990 merged with the Australian Universities Industrial Association to form the Australian Higher Education Industrial Association (AHEIA). The AMC automatically became a member of the AHEIA.
(3) Not applicable.

Department of the Environment and Heritage: Grants to Employer Organisations
(Question No. 2821)

Senator O’Brien asked the Minister for the Environment and Heritage, upon notice, on 24 August 2000:

(1) What grants or other payments were made to employer organisations by the department or any of its agencies in the 1998-99 financial year.
(2) In each case: (a) what was the purpose of the grants or other payment; (b) what was the actual value of the grant or other payment; and (c) was the grant or other payment made as a result of an application from the organisation.
(3) If the grant or other payment was made in response to an application from the organisation, in each case: (a) how was that application assessed; and (b) who approved the application.

Senator Hill—The answer to the honourable senator’s question is as follows:
The information sought by the honourable senator would require more staff hours than I am prepared to authorise.

Some of the information sought has previously been tabled in Parliament in the departmental Annual Report and the Annual Reports of relevant portfolio agencies.

Department of Transport and Regional Services: Grants to Employer Organisations
(Question No. 2837)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 24 August 2000:

(1) What grants or other payments were made to employer organisations by the department or any of its agencies in the 1999-2000 financial year.
(2) In each case: (a) what was the purpose of the grant or other payment; (b) what was the actual value of the grant or other payment; and (c) was the grant or other payment made as a result of an application from the organisation.
(3) If the grant or other payment was made in response to an application from the organisation, in each case: (a) how was that application assessed; and (b) who approved the application.

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

Australian Maritime College

(1) A payment was made to the Australian Higher Education Industrial Association (AHEIA).
(2)(a) Annual membership subscription.
(b) The payments cover calendar years. In 1999 the payment was $2,901 and in 2000 the payment was $11,500.
(c) No. The AMC was a member of the Australian Advanced Education Industrial Association which in 1990 merged with the Australian Universities Industrial Association to form the Australian Higher Education Industrial Association (AHEIA). The AMC automatically became a member of the AHEIA.

(3) Not applicable.

Department of the Environment and Heritage: Grants to Employer Organisations
(Question No. 2840)

Senator O’Brien asked the Minister for the Environment and Heritage, upon notice, on 24 August 2000:

(1) What grants or other payments were made to employer organisations by the department or any of its agencies in the 1999-2000 financial year.

(2) In each case: (a) what was the purpose of the grant or other payment; (b) what was the actual value of the grant or other payment; and (c) was the grant or other payment made as a result of an application from the organisation.

(3) If the grant or other payment was made in response to an application from the organisation, in each case: (a) how was that application assessed; and (b) who approved the application.

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

The information sought by the honourable senator would require more staff hours than I am prepared to authorise.

Some of the information sought is expected to be tabled in Parliament in the 1999-2000 Environment and Heritage Annual Report and in the Annual Reports of relevant portfolio agencies.

Department of Education, Training and Youth Affairs: Grants to Employer Organisations
(Question No. 2846)

Senator O’Brien asked the Minister representing the Minister for Education, Training and Youth Affairs, upon notice, on 24 August 2000:

(1) What grants or other payments were made to employer organisations by the department or any of its agencies in the 1999-2000 financial year.

(2) In each case:
(a) What was the purpose of the grant or other payment;
(b) What was the actual value of the grant or other payment; and
(c) Was the grant or other payment made as a result of an application from the organisation.

(3) If the grant or other payment was made in response to an application from the organisation, in each case:
(a) How was that application assessed; and
(b) Who approved the application.

Senator Ellison—The Minister for Education, Training and Youth Affairs has provided the following answer to the honourable senator’s question:

For the 1999-00 financial year the following payments were made to employer organisations.

1. Victorian Employer’s Chamber of Commerce
   (2)(a) Other Payment - To provide services to New Apprentices and employers as New Apprenticeship Centres
      (b) Commercial-in-confidence
      (c) No
   (3)(a) N/A
   (b) N/A
(1) Master Builders’ Association, Victoria
(2)(a) Other Payment - To provide services to New Apprentices and employers as New Apprenticeship Centres
   (b) Commercial-in-confidence
   (c) No
   (3)(a) N/A
   (b) N/A
(1) Master Builders’ Association, NSW
(2)(a) Other Payment - advertise New Apprenticeships in magazine
   (b) $2,100.00
   (c) No
   (3)(a) N/A
   (b) N/A
(1) Australian Retailers’ Association
(2)(a) Other Payment - New Apprenticeship insert into magazine
   (b) $1,200.00
   (c) No
   (3)(a) N/A
   (b) N/A
(1) Australian Industry Group
(2)(a) Other Payment - New Apprenticeship insert into magazine
   (b) $4,000.00
   (c) No
   (3)(a) N/A
   (b) N/A
(1) Master Builders’ Association of the ACT
(2)(a) Other Payment - New Apprenticeship insert into magazine
   (b) $450.00
   (c) No
   (3)(a) N/A
   (b) N/A
(1) Australian Hotels Association, ACT Branch
(2)(a) Other Payment - Advertising in magazine
   (b) $2,000.00
   (c) No
   (3)(a) N/A
   (b) N/A
(1) Australian Hotels Association – Tasmanian Branch
(2)(a) Other Payment - New Apprenticeships insert into magazine
   (b) $200.00
   (c) No
   (3)(a) N/A
(b) N/A

(1) **Australian Hotels Association – Northern Territory Branch**
(2)(a) Other Payment - New Apprenticeship insert into magazine
(b) $800.00
(c) No
(3)(a) N/A
(b) N/A

(1) **Australian Higher Education Industrial Association, VIC**
(2)(a) Other Payment - Conference 2000
(b) $840.00
(c) No
(3)(a) N/A
(b) N/A

(1) **Australian Retailers Association, VIC**
(2)(a) Other Payment - Advertising
(b) $950.00
(c) No
(3)(a) N/A
(b) N/A

(1) **Workplace English Language and Literacy Programme (WELL)**
WELL payments were made to the:
National Meat Association - Victoria $28,800 and $7,200,
National Meat Association – Queensland $9,333,
Australian Retailers Association $39,600 and $40,000,
Master Builders Association – Victoria $22,193, $40,286 and $23,150; and
Master Builders Association – South Australia $25,032.

(2)(a) In each case a Grant payment. The payments were made through the Workplace English Language and Literacy (WELL) Programme which aims to provide workers with improved English language and Literacy skills. The projects described were to respectively: develop resources; develop resources; support training; support training; develop resources; support training; develop resources; support training; and support training.

(b) National Meat Association - Victoria $28,800 and $7,200,
National Meat Association – Queensland $9,333,
Australian Retailers Association $39,600 and $40,000,
Master Builders Association – Victoria $22,193, $40,286 and $23,150; and
Master Builders Association – South Australia $25,032.

(c) All Yes

(3)(a) By DETYA staff in National office and a State Advisory Committee usually including a representative from a State education and training department, a representative from an Industry or Employer Group and a DETYA State Office representative; and
(b) Assistant Secretary Vocational Education and Training Reform Branch of the Department of Education Training and Youth Affairs
As part of the National Industry Skills Initiative funding was provided to the:

- Australian Industry Group (AIG) $40,000 and $1,800;
- National Electrical and Communications Association (NECA) $46,884; and
- the Victorian Automobile Chamber of Commerce (VACC) $27,554.

Funding was provided to assist industry associations in meeting the costs of participating in this joint Government/industry initiative.

AIG was initially provided with up to $40,000. Additional funds were also provided of the order of $1,800 to assist with printing costs of the final report.

NECA received a total of $46,884. This included: survey costs; focus groups; and consultant fees for drafting of the report and printing costs for production of the report.

VACC received $27,554. Funding included consultants fees; travel and venue hire for focus groups and provided for printing cost.

(2)(a) In all instances, other payment.

The Australian Industry Group (AIG) was funded under the Educative Services component of the Strategic Intervention Programme.

AIG was contracted to provide information to their members about education and training matters, including workplace relations, with a focus on increasing the number of New Apprenticeships and the range of Training Packages being utilised.

The following payments were made under this program:

- Australian Industry Group $2,250
- Australian Trainers Association $7,750
- Master Builders Association of Victoria $50,500
- Master Builders Association of ACT $42,500
- Master Plumbers & Mechanical Services Association of Australia $105,375
- Victorian Automobile Chamber of Commerce $140,753.20
- Victorian Employers Chamber of Commerce & Industry $1,250
(2)(a) Other Payment in all instances - New Apprentice financial incentive  
(b) Australian Industry Group $2,250  
Australian Trainers Association $7,750  
Master Builders Association of Victoria $50,500  
Master Builders Association of ACT $42,500  
Master Plumbers & Mechanical Services Association of Australia $105,375  
Victorian Automobile Chamber of Commerce $140,753.20  
Victorian Employers Chamber of Commerce & Industry $1,250  
(c) All Yes – a claim for Commonwealth Incentives  
(3)(a) In each case by the responsible New Apprenticeship Centre in accordance with the program’s guidelines  
(b) New Apprenticeship Centre

**Department of Agriculture, Fisheries and Forestry: Grants to Employer Organisations**  
(Question No. 2850)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 30 August 2000:  
(1) What grants or other payments were made to employer organisations by the department or any of its agencies in the 1999-2000 financial year.  
(2) In each case: (a) what was the purpose of the grant or other payment; (b) what was the actual value of the grant or other payment; and (c) was the grant or other payment made as a result of an application from the organisation.  
(3) If the grant or other payment was made in response to an application from the organisation, in each case: (a) how was that application assessed; and (b) who approved the application.  

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:  
The following table sets out a consolidated response to the elements of the question:

<table>
<thead>
<tr>
<th>Payment Date</th>
<th>Grant Amount</th>
<th>Recipient</th>
<th>Purpose of Grant</th>
<th>Actual Value of Grant</th>
<th>Application from Organisation? (Yes/No)</th>
<th>How was application assessed?</th>
<th>Who approved application?</th>
</tr>
</thead>
<tbody>
<tr>
<td>08-Jul-99</td>
<td>22,033.33</td>
<td>PORK COUNCIL OF AUSTRALIA</td>
<td>Improved international competitiveness of the Australian pork industry</td>
<td>$66,100 (over 98/99 and 99/00)</td>
<td>Yes</td>
<td>By NPIDG in line with NPIDG Business plan/guidelines &amp; TOR</td>
<td>Minister</td>
</tr>
<tr>
<td>30-Aug-99</td>
<td>37,575.00</td>
<td>VICTORIAN FARMERS FEDERATION</td>
<td>Improved international competitiveness of the Australian pork industry</td>
<td>$150,300 (over 99/00 and 00/01)</td>
<td>Yes</td>
<td>By NPIDG in line with NPIDG Business plan/guidelines &amp; TOR</td>
<td>Minister</td>
</tr>
<tr>
<td>23-Mar-00</td>
<td>75,150.00</td>
<td>VICTORIAN FARMERS FEDERATION</td>
<td>Improved international competitiveness of the Australian pork industry</td>
<td>(see above)</td>
<td>Yes</td>
<td>By NPIDG in line with NPIDG Business plan/guidelines &amp; TOR</td>
<td>Minister</td>
</tr>
<tr>
<td>Payment Date</td>
<td>Grant Amount</td>
<td>Recipient</td>
<td>Purpose of Grant</td>
<td>Actual Value of Grant</td>
<td>Application from Organisation? (Yes/No)</td>
<td>How was application assessed?</td>
<td>Who approved application?</td>
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</tr>
<tr>
<td>19-Nov-99</td>
<td>18,750.00</td>
<td>NATIONAL FARMERS FEDERATION</td>
<td>National Youth Forum</td>
<td>25,000.00*</td>
<td>Yes</td>
<td>Decision was made by Minister</td>
<td>Minister</td>
</tr>
<tr>
<td>02-Mar-00</td>
<td>6,250.00</td>
<td>NATIONAL FARMERS FEDERATION</td>
<td>National Youth Forum</td>
<td>*As above</td>
<td>Yes</td>
<td>Decision was made by Minister</td>
<td>Minister</td>
</tr>
<tr>
<td>28-Oct-99</td>
<td>13,006.00</td>
<td>VICTORIAN FARMERS FEDERATION</td>
<td>Subsidisation of fodder transport</td>
<td>13,006.00</td>
<td>Yes</td>
<td>n/a</td>
<td>Minister</td>
</tr>
<tr>
<td>29-Oct-99</td>
<td>871,976.47</td>
<td>SA FARMERS FEDERATION</td>
<td>To provide GST education workshops to the Rural sector</td>
<td>871,976.47</td>
<td>Yes</td>
<td>Assessed on business plan/time frame/ and cost per seminar</td>
<td>Rural GST Start-Up Assistance Program’s Technical Committee</td>
</tr>
<tr>
<td>08-Nov-99</td>
<td>975,412.50</td>
<td>QUEENSLAND FARMER’S FEDERATION</td>
<td>To provide GST education workshops to the Rural sector</td>
<td>975,412.50</td>
<td>Yes</td>
<td>Assessed on business plan/time frame/ and cost per seminar</td>
<td>Rural GST Start-Up Assistance Program’s Technical Committee</td>
</tr>
<tr>
<td>10-Nov-99</td>
<td>467,114.00</td>
<td>TASMANIAN FARMERS &amp; GRAZIERS ASS</td>
<td>To provide GST education workshops to the Rural sector</td>
<td>467,114.00</td>
<td>Yes</td>
<td>Assessed on business plan/time frame/ and cost per seminar</td>
<td>Rural GST Start-Up Assistance Program’s Technical Committee</td>
</tr>
<tr>
<td>15-Nov-99</td>
<td>807,285.00</td>
<td>VICTORIAN FARMERS FEDERATION</td>
<td>To provide GST education workshops to the Rural sector</td>
<td>807,285.00</td>
<td>Yes</td>
<td>Assessed on business plan/time frame/ and cost per seminar</td>
<td>Rural GST Start-Up Assistance Program’s Technical Committee</td>
</tr>
<tr>
<td>25-Nov-99</td>
<td>107,358.00</td>
<td>NORTHERN TERRITORY CATTLEMEN’S ASSOC</td>
<td>To provide GST education workshops to the Rural sector</td>
<td>107,358.00</td>
<td>Yes</td>
<td>Assessed on business plan/time frame/ and cost per seminar</td>
<td>Rural GST Start-Up Assistance Program’s Technical Committee</td>
</tr>
<tr>
<td>24-Dec-99</td>
<td>1,427,599.00</td>
<td>NSW FARMERS ASSOCIATION</td>
<td>To provide GST education workshops to the Rural sector</td>
<td>1,427,599.00</td>
<td>Yes</td>
<td>Assessed on business plan/time frame/ and cost per seminar</td>
<td>Rural GST Start-Up Assistance Program’s Technical Committee</td>
</tr>
<tr>
<td>29-Mar-00</td>
<td>18,115.00</td>
<td>NATIONAL ASSOC OF FOREST IND</td>
<td>To provide GST education workshops to the Rural sector</td>
<td>18,115.00</td>
<td>Yes</td>
<td>Assessed on business plan/time frame/ and cost per seminar</td>
<td>Rural GST Start-Up Assistance Program’s Technical Committee</td>
</tr>
<tr>
<td>Payment Date</td>
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<tr>
<td>23-Feb-00</td>
<td>40,000.00</td>
<td>AUSTRALIAN CITRUS GROWERS INCORPORATED</td>
<td>The broad purpose of this entire CMDP ($8.4m) grant is to assist citrus industry restructure and improve its international competitiveness. Payments were made in accordance with contract requirements.</td>
<td>168,000.00</td>
<td>Yes</td>
<td>Applications were assessed by the Citrus Market Diversification Group which consisted of industry and government authority representatives, assessed applications against guidelines of the program.</td>
<td>Minister for AFFA approved projects following consideration of CMDG recommendation.</td>
</tr>
<tr>
<td>05-Apr-00</td>
<td>5,000.00</td>
<td>AUSTRALIAN CITRUS GROWERS INCORPORATED</td>
<td>As above.</td>
<td>27,000.00+</td>
<td>Yes</td>
<td>As above.</td>
<td>As above.</td>
</tr>
<tr>
<td>7-Jul-00</td>
<td>17,000.00</td>
<td>AUSTRALIAN CITRUS GROWERS INCORPORATED</td>
<td>As above.</td>
<td>as above +</td>
<td>Yes</td>
<td>As above.</td>
<td>As above.</td>
</tr>
<tr>
<td>99/00</td>
<td>8,621.87</td>
<td>QUEENSLAND CANE GROWERS ORGANISATION LTD</td>
<td>To enable Canegrowers to continue to engage Jawin Associates Pty Ltd to provide secretariat services to the Plant Industries Incursion Management Consultative Committee (PIIMCC).</td>
<td>8,621.87</td>
<td>Yes</td>
<td>Application was assessed by AFF in early 2000 against the work remaining to be undertaken to establish the APHC, the policy input required from plant industry representatives and the coordination task that would be needed to obtain that input</td>
<td>PHA Project Officer within AFFA</td>
</tr>
<tr>
<td><strong>QUESTION 1</strong></td>
<td><strong>QUESTION 2</strong></td>
<td><strong>QUESTION 3</strong></td>
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<tr>
<td>Payment Date</td>
<td>Grant Amount</td>
<td>Recipient Purpose of Grant</td>
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<tr>
<td>99/00</td>
<td>51,000.00</td>
<td>AUSTRALIAN FERTILISER SERVICES ASSOCIATION</td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>51,000.00</td>
<td>51,000.00</td>
<td>AFSA has developed a set of Guidelines, Code of Practice and an Accreditation Program for the fertiliser services industry based on an industry self-regulation approach. This project supports the employment of an AFSA Code of Practice Liaison Officer within AFSA to encourage and support the adoption and implementation of the Guidelines, Code of Practice and an Accreditation Program by those involved in the fertiliser services industry and agriculture in general.</td>
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<td>Yes</td>
<td>By AFFA officers on the basis that project meets objectives to encourage adoption of more sustainable practices that lead to improved natural resource management and sustainable agricultural industries.</td>
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<td>Minister Truss approved continuing funding for project from previous year.</td>
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</table>

**East Timor: Airservices Australia Tender**  
*Question No. 2862*

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 29 August 2000:

(1) Did Airservices Australia (ASA) lodge a tender to provide air traffic services (ATS) in East Timor, if so: (a) when were tenders to provide the ATS service called; (b) what agency or organisation called for tenders to provide ATS services; (c) when did ASA lodge its bid; and (d) what was the cost of preparing and lodging the bid.
(2) (a) In the preparation of the bid, on how many occasions did ASA officers travel to East Timor, and (b) what was the cost of that travel and associated expenses.

(3) Given that there can be no cross subsidisation with ASA, how was the cost of the bid to provide ATS services to East Timor funded.

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

Airservices Australia advised the following:

(1) (a), (b) and (c) To date, a Request for Tender (RFT) has not been released by UNTAET for ATS provision in East Timor. A tender bid to provide Air Traffic Services (ATS) in East Timor has not been lodged by Airservices.

(2) (a) Airservices Australia has undertaken a number of civil aviation assessment and restoration tasks in support of both INTERFET and UNTAET in East Timor. Travel was undertaken to support tasks such as facility assessments, Navaid restoration, a Notice to Airmen (NOTAM) Service and Air Traffic Management advice, and to facilitate the development of a tripartite Letter of Agreement covering airspace management between Indonesia, East Timor (UNT AET) and Australia.

(b) Airservices did some specific preparatory work in anticipation of an RFT being released by UNTAET. In relation to preparatory work, five Airservices’ officers undertook a total of nine trips to East Timor. The trips occurred on five separate dates, at a cost of approximately $21,000.

(2) Airservices’ revenue is not only derived from aircraft operators through the application of enroute, terminal navigation, and Aviation Rescue and Fire Fighting charges, but is also generated from other external activities. The revenue from these activities is used to fund preparatory work for new commercial opportunities.

**Australian Maritime Safety Authority: Coronial Inquiry Submission**  
(Question No. 2863)

**Senator O’Brien** asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 29 August 2000:

(1) Did the Australian Maritime Safety Authority (AMSA) make a submission to the coronial inquiry into the 1998 Sydney to Hobart Yacht Race; if so, can a copy of that submission be provided.

(2) If no submission was lodged by AMSA, has AMSA had any communication with the coronial inquiry; if so: (a) what was the nature of each communication; (b) when did each communication occur; and (c) what was the outcome of each communication.

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

(1) Yes, a submission has been made to the coronial inquiry. A copy of the submission can be provided when the Coroner has entered his report and the associated body of evidence into the public domain.

(2) Not applicable.

**Telstra: Adult Telephone Services**  
(Question No. 2877)

**Senator Greig** asked the Minister for Communications, Information Technology and the Arts, upon notice, on 31 August 2000:

(1) Has Telstra commenced proceedings to terminate adult telephone services.

(2) Has Telstra retained the law firm Mallesons Stephen Jaques or any other law firm to write to adult telephone service providers; if so, for what purpose.

(3) Are transcripts of telephone conversations being attached to those letters.

(4) Is Telstra using actors or persons impersonating customers for the purpose of entrapment of adult telephone service providers as a basis of disconnecting those services.
(5) Does the Telecommunications (Interception) Act 1979 apply to telecommunications carriers which provide adult telephone services.

(6) If not under the Act what authority do telecommunications carriers have to monitor and record telephone conversations of adult phone services (please specify).

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

As advised by Telstra and the Attorney-General’s Department.

(1) Telstra has advised that it has not commenced any legal proceedings to terminate adult telephone sex services. Instead Telstra has relied on its contractual right to cancel services which breach service providers’ contracts with Telstra. Service providers promise Telstra in their contracts that they will not provide telephone sex services in breach of Part 9A of the Telecommunications (Consumer Protection and Service Standards) Act 1999. Through monitoring of advertisements appearing in newspapers and magazines and complaints it received, Telstra considered that some service providers had breached that promise. Telstra then exercised its contractual rights to cancel those services. This is to protect Telstra’s interests and to prevent illegal conduct. These services were being provided in an unrestricted way (not on the restricted 1901 number range) thereby making them accessible to children.

(2) Telstra advises that Mallesons Stephen Jaques (MSJ) is one of the legal firms that they employ and has been instructed to write to several sex service providers informing them of the action Telstra was taking in relation to the service providers’ breach of contract. In addition, in cases where Telstra had grounds to suspect that the service provider had breached the contract by providing illegal telephone sex services, MSJ was instructed to write to service providers demanding an explanation. Telstra advises that MSJ was acting on Telstra’s behalf in Telstra’s interests.

(3) No. Telstra advises that the initial letters simply gave details of the numbers in question and the action Telstra proposed to take under the contract. Some service providers responded by asking for evidence. Telstra provided them with copies of the contemporaneous notes of the conversations that led to Telstra’s view that the relevant services breached the legislation and the service provider’s contract. In addition, in some cases where an initial letter was sent requesting an explanation because Telstra suspected that the services might breach the legislation, Telstra later formed the view that the services did breach the legislation and enclosed the relevant notes of the conversations with a subsequent letter informing the service provider of the cancellation of the relevant service.

(4) The definition of a “telephone sex service” in the legislation requires that both the advertising and the content of a service be taken into account in forming a view as to whether a particular service is a “telephone sex service” or not. Telstra has advised that it therefore had to call these services to see whether the providers did, in fact, engage in the sexually explicit conversation suggested by the advertising discovered in Telstra’s routine monitoring of newspapers and magazines. To do this, Telstra did authorise the hiring of persons to call the services suspected of breaching the legislation and contractual obligations to Telstra.

The legislation makes Telstra automatically liable to fines of up to $250,000 every time a telephone sex service is made by one of its customers and charged for on one of Telstra’s bills. The only defence is if Telstra can show that it did not know the service was a telephone sex service and had exercised reasonable diligence in finding any telephone sex services that might be provided to its customers. To exercise reasonable diligence, Telstra monitors magazines and newspapers where advertising for these types of services might appear, it has set up a complaints system and it has negotiated contracts with all service providers in which they must warrant that none of their services breach the legislation and that they will not engage in conduct which breaches the legislation. In order to exercise reasonable diligence, and avoid exposure to penalties, Telstra must not be involved in those services it considers to be illegal telephone sex services. But to decide whether a service is a telephone sex service, Telstra must call the service to form a view about the content.

(5) The Telecommunications (Interception) Act 1979 generally prohibits the interception of telecommunications, including adult telephone sex services and it applies to telecommunications carriers including Telstra. However, Telstra considers it has acted within that legislation because no interception of a telephone communication has occurred and no electronic recording was conducted.
(6) Not applicable based on the answer to question (5) above.

People with Disabilities: Case Based Funding Trials
(Question No. 2880)

Senator Chris Evans asked the Minister for Family and Community Services, upon notice, on 31 August 2000:

With reference to disability employment:

(1) Have there been any preliminary reports concerning the Case Based Funding trials.

(2) Have the last participants in the More Intensive Flexible Services (MIFS) pilot program completed their programs.

(3) Over the years how much was allocated to this program and how much of that was administrative costs.

(4) How many people did it assist in total.

(5) What was the success rate of the program.

(6) What was the average cost of each participant.

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

(1) Since the Case Based Funding Trial commenced in November 1999, regular statistical reports on data from the trial have been posted on the Family and Community Services Internet site. The Interim Evaluation Report on the Case Based Funding Trial is due in November 2000.

(2) All participants in the More Intensive and Flexible Service (MIFS) Pilot had their cases finalised prior to 30 June 2000. Case managers and Centrelink staff referred participants who wanted further assistance to FaCS funded employment assistance providers, community agencies and Centrelink Disability Officers for ongoing pre-vocational and other support.

(3) The total program funds allocated for the purchase of interventions and services for participants over the four years of the Pilot was $6.58m. In addition, for the final two years of the Pilot, $1.093m was allocated to Centrelink for administrative costs to support/manage the Pilot. Prior to the creation of Centrelink, the then Department of Social Security administered the Pilot and for these years the Department utilised existing resource funds to meet the costs incurred.

(4) Preliminary data indicate that 1766 people participated in the Pilot over the four years. The department is currently reviewing, updating and analysing data from the pilot. The evaluation of the MIFS pilot will be complete by the end of the year.

(5) MIFS was intended to address participants’ pre-vocational needs and thereby improve quality of life and participation in the life of the community. It was also intended to assist customers’ readiness to receive and benefit from employment assistance. Preliminary data indicate that over 50% of participants were referred to an agency for disability employment assistance, commenced voluntary work or began either part-time or full-time work. The evaluation will report on the range of outcomes achieved by participants through the Pilot, including analysis of longer-term outcomes.

(6) Preliminary data analysis indicates that the average cost per participant over the four years of the Pilot was $2,700, which includes an average assessment cost of $520.

Aboriginal Corporations: Winding Up
(Question No. 2889)

Senator Crossin asked the Minister for Aboriginal and Torres Strait Islander Affairs, upon notice, on 31 August 2000:

Is there an agreement between the Registrar of Aboriginal Corporations and solicitors and independent liquidators acting for the registrar to recover the costs incurred in winding up Aboriginal corporations; if so, what are the details of all or any such agreements.

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

The Acting Registrar of Aboriginal Corporations has provided the following information:
There are no independent liquidators acting for the Registrar of Aboriginal Corporations. Where the Registrar is of the view that the grounds as outlined in Section 63 of the Aboriginal Councils and Associations Act exist, he may petition a Court to appoint a liquidator and wind-up the affairs of a corporation.

Once appointed the liquidator is an officer of the Court, and is required to conduct the liquidation in accordance with the provisions of the Corporations Law.

There are no agreements in place between the Registrar and solicitors and independent liquidators regarding the recovery of costs incurred by the Registrar in preparing and obtaining a court order to wind up and appoint a liquidator to a corporation.

The costs incurred by the liquidator in winding-up the corporation’s affairs subsequent to the date of the court order, are dealt with in accordance with the provisions of the Corporations Law.

Occasionally, in the course of carrying out their duties, liquidators are faced with situations where further inquiries by them into the affairs of corporations under their control are warranted but which they are unable to fund. In such situations, on a case by case basis, the Registrar may, if it is considered to be in the public interest, agree to meet the costs of these specific investigations.

During 1999-2000 the Registrar agreed to meet specific costs relating to six corporations.

Office of the Employment Advocate: Advertisements
(Question No. 2890)

Senator Crossin asked the Minister representing the Minister for Employment, Workplace Relations and Small Business, upon notice, on 4 September 2000:

With reference to an advertisement placed by the Office of the Employment Advocate (OEA), in conjunction with the Territory Construction Association, in the Northern Territory News of 5 February 2000, entitled ‘Don’t Miss the Train’:

(1) Who initiated this joint project.

(2)(a) In what newspapers and on what days was the advertisement placed; (b) who paid for each of the advertisements; (c) what was the cost of each of the advertisements; and (d) what was the total cost of the advertisements.

(3) When and where were the seminars that were advertised.

(4) How many people attended each of the seminars.

(5) How many and which staff from the OEA attended the seminars.

(6) What is the link between taking advantage of the opportunities with the Alice Springs to Darwin Railway project and Australian Workplace Agreements as opposed to collective agreements or awards.

Senator Alston—The Minister for Employment, Workplace Relations and Small Business has provided the following answer to the honourable senator’s question:

(1) The project was a joint initiative of the Territory Construction Association (TCA) and the Office of the Employment Advocate (OEA). The project was conducted on a cost sharing basis, with the TCA responsible for venue hire etc and the OEA paying for advertising costs (see below).

(2)(a) Advertisements were placed in the following publications on the following days:
(b) OEA.
(c) Individual cost break down is as shown above.
(d) $3196.60.

(3)(a) Alice Springs, 9 February 2000;
(b) Tennant Creek, 10 February 2000;
(c) Katherine, 15 February 2000; and

(4) Alice Springs: high 30s;
Tennant Creek: high 20s;
Katherine: mid 20s; and
Darwin: around 10.

(5) Only one OEA staff member attended the sessions. That staff member was the regional manager of the OEA NT Office.

(6) The consortium behind the project requires that businesses tendering for work meet certain criteria. One criterion is the need for businesses to have a recognised industrial relations/human resource management system in place. The presentation to interested parties provided a general overview of the industrial relations issues for businesses considering tendering for the project. The OEA’s part of the presentation and advertisement concentrated on those parts of the Workplace Relations Act 1996 for which the OEA has responsibility and where it has expertise, namely, Australian Workplace Agreements (AWAs) and freedom of association. However, participants at the seminars were advised of all the options available to them, including awards and certified agreements. While ultimately it is a matter for the individual business to decide, there could be a number of benefits to parties making AWAs (whether on the Darwin-Alice rail project or in many other contexts). These benefits include the ability to deal individually with employees, flexibility for both employers and employees, and the ability to monitor and reward high quality performance.

National Electricity Market
(Question No. 2891)

Senator Brown asked the Minister for Industry, Science and Resources, upon notice, on 31 August 2000:

(1) Is the use of a Net System Load Profile (NSLP) to deem electricity consumption regulated or covered in any way by the National Measurement Act 1960 (the Act); if so, how and with what implications for the use of NSLP.
(2) Has the Minister’s office been approached by the Victorian Government or any of its agencies in its role as jurisdictional panel member of the National Electricity Market, or otherwise, in relation to the use of net system load profiling for deeming electricity consumption; if so, when and for what purpose.

(3) Has the Minister, or the department, had any contacts with the Victorian Government or any of its agencies about the Act in relation to full retail contestability in the gas or electricity markets; if so: (a) when were these contacts; (b) in what form were they; (c) who was involved; and (d) what issues were canvassed.

(4) Has the Minister been approached by the National Electricity Market Management Company or the National Electricity Code Administrator about the use of NSLP for full retail contestability for electricity; if so, when and for what purpose.

(5) (a) What are the alternatives to NSLP for measuring electricity consumption so that full retail contestability can be introduced; (b) do they conform to the Act; and (c) what other advantages and disadvantages do they have.

(6) Has anyone sought amendments to the Act in relation to the delivery of electricity or gas: if so, (a) who; (b) when; and (c) what changes did they seek.

(7) Has the Minister’s office or the Commonwealth Government given any undertakings to any other party about the administration of the Act in relation to the introduction of full retail contestability for electricity and/or gas; if so: (a) what were these undertakings; and (b) to whom and when were they given.

(8) (a) How are consumer interests represented in decision-making processes for the national electricity market; (b) what information is available to the consumer; and (c) what resources are provided to enable consumer participation.

(9) How is the Act monitored and enforced in the electricity and gas industries.

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

(1) Application of the National Measurement Act 1960 to net system load profiling is unclear. My Department is currently in the process of establishing whether load profiling is consistent with the National Measurement Act 1960.

(2) The Minister’s Office has not been approached by the Victorian Government, or any of its agencies, in relation to the use of net system load profiling for deeming electricity consumption. The Commonwealth is not a member of the National Electricity Market Jurisdictional Panel and does not have any legislative powers with respect to retailing electricity.

(3) The Department has held informal discussions with the Victorian Government about introduction of full retail contestability in the Victorian electricity market.

(a) Informal discussions were held in July and August 2000.

(b) The discussions took the form of telephone conversations and an informal meeting.

(c) Discussions included representatives of the New South Wales and Victorian Governments, and officials from the Department of Industry Science and Resources.

(d) Issues canvassed included the need to establish certainty in the application of the National Measurement Act 1960 as well as a discussion of the relative merits of NSLP versus interval metering.

(4) The Minister has not been approached by the National Electricity Market Management Company or the National Electricity Code Administrator concerning net system load profiling.

(5) There are two metrology procedures that would facilitate introduction of full retail contestability into the National Electricity Market: interval metering and profiling.

Interval metering provides accurate and transparent information necessary to support efficient new entry to the National Electricity Market, and the development of innovative and vigorous retail competition. However, cost-effective interval metering solutions are not yet available and may take some time to develop. Although concerns about cost and cost recovery may be addressed quickly,
interval metering development and rollout has the capacity to significantly delay the implementation of full retail contestability.

The alternative approach of profiling involves developing sophisticated algorithms to estimate consumption. Profiling solutions can range in complexity from net system profiles through to more complex customer class profiles. Profiles can be developed on the basis of consumption/load or cost. Profiling could be implemented quickly and may be a relatively cheap alternative to interval metering. However, profiling by its nature is less accurate than interval metering and may involve allocative cross-subsidies between users.

Interval metering is consistent with the requirements of the National Measurement Act 1960. Cost profiling is also likely to be consistent with the requirements of the National Measurement Act 1960. My Department is currently in the process of establishing whether load profiling is consistent with the Act.

(6) The Victorian and New South Wales Governments have sought clarification regarding the operation of the National Measurement Act 1960. They informally raised the possibility of amending the Act or developing regulations to clarify the legality of using profiling under the National Measurement Act 1960. At this stage no formal request has been received.

(7) No undertakings, beyond a willingness to consider the issue, have been provided by the Commonwealth concerning the interrelationship between the National Measurement Act 1960 and the introduction of full retail competition in the electricity sector.

(8) The Energy Action Group has represented consumer interests in relation to implementing full retail contestability through its membership on the National Electricity Market Settlements and Transfer Committee (NEMSAT). NEMSAT is advising the NSW and Victorian governments on the implementation of full retail contestability, particularly as it relates to the development of systems and processes to facilitate customer choice. The Australian Competition and Consumer Commission is also an observer on this Committee.

Consumer interests are protected in the National Electricity Market by provisions included in the National Electricity Code (Code) as well as licensing requirements in each jurisdiction. The Code defines the rights and obligations of participants within the National Electricity Market. All proposed changes to the Code must follow a well-defined Code change process that requires public notification of all proposals, as well as a public consultation process. Any interested party may submit a proposal for a Code change as well as a submission on any proposed Code change. Proposals for Code changes are considered by the National Electricity Code Administrator in the first instance and then may be referred to the ACCC for a final determination. All submissions received through the public consultation process, as well as the final recommendations to the ACCC, are publicly available. The ACCC considers the recommendations having regard to its previous determinations, the likely competition effects with regard to the Trade Practices Act 1974 and the net public benefits of the proposal.

The National Electricity Code Administrator launched a review of end-user advocacy in March 2000. Implementation of the recommendations from the review of end-user advocacy are expected in early 2001. Issues to be covered by the review include:

- Potential amendments to the Code to ensure effective opportunity for end-user involvement
- Appropriate provision of information and the practices and procedures of NECA and NEMMCO to facilitate end-user advocacy.

- Scope for improved organisational and representational arrangements on behalf of end users

(9) As for all industries, the electricity industry interacts with the National Measurement Act 1960 through the validation and certification of meters used in the industry. The National Standards Commission has identified the monitoring of meters in the electricity industry as a priority project in its current work program.
Tuesday, 28 November 2000

SENATE

Education: Vision College Students
(Question No. 2905)

Senator Carr asked the Minister representing the Minister for Education, Training and Youth Affairs, upon notice, on 8 September 2000:

(1) Are students from the defunct Vision College, trading as Wesley Institute of Language and Commerce, able to obtain their results and attendance records from the college.

(2) Are the students able to obtain formal transcripts of results and attendance on the letterhead of Wesley Mission which had formal CRICOS registration.

(3) (a) Is the Minister aware of claims that Vision College will only supply details of student records to Wesley Mission upon receipt of a payment of $100,000; and (b) on what basis does Vision College make such a claim for payment while denying students legitimate access to their records.

(4) If the allegation is confirmed, is the practice consistent with the obligations of Vision College under the Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991 (ESOS Act).

(5) Whether or not the activities of Vision College are inconsistent with the current ESOS Act and Regulations, which section of the Education Services for Overseas Students Bill 2000 will prevent such situations from recurring.

Senator Ellison—The Minister for Education, Training and Youth Affairs has provided the following answer to the honourable senator’s question:

(1) Yes. Wesley Mission has advised that formal academic transcripts and attendance records are being issued to students on Wesley Institute of Language and Commerce (WILC) letterhead.

(2) No. Wesley Mission has advised that formal academic transcripts and attendance records are being issued to students on Wesley Institute of Language and Commerce (WILC) letterhead.

(3) (a) Wesley Mission has advised that at one stage Vision College Pty Ltd was not going to provide access to the data base containing records of academic performance and details of student attendance and was asking Wesley Mission to pay $100,000 for the licence to access the data base. This is no longer the case and formal academic transcripts and attendance records are being issued to students on WILC letterhead.

(b) See (a) above.

(4) See 3(a) and (b) above.

(5) Section 33 of the Education Services for Overseas Students Bill 2000 (ESOS Bill 2000) requires the Minister to establish by April 2001 a National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students. DETYA has issued for comment an exposure draft of the Code. Under the Code a provider will be able to participate in the provision of a course under an arrangement with a registered provider under sub-clause 8(1)(f) of the ESOS Bill 2000, though under paragraph 12.3 of the Code, only one provider will be permitted to be registered where a course is jointly provided. In the Wesley case, Wesley Mission did not inform the NSW Vocational Education and Training Accreditation Board (VETAB) of its agreement with Vision College before the joint venture began. If it had done so, VETAB would have been able to raise its objection about Vision’s lack of Registered Training Organisation status at that stage. Paragraph 12.3 of the Code requires providers to get the approval of the State authority for arrangements to provide courses in association with other providers.

Sections 22 and 24 of the ESOS Bill 2000 require registered providers to belong to a Tuition Assurance Scheme and to make payments to the ESOS Assurance Fund, unless regulations exempt them from these requirements. It is in the context of these regulations that the future of the Parent Organisation Guarantee (POG) comes to be considered. DETYA will consult in due course on those regulations, taking into account the fact that the Bill changes the context in which the POG was originally devised, and the experience of the Wesley case.
Moreover, the strengthened provisions of the ESOS Bills will clarify responsibilities in situations such as the Wesley Institute/Vision College example, and expose registered providers to clear sanctions for any breaches of the Act or Code, whether committed by themselves or by an agent or sub-contracted provider.

Section 18 of the Bill provides that only the registered provider will be able to receive course money. (In the Wesley Institute example, the sub-contracted body was accepting payments.) Breaches of this provision (as other provisions of the Bills and the National Code) will be able to be sanctioned.

The registered provider will be responsible for compliance with the new ESOS Act and the requirements of the National Code. The National Code holds providers responsible for the activities of their agents, which is defined in the ESOS Bill as a person who represents or acts on behalf of a provider, or purports to do so.

The draft National Code includes the requirement that advertising and information provided to prospective students must identify the registered provider and its CRICOS number, and identify any sub-contracting arrangements involved in the student’s course.

**Agriculture: Importation of New Zealand Apples**  
(Question No. 2940)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 15 September 2000:

(1) Did the New Zealand application to import apples into Australia lodged in 1998 advise that the cold storage of apples removed the potential for the transfer of fireblight; if so:

(a) what assessment of that claim was made by the Australian Quarantine and Inspection Service; and

(b) what was the result of any assessment.

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) The New Zealand application included new research on the survival of fireblight on apples in cold storage.

(a) AQIS staff specialists assessed these claims in consultation with several Australian fireblight specialists.

(b) This research initially promised to show that the viability of bacteria on fruit is reduced by cold storage, but on further assessment it has proved inconclusive.

**Roads: Sandfly Road, Margate, Tasmania**  
(Question No. 2946)

Senator Brown asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 18 September 2000:

(1) What was the cost of upgrading the ‘T’ junction at Margate near the end of Sandfly Road in Tasmania.

(2) How much did the Commonwealth contribute.

(3) Who did the work and how much was each contractor paid.

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

(1) The Channel Highway/Sandfly Road junction was identified as a black spot site under the Australian Land Transport Development Act 1988 and funding was provided in 1997/1998 under the Federal Road Safety Black Spot Program. Construction of a dedicated right hand turn lane from the Channel Highway into Sandfly Road was completed at a cost of $20,000.

(2) The Commonwealth contributed $20,0000 under the Federal Road Safety Black Spot Program.
(3) Ron Carthew Civil Contracting Pty Ltd was contracted by the Tasmanian Government for this project. An amount of $20,000 was paid for these services.

**Children’s Garden Rudolf Steiner School: Land Sale**

(Question No. 2948)

Senator Bourne asked the Minister representing the Minister for Defence, upon notice, on 19 September 2000:

1. Can the Minister provide an update on the situation with the Children’s Garden Rudolf Steiner School in Randwick, New South Wales.

2. What measures were taken to consult the school community as well as the public in the process to sell the land and the subsequent usage of that land.

3. Can the Minister answer allegations that the Department of Defence has gone ahead with the plans without due regard to the community feelings.

4. Can the Minister comment on a letter from him to Mr Andrew McPhail, chairman of the school, which states ‘that no commitment had been given in regard to providing the school with longer term occupation of the site’, and does the Minister agree that this statement contradicts the statement in the Information Bulletin dated October 1999 which says: ‘As the Children’s Garden are existing users, it is proposed to offer the school a site in the development zone located at the eastern end of the site near the proposed new community facility’.

5. Can the Minister comment on why the Rudolf Steiner School has not been offered a lease as per a Department of Defence press release as well as the Information Bulletin dated October 1999.

6. Can the Minister provide any solutions to enable the Rudolf Steiner School to stay at this site.

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

1. The School leased a Defence building in March 1998 on a short-term arrangement in order to expand its activities in the Randwick area. There have since been two 12-month extensions and the current lease expires in December 2000. In November 1999, Defence sought submissions from the School regarding future options for its presence in the Randwick site. The School lodged a submission in June 2000; however, this did not provide the information required by the department to make a useful assessment on the School’s forward plans. Defence advised the School officials in December 1999 that the current lease would not be extended.

2. An extensive community consultation program was initiated in 1996 when a major portion of the Randwick site was declared surplus to Defence requirements. The consultation program incorporated:
   - briefing and community input at a number of meetings during the preparation of the development concept with the community Precincts Groups surrounding the site;
   - formation of a Community Reference Group incorporating representatives of all stakeholders. Stakeholders included Precinct Groups, local members, ethnic groups, Department of Education, Randwick Councillors, Community Centre, Bundock Street Project Group, Chamber of Commerce, Greening Australia and Army. The Community Reference Group worked over a 6 month period with the Defence project team in identifying issues and development solutions;
   - a public meeting;
   - distribution of 5 newsletters to 15,000 residents surrounding the site with one incorporating a ‘reply paid’ response to the proposed development concept;
   - workshops with Council staff;
   - presentations to the full Council;
   - site open days;
   - community workshop over a three day period;
- issuing of all consultants reports to stakeholders and making such available at the Council Chambers and Library for public inspection;
- briefing with individual stakeholders including Community Centre users (Steiner School);
- public exhibition of development concept before finalisation and lodgment; and
- briefing of local Members and/or their representatives.

Following lodgment of Defence’s Development Applications, Steiner School representatives were invited to a meeting in November 1999 to discuss their future. At the conclusion of the meeting it was agreed, the Steiner School was to submit a proposal before the end of the year regarding their future on the Defence site. Subsequent to the meeting, Steiner School representatives were followed up on a number of occasions (during February and March 2000) in regard to their proposed submission. It was finally submitted in June 2000. Various pieces of correspondence have transpired over the past six months and a further meeting was held with the Steiner School in August 2000. The Steiner School also attended meetings with Community Centre users in November 1999 to discuss Defence’s Development Applications and in June 2000 to discuss a number issues about the Community Centre and its future.

(3) The department’s development solution for the site has addressed the majority of community concerns and issues identified in one of the most extensive community consultation programs undertaken. Particular issues that have been addressed are:
- provision of a substantial new community facility specifically located in the northern portion of the site adjacent to open space, as requested by the community;
- incorporation of a pre-school in the community facility;
- provision of low-density development with no high rise. In Defence’s Development Applications, the number of dwellings contemplated for the site is at a lower rate than proposed throughout the rezoning community consultation program; and
- restriction of north/south bound traffic through the site whilst being integrated with the surrounding street system.

The current proposal provides for some 12-13 hectare of open space representing approximately 25% of the site area.

The entire planning process since 1996 has proceeded on the basis of seeking and incorporating community views on the disposal of Randwick.

(4) A press release issued in October 1999 included an offer for the School to lease part of a site in the new development, anticipated to be adjacent to a proposed new community facility included in Defence’s development application for the surplus land at Randwick. Prior to December 1999, it was expected that the site would be ready for development at the end of 2000. This will not occur, as there have been delays in progressing the disposal planning with Randwick City Council. The offer was also dependent on the School providing a submission on its future plans and agreeing commercial terms. The School was informed in November 1999, that any such arrangement would be short-term.

There is a possibility some parents of the School may have misunderstood the offer made by Defence. Nevertheless, it has been made clear to School officials since November 1999 that the offer reported in October 1999 was a temporary one and that the School would be ultimately responsible for its permanent location. At that time, officials would have also been aware that there were no guarantees regarding its future tenure at Randwick.

The School was advised in December 1999 that the current lease would not be renewed. There are contamination issues associated with the existing site and pre-disposal activities need to be undertaken. The School has been encouraged to address its future plans and despite many requests a submission was not provided until June 2000. The fact that the School is expanding each year is an issue. The submission, which sought a 49-year lease, did not provide the information required by the department. The School has been advised of the inadequacy of its submission. In the meantime, there have been delays in relation to Randwick Council’s consideration of Defence’s development applications and the
subsequent requirement for a site Masterplan. The opportunity to accommodate the School within the new development as originally envisaged has now passed.

(5) See (4) above.

(6) In order for the School to secure a future presence on the new site, the only means now available to achieve this would be to acquire a portion of the site when it is offered to the market or to negotiate an arrangement with any future purchaser of the site. The present indications are that the marketing of the property will not occur until the middle of 2001 at the earliest.

Child Support: Parenting Orders
(Question No. 2952)

Senator Brown asked the Minister representing the Attorney-General, upon notice, on 22 September 2000:

(1) In a child custody disputation, is it possible for a non-custodial parent who has no criminal record to be denied access to his or her child or to have as little as 30 hours access in the 18 years of that offspring’s childhood; if so, why.

(2) Where court orders require a custodial parent to furnish a child’s medical and school reports to the non-custodial parent but this is not done, what action is taken to have the court’s requirement upheld, and, if no effective action is taken, why not.

Senator Vanstone—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) In proceedings for a parenting order, a court exercising jurisdiction under the Family Law Act 1975 may make such parenting order as it thinks proper (Section 65D).

While it is possible that a court may make, under section 65D of the Act, an order that a parent is to have limited or no contact with their child, whether such an order is made is a matter for the court and will depend on the circumstances of the case.

In deciding whether to make a particular parenting order in relation to a child, a court must regard the best interests of the child as the paramount consideration (section 65E).

The Act requires that a court, in determining what is in a child’s best interests, must consider a number of matters relating to the child and his or her family situation, including any wishes the child has expressed and other matters relating to the child’s particular circumstances (section 68F).

(2) Orders made by courts under the Act are enforced by courts on application by those who have an interest in securing compliance with them. An order made by a court under the Act requiring that documents be furnished by the parent with whom the child primarily lives to the child’s other parent would usually be enforced on the application of that other parent.

The range of sanctions available to the court under the Act include imprisonment, fines, recognizances, alternative sentencing options (for example, community service orders if available in the State or Territory where the court is sitting), sequestration of property and delivery of documents. In addition, where such an application is made, the court may make such orders it considers necessary to ensure compliance with the order that was contravened.

Enforcement of orders in relation to children’s orders is a difficult issue and is often associated with communication difficulties between parents. The Family Law Amendment Bill 2000, introduced in the Senate on 3 October 2000 after its passage through the House of Representatives, proposes changes to the Family Law Act 1975 to improve the enforcement of parenting orders and to promote more effective communication between parents in the best interests of their children.

The Bill proposes a 3-tiered approach, recommended by the Family Law Council, involving:

- preventative measures, to improve communication between separated parents and to educate them about their respective responsibilities in relation to their children;
- remedial measures, to enable the parents to resolve issues of conflict about parenting; and
sanctions, to ensure that, as a last resort, a parent is punished for deliberate disregard of a court order.

It is hoped that this new approach will assist parents to consider, avoid and resolve disputes relating to the upbringing of their children.

Shipping: Barge Sinking Incident
(Question No. 2958)

Senator Brown asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 28 September 2000:

(1) Can the Minister confirm that a barge loaded with barrels of oil sank at Cocos Island in 2000; if so, can the Minister guarantee that the barge was seaworthy, given that it was a World War II landing barge.

(2) Was a permit issued to allow this vessel to operate loading and unloading cargo at Cocos Island; if so, (a) by whom; and (b) what investigations were conducted to determine its seaworthiness prior to the permit being issued.

(3) What action has been taken to recover the oil.

(4) Will the Minister investigate the process by which this barge was allowed to operate.

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

(1) An amphibious vehicle became partially submerged in the lagoon at Cocos (Keeling) Islands on 31 July 2000 while undertaking commercial operations ferrying cargo from a ship anchored offshore to the Island. The amphibious vehicle was subsequently towed onto land without damage to its cargo, part of which was a sealed shipping container loaded with sealed drums of waste oil.

The vehicle was a former United States Army landing craft recently modified to undertake cargo operations on the Cocos (Keeling) Islands. These modifications were made in accordance with the construction requirements of the Uniform Shipping Laws Code, which specifies standards for smaller vessels, and the craft carried safety equipment required by the Code.

(2) Before the amphibious vehicle commenced cargo operations at the Cocos (Keeling) Islands, the owner requested the Australian Maritime Safety Authority (AMSA) to conduct an independent assessment of the craft. AMSA reviewed the documentation related to the modifications to the craft and undertook inquiries to obtain an assessment of the safety equipment aboard the craft by Australian Federal Police officers stationed on the Islands.

AMSA concluded from the available information that the craft’s stability characteristics and safety equipment conformed with the requirements of the Uniform Shipping Laws Code. On 28 July 2000, AMSA advised the owner and the Administrator on Cocos (Keeling) Islands that the craft could be permitted under specific conditions to conduct commercial cargo operations, pending survey.

(3) The sealed container loaded with the sealed drums of waste oil remained on the amphibious vehicle while it was submerged and was recovered when the craft was towed ashore without damage or spillage of any cargo.

(4) No. The process followed before the amphibious vehicle commenced operations at the Cocos (Keeling) Islands is outlined in (2) above.

Shipping: Sulteng I Sinking
(Question No. 2960)

Senator Brown asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 28 September 2000:

(1) Can the Minister confirm that a ship loaded with phosphate sank following its departure from the Christmas Island port in 2000.
(2) Can the Minister also confirm that no investigation into the circumstances surrounding the sinking and the matter of whether the ship was overloaded was conducted because the ship was deemed to have sunk in Indonesian/international waters; if so;

(a) will an investigation now be conducted, since the lives of over 20 crew members were put at risk and the last port of call was the Christmas Island port, an Australian port; and

(b) can a copy of the investigation report be provided.

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

(1) The Indonesian vessel Sulteng I sank about 65 miles north-east of Christmas Island on 19 July 2000, with a cargo of 3800 bags of phosphate.

(2) An Australian investigation was not conducted, but both the Australian Transport Safety Bureau and the Australian Maritime Safety Authority kept the incident under review.

(a) Sulteng I sank in international waters in over 4000 m. All the crew were rescued and repatriated to Indonesia. Indonesia, as flag State, is obliged under the United Nations Law of the Sea (Article 94(7)) to conduct an investigation. Under the Navigation (Marine Casualty) Regulations, the Inspector of Marine Investigations has discretionary powers to investigate casualties to ships to which the Navigation Act 1912 applies. This power extends to an incident, if evidence is found in Australia. Given the Indonesian jurisdiction over the ship, the fact that the ATSB would not gain access to the ship’s master, crew or the ship, and evidence that the ship discharged ballast after loading to ensure it was not overloaded, I am advised that the Inspector considered that there was no likelihood of obtaining sufficient material to justify the resources required to conduct a safety investigation.

(b) For the above reason - no.

Springbrook National Park: Development
(Question No. 2961)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 28 September 2000:

With reference to the site of the proposed development in Springbrook National Park:

(1) What processes does the Minister intend to follow when assessing the impact of this proposal upon world heritage values.

(2) As Springbrook National Park is only 3,000 hectares in area, has 380,000 visitors annually and its draft management plan states that it is already experiencing pressure from visitors, and given the requirements to present world heritage areas, what level and modes of presentation does the Minister believe will satisfy world heritage requirements.

(3) What mechanisms does the Minister plan to put in place to ensure that this area is not over-exploited.

(4) How does the Minister plan to identify the carrying capacity of this area and to ensure that it is not exploited.

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

(1) The proposal has been referred to me under the provisions of the Environment Protection and Biodiversity Conservation Act 1999 (the Act). I have determined that the proposal represents a controlled action under the Act and I have requested preliminary information from the proponent. When I have received this, I shall determine what level of assessment is appropriate under the Act.

(2), (3) and (4) Potential impacts upon the world heritage values of the World Heritage area to be traversed by the proposed cableway (the Springbrook National Park), including possible effects of visitation rates from the project upon those values, will be examined as part of the Commonwealth assessment process under the Act.
Department of Defence: Toxic Chemicals
(Question No. 2964)

Senator Brown asked the Minister representing the Minister for Defence, upon notice, on 29 September 2000:

With reference to the answer to question on notice No. 2552, (Hansard, 7 September 2000, page 16099)

(1) (a) How much VX agent is held by the Department of Defence; and (b) where and when and from whom was it acquired.

(2) (a) What research has been or is being carried out with VX; (b) what are the results or aims of their research; (c) when will it be completed; and (d) who is doing the research and where.

(3) What stringent monitoring is being undertaken and by whom.

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

(1)(a) Less than ten grams.

(b) The chemical is synthesised as required on site in a Defence facility.

(2)(a) Research using VX focuses on defence against chemical agents, and the development of methods of analysis to support the verification of the Chemical Weapons Convention (CWC), to which Australia is a State Party.

(b) The research aims to ensure a sufficient base of knowledge to allow the protection of Australian Defence Force personnel against the possible use of chemical weapons, including when they are deployed overseas in support of United Nations or other multinational operations.

(c) The research is ongoing.

(d) For security reasons, the information sought to this part of Senator Brown’s question cannot be disclosed.

(3) Under the CWC, Australia reports annually to the Organisation for the Prohibition of Chemical Weapons (OPCW) on stock, production, use and trade of chemicals such as VX. The OPCW has conducted three inspections of the storage site, and on each occasion, has verified that Australia is compliant with its declared use of VX under the CWC. In addition to the international compliance inspections, under the provisions of the Chemical Weapons (Prohibition) Act 1994, all activities with VX are monitored nationally by inspectors from the Australian Safeguards and Non-Proliferation Office.

Department of the Environment and Heritage: Unauthorised Computer Access
(Question No. 2970)

Senator O’Brien asked the Minister for the Environment and Heritage, upon notice, on 3 October 2000:

(1) What systems are in place to ensure there is no external unauthorised access to departmental computer systems or computer systems operated by agencies for which the Minister is responsible.

(2) Since 1 January 1999, has there been any external unauthorised access to computer systems operated by the department or agencies for which the Minister is responsible; if so, in each case: (a) when did the external unauthorised access of the computer system occur; (b) what was the nature of the unauthorised access; (c) how was it detected; and (d) what action was taken as a result of the unauthorised access.

(3) Where external unauthorised access of a computer system has occurred: (a) what was the security status of the computer system; (b) what action was taken to identify the person who illegally accessed the system; and (c) what was the result of that action.

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

(1) Department
Since 26 June 2000 most computer systems within Environment Australia (EA) have been maintained by Ipex ITG. Security is provided according to strict policies set down by EA and implemented by Ipex ITG. Unauthorised external access is prevented by sophisticated firewall software and dial-in protocols. There are also physical security and access controls on computer rooms housing these systems.

The Bureau of Meteorology (BOM) and Australian Antarctic Division (AAD) both maintain their own computer services. Both also use sophisticated firewall software and dial-in protocols to prevent unauthorised external access. There are also physical security and access controls on computer rooms housing these systems.

**Australian Greenhouse Office (AGO)**

Computer systems within the AGO are also now maintained by Ipex ITG. Security is provided according to strict policies set down by the AGO and implemented by Ipex ITG. Unauthorised external access is prevented by sophisticated firewall software and dial-in protocols. There are also physical security and access controls on computer rooms housing these systems.

**National Oceans Office (NOO)**

Ipex ITG maintains computer systems within NOO. Security is provided according to strict policies set down by EA and implemented by Ipex ITG. Sophisticated firewall software and dial-in protocols prevent unauthorised external access. There are also physical security and access controls on computer rooms housing these systems.

**Great Barrier Reef Marine Park Authority (GBRMPA)**

Computer systems within GBRMPA are maintained in-house. Electronic access is protected by a tiered approach, firstly a router with restricted access lists, secondly a separate firewall computer, and thirdly by username and password restrictions. Physical access is restricted by a security and alarm system.

(2) (a) to (d)

**Department**

Two incidents of unauthorised external access are known to have occurred. Both involved the use of email systems to rebroadcast junk email messages through a process known as spamming.

The first incident occurred on 6 and 7 May 1999 and involved the BOM computer system. It was detected by BOM system support staff. To prevent a recurrence a later version of Unix sendmail, with capability to prevent such misuse, was installed on a separate mail server host on 10 May 1999.

The second incident occurred on 13 June 2000 and involved the EA computer system. It was detected when recipients of the junk email notified the computer system support staff in EA. Once notified, the firewall software that prevents this type of activity was modified on 14 June 2000 to prevent a recurrence.

**AGO**

No.

**NOO**

No.

**GBRMPA**

Yes there has been one occasion of unauthorised access.

On Tuesday 18 January 2000 at approximately 5:30am.

The GBRMPA external webserver’s home page file was temporarily overwritten by a group of Brazilian hackers under the pseudonym of the ‘404 Crew’.

At approximately 8:30 am the defacing of the Authority’s web page was detected by a GBRMPA staff member and reported to the Manager, IT Services.
The approved home page was restored in a matter of minutes. Log files were examined and it was reported that the hackers appeared to have gained access using the Microsoft FrontPage developer. Appropriate remediation steps were followed immediately to prevent a second attack.

Staff identified the IP address of the attackers and immediately activated blocking of FrontPage Publishing rights from any IP addresses stemming from outside the GBRMPA Network. This ensured that no further attack using Microsoft FrontPage from outside of the Authority’s network would succeed.

(3) (a) to (c)

Department

Neither breach involved access to data of any kind of classification. No action was taken to identify the persons responsible as the likelihood of identifying the perpetrators was very slight.

AGO

N/A

NOO

N/A

GBRMPA

The breach exploited an anomaly in Microsoft Frontpage Server Extensions which allowed the homepage to be overwritten. This has since been addressed.

No other computer systems or files were vulnerable.

Log files were examined and identified the IP address of a dial-up account in Brazil. The breach was reported to AusCert.

No further action was taken as no irreversible damage was done, the problem was rectified within a few minutes and the “attack” served as a warning which resulted in internal remedial action.

Department of Education, Training and Youth Affairs: Unauthorised Computer Access

(Question No. 2976)

Senator O’Brien asked the Minister representing the Minister for Education, Training and Youth Affairs, upon notice, on 4 October 2000:

(1) What systems are in place to ensure there is no external unauthorised access to departmental computer systems or computer systems operated by agencies for which the Minister is responsible.

(2) Since 1 January 1999, has there been any external unauthorised access to computer systems operated by the department or agencies for which the Minister is responsible; if so, in each case: (a) when did the external unauthorised access of the computer system occur; (b) what was the nature of the unauthorised access; (c) how was it detected; and (d) what action was taken as a result of the unauthorised access.

(3) Where external unauthorised access of a computer system has occurred:

(a) what was the security status of the computer system; (b) what action was taken to identify the person who illegally accessed the system; and (c) what was the result of that action.

Senator Ellison—The Minister for Education, Training and Youth Affairs has provided the following answer to the honourable senator’s question:

(1) The Department of Education, Training & Youth Affair’s (DETYA) Information Technology infrastructure and Internet Gateway security systems are provided by the Department of Employment, Workplace Relations & Small Business (DEWRSB.)

A number of methods are used to provide IT security. These range from password mechanisms through to complex firewalls:

- Cisco PIX 520 firewalls – are used at each hubbing point and in the NDC to protect the network from external users;
- external routers are used in conjunction with the PIX firewalls for network address translation;
- two separate radius authentication systems are deployed for dial-up access - for internal and for external users; and
- a Tacacs+ server is deployed for authentication of router configuration access.

Standard Microsoft Windows NT 4.0 administration tools are used to support the LAN security environment.

Security for Internet access and services are provided by the Internet Gateway environment. This includes cover for the provision of core Internet services to internal users and a growing number of business services to external clients via information and Internet business systems. Web servers are also covered by the Internet Gateway.

Internet applications are secured through:
- eSign Australia (Verisign) Certificates; and
- application security functions to validate login/passwords from an Internet based user.

Expert external reviews of the Internet gateway are conducted regularly. The most recent review conducted by the Queensland University of Technology commended the Department for the secure firewall and network security and in their rapid response to external probes.

Building security is provided for by the Department’s infrastructure in the National and State offices and personnel through a private company (MIL security).

(2) No. The security systems in place have successfully repelled all known attacks to DETYA internet applications. Any attacks of particular concern are reported to Australian Computer Emergency Response Team (AusCERT) through DEWRSB.

(3) Not applicable.

**Department of Immigration and Multicultural Affairs: Unauthorised Computer Access**

( Question No. 2979)

**Senator O’Brien** asked the Minister representing the Minister for Immigration and Multicultural Affairs, upon notice, on 3 October 2000:

(1) What systems are in place to ensure there is no external unauthorised access to departmental computer systems or computer systems operated by agencies for which the Minister is responsible.

(2) Since 1 January 1999, has there been any external unauthorised access to computer systems operated by the department or agencies for which the Minister is responsible; if so, in each case: (a) when did the external unauthorised access of the computer system occur; (b) what was the nature of the unauthorised access; (c) how was it detected; and (d) what action was taken as a result of the unauthorised access.

(3) Where external unauthorised access of a computer system has occurred: (a) what was the security status of the computer system; (b) what action was taken to identify the person who illegally accessed the system; and (c) what was the result of that action.

**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 (DIMA) has detailed systems and procedures currently in place to ensure there is no external unauthorised access to departmental computer systems or computer systems operated by the Migration Review Tribunal (MRT), the Refugee Review Tribunal (RRT) and the Migration Agents Registration Authority (MARA). These departmental systems and procedures include:
- Departmental Security Management Framework
- Departmental Security Policy and procedures
- IT systems access control procedure
- Physical and Protective security policy and procedures
- A Threat and Risk Assessment is undertaken prior to the connection of any new system or infrastructure to the DIMA network
- Change control systems in place to ensure security policy and procedures are adhered to
- Defence Signals Directorate (DSD) accredited Secure Internet Gateway
- DSD certified IT security infrastructure
- Requirement that all external links are encrypted to DSD approved standards
- Encryption key management plan approved by DSD
- Appropriate security level gateways using approved DSD products for all external connections to the department IT infrastructure
- Audit and monitoring processes
- Ongoing Security Awareness training, which is a mandatory requirement for all staff to attend
- Regular external auditing of security practices and procedures.

(2) There has been no detected unauthorised external access to computer systems operated by the Department, the MRT, the RRT or MARA.

(a) to (d) Not applicable.

(3) Not applicable.

(a) to (c) Not applicable.

Aboriginal and Torres Strait Islander Commission: Unauthorised Computer Access

(Question No. 2983)

Senator O’Brien asked the Minister for Aboriginal and Torres Strait Islander Affairs, upon notice, on 3 October 2000:

(1) What systems are in place to ensure there is no external unauthorised access to departmental computer systems or computer systems operated by agencies for which the Minister is responsible.

(2) Since 1 January 1999, has there been any external unauthorised access to computer systems operated by the department or agencies for which the Minister is responsible; if so, in each case: (a) when did the external unauthorised access of the computer system occur; (b) what was the nature of the unauthorised access; (c) how was it detected; and (d) what action was taken as a result of the unauthorised access.

(3) Where external unauthorised access of a computer system has occurred: (a) what was the security status of the computer system; (b) what action was taken to identify the person who illegally accessed the system; and (c) what was the result of that action.

Senator Herron—The answer to the honourable senator’s question is as follows:
The Aboriginal and Torres Strait Islander Commission has provided the following information

Aboriginal and Torres Strait Islander Commission

(1)(a) ATSIC has a Defence Signals Directorate approved firewall in place at its connection point to the Internet and a second, internal, firewall in place at the entry to its Wide Area Network to restrict access to its computer systems.

(b) Where dial-up access is provided, a multi-level protection process is in place which includes password authentication and use of a Personal Identification Number (PIN).

(2) No.

(3) Not applicable.

Aboriginal and Torres Strait Islander Commercial Development Corporation

(1) There is limited access to the Corporation’s computer system from external sources. Access is limited to the Manager (Finance) and that connection is through a dedicated modem with appropriate security. In terms of virus protection, a propriety anti-virus program is installed with regular updates.
Aboriginal Hostels Limited
(1) The AHL network is a virtual private network which consists of Windows 95 client computers and Windows NT 4.0 servers. The network is protected from external access by F-Secure Virtual Private Network Gateway machines that encrypt all traffic passing to Regional Offices across the Internet. The "border" of the AHL network is protected by a SecureZone firewall which filters traffic from the Internet and limits external access based on access rules. The server and firewall logs are monitored for suspicious access activity.
(2) No.
(3) Not applicable.

Indigenous Land Corporation
(1) Unauthorised access to ILC systems via the Internet is prevented by use of a firewall. Unauthorised access via dial-up connection is prevented by use of security measures which require use of a valid username and password. All dial-up access is monitored and logged using proprietary software.
(2) No.
(3) Not applicable.

Australian Institute of Aboriginal and Torres Strait Islander Studies
(1) AIATSIS has a standard proprietary firewall installed at the entry to its network, which is configured to ensure that no unauthorised access is possible.
(2) No.
(3) Not applicable.

Torres Strait Regional Authority
(1) The TSRA has a proprietary firewall in place, configured and managed by an external service provider to ensure no unauthorised access is possible to its computer systems
(2) No.
(3) Not applicable.

Department of Family and Community Services: Programs and Grants to the Richmond Electorate

(Question No. 2996)
Senator Mackay asked the Minister for Family and Community Services, upon notice, on 5 October 2000:
(1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Richmond.
(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 programs and grants that 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 administered by FaCS
- Emergency Relief Program
- Child Support Agency (CSA) – services provided from Ballina
- Youth Programs – including pilot Reconnect programs
- Family Relationship Services Program (FRSP)
- Family and Community Networks Initiative (FCNI)
- Employment Assistance for people with a disability
- Advocacy for people with a disability
- Carer Respite
- Commonwealth Childcare Programs
- CRS Australia – vocational rehabilitation and injury management programs
- Commonwealth funds for the Supported Accommodation Assistance Program and Housing Programs under the Commonwealth State Housing Agreement (CSHA) are administered with state funding by the NSW State Government
- Income Support Payments (Centrelink)

(2) and (3) Please refer to the table below.

<table>
<thead>
<tr>
<th>Program</th>
<th>Funding 96/97</th>
<th>Funding 97/98</th>
<th>Funding 98/99</th>
<th>Funding 99/00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Relief Program</td>
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<td>$208,228</td>
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<td>CSA</td>
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<tr>
<td>Youth Programs</td>
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<td>$94,263</td>
<td>$85,693</td>
<td>$104,262</td>
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<tr>
<td>FRSP</td>
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<tr>
<td>FCNI</td>
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<tr>
<td>total for all 6 state wide services</td>
<td>$1,000,370</td>
<td>$1,015,848</td>
<td>$1,028,952</td>
<td>$1,363,385</td>
</tr>
<tr>
<td>total for all 6 state wide services</td>
<td>$1,000,370</td>
<td>$1,015,848</td>
<td>$1,028,952</td>
<td>$1,363,385</td>
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<tr>
<td>total for all 7 state wide services</td>
<td>$1,000,370</td>
<td>$1,015,848</td>
<td>$1,028,952</td>
<td>$1,363,385</td>
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<tr>
<td>Carer Respite</td>
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<td>Nil</td>
<td>$59,741</td>
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<tr>
<td>funding covers more than Richmond</td>
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<td>$59,741</td>
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<td>Data unable to be disaggregated</td>
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</tr>
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</table>

The Government has increased the level of funding to the above programs since 1996-97.

The detailed information on income support payments required to answer the honourable senator’s question is not readily available in consolidated form. I do not consider appropriate the expenditure of resources and effort that would be involved in collecting and assembling information for the sole purpose of answering questions of this nature.
Department of Family and Community Services: Programs and Grants to the Cowper Electorate

(Question No. 3008)

Senator Mackay asked the Minister for Family and Community Services, upon notice, on 5 October 2000:

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

(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 programs and grants that 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 administered by FaCS
- Emergency Relief Program
- Child Support Agency (CSA) – services provided from Coffs Harbour
- Youth Programs – including pilot Reconnect programs
- Family Relationship Services Program (FRSP)
- Family and Community Networks Initiative (FCNI)
- Employment Assistance for people with a disability
- Advocacy for people with a disability
- Carer Respite
- Commonwealth Childcare Programs
- CRS Australia – vocational rehabilitation and injury management programs
- Commonwealth funds for the Supported Accommodation Assistance Program and Housing Programs under the Commonwealth State Housing Agreement (CSHA) are administered with state funding by the NSW State Government
- Income Support Payments (Centrelink)

(2) and (3) Please refer to the table below.

<table>
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<tr>
<th>Program</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Emergency Relief Program</td>
<td>$157,504</td>
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<td>CSA</td>
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<td>Not available</td>
<td>Not available</td>
</tr>
<tr>
<td>Youth Programs</td>
<td>$50,179</td>
<td>$94,263</td>
<td>$85,693</td>
<td>$104,262</td>
</tr>
<tr>
<td>FRSP</td>
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<td>FCNI</td>
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<td>Employment Assistance for people with a disability</td>
<td>$1,000,370 total for all 6 state wide services</td>
<td>$1,015,848 total for all 6 state wide services</td>
<td>$1,028,952 total for all 6 state wide services</td>
<td>$1,363,385 total for all 7 state wide services</td>
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<tr>
<td>Advocacy for people with a disability</td>
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<td>Carer Respite</td>
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<td>Childcare Programs</td>
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</tr>
</tbody>
</table>
The Government has increased the level of funding to the above programs since 1996-97. The detailed information on income support payments required to answer the honourable senator’s question is not readily available in consolidated form. I do not consider appropriate the expenditure of resources and effort that would be involved in collecting and assembling information for the sole purpose of answering questions of this nature.

Department of Family and Community Services: Programs and Grants to the Page Electorate

(Question No. 3020)

Senator Mackay asked the Minister for Family and Community Services, upon notice, on 5 October 2000:

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

(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 programs and grants that 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 administered by FaCS

- Emergency Relief Program

- Child Support Agency (CSA) – two community information sessions and related outreach activities to assist people living in Page were conducted in the 1999-2000 financial year

- Youth Programs – including pilot Reconnect programs

- Family Relationship Services Program (FRSP)

- Family and Community Networks Initiative (FCNI)

- Employment Assistance for people with a disability

- Advocacy for people with a disability

- Carer Respite

- Commonwealth Childcare Programs

- CRS Australia – vocational rehabilitation and injury management programs

- Commonwealth funds for the Supported Accommodation Assistance Program and Housing Programs under the Commonwealth State Housing Agreement (CSHA) are administered with state funding by the NSW State Government

- Income Support Payments (Centrelink)

(2) and (3) Please refer to the table below.

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<th>Funding 98/99</th>
<th>Funding 99/00</th>
</tr>
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<tbody>
<tr>
<td>Emergency Relief Program</td>
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<td>CSA</td>
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### Department of Family and Community Services: Programs and Grants to the Bass Electorate

**Senator Mackay** asked the Minister for Family and Community Services, upon notice, on 5 October 2000:

1. What programs and/or grants administered by the department provide assistance to people living in the electorate of Bass.
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 programs and grants that has been appropriated for the 1999-2000 financial year.

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

1. (1) and (2) Program and Grant Payments.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Commonwealth Childcare Program</td>
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<tr>
<td>--------------</td>
<td>-----------------------</td>
<td>-----------------------</td>
<td>-----------------------</td>
<td>-----------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>(2) Childcare Rebate</td>
<td>available.</td>
<td></td>
<td></td>
<td></td>
<td>single payment called Childcare Benefit. The national appropriation for Childcare Benefit is $989,383,000 $928,838</td>
</tr>
<tr>
<td>Disability Employment Assistance #</td>
<td>$463,413</td>
<td>$775,206</td>
<td>$782,513</td>
<td>$945,791</td>
<td></td>
</tr>
<tr>
<td>Respite for Carers of Young People with Severe or Profound Disabilities</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
<td>$34,308</td>
<td>$38,266</td>
</tr>
<tr>
<td>Emergency Relief Program</td>
<td>$174,265</td>
<td>$181,311</td>
<td>$184,336</td>
<td>$192,820</td>
<td>$204,400</td>
</tr>
<tr>
<td>Volunteer Management Program</td>
<td>NIL</td>
<td>NIL</td>
<td>$50,000</td>
<td>$50,750</td>
<td>National Allocation of $1,559,000. No State allocation.</td>
</tr>
<tr>
<td>Youth Activity Services and Family Liaison Workers</td>
<td>$41,941</td>
<td>$35,387</td>
<td>$123,170</td>
<td>$114,847</td>
<td></td>
</tr>
<tr>
<td>Reconnect Services</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
<td>Nil</td>
<td>$184,107</td>
</tr>
<tr>
<td>Family Relationships Services Program #</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>$1,201,283</td>
<td>$1,345,109</td>
</tr>
<tr>
<td>CRS Australia – rehabilitation programs ###</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SAAP</td>
<td>$986,500</td>
<td>$1,371,926.50</td>
<td>$1,371,926.50</td>
<td>$1,371,926.50</td>
<td>$1,371,926.50</td>
</tr>
<tr>
<td>Advocacy</td>
<td>$147,865</td>
<td>$147,211</td>
<td>$149,110</td>
<td>$149,686</td>
<td>$151,617</td>
</tr>
</tbody>
</table>

Notes:
# Employment Assistance Program figure excludes Wage Subsidy and School Leaver program that operated only in 1997. 1997-1998 includes an one-off additional grant of $100,000.
## Allocations are made to organisations delivering service across the State and are not differentiated by outlet. Amounts provided are the total Tasmanian allocation for services with outlets in Bass.
### Funding for CRS Australia cannot be broken down by electorate.
Income Support Payments:
The detailed information on income support payments required to answer the honourable senator’s question is not readily available in consolidated form. I do not consider appropriate the expenditure of resources and effort that would be involved in collecting and assembling information for the sole purpose of answering questions of this nature.
Department of Family and Community Services: Programs and Grants to the Gwydir Electorate

(Question No. 3056)

Senator Mackay asked the Minister for Family and Community Services, upon notice, on 5 October 2000.

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

(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 programs and grants that 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 administered by FaCS

- Emergency Relief Program
- Child Support Agency (CSA) – a community information session and related outreach activities to assist people living in Gwydir were conducted in the 1999-2000 financial year
- Youth Programs – there were no pilot Reconnect programs in Gwydir in the specified years
- Family Relationship Services Program (FRSP)
- Family and Community Networks Initiative (FCNI)
- Employment Assistance for people with a disability
- Advocacy for people with a disability
- Carer Respite
- Commonwealth Childcare Programs
- CRS Australia – vocational rehabilitation and injury management programs
- Commonwealth funds for the Supported Accommodation Assistance Program and Housing Programs under the Commonwealth State Housing Agreement (CSHA) are administered with state funding by the NSW State Government
- Income Support Payments (Centrelink)

(2) and (3) Please refer to the table below.

<table>
<thead>
<tr>
<th>Program</th>
<th>Funding 96/97</th>
<th>Funding 97/98</th>
<th>Funding 98/99</th>
<th>Funding 99/00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Relief Program</td>
<td>$143,964</td>
<td>$218,581</td>
<td>$224,780</td>
<td>$213,044</td>
</tr>
<tr>
<td>CSA</td>
<td>Not available</td>
<td>Not available</td>
<td>Not available</td>
<td>Not available</td>
</tr>
<tr>
<td>Youth Programs</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>Not applicable</td>
</tr>
<tr>
<td>FRSP</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>$1,199,214</td>
</tr>
<tr>
<td>FCNI</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Employment Assistance for people with a disability</td>
<td>$1,151,431</td>
<td>$1,170,682</td>
<td>$1,262,635</td>
<td>$1,240,235</td>
</tr>
<tr>
<td>Advocacy for people with a disability</td>
<td>$91,518 plus</td>
<td>$91,113 plus</td>
<td>$92,288 plus</td>
<td>$92,644 plus</td>
</tr>
<tr>
<td></td>
<td>$1,000,370</td>
<td>$1,015,848</td>
<td>$1,028,952</td>
<td>$1,363,385</td>
</tr>
<tr>
<td>Carer Respite</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>$90,000</td>
</tr>
</tbody>
</table>

funding covers more
<table>
<thead>
<tr>
<th>Program</th>
<th>Funding 96/97</th>
<th>Funding 97/98</th>
<th>Funding 98/99</th>
<th>Funding 99/00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Childcare Programs</td>
<td>$3,091,918</td>
<td>$3,164,402</td>
<td>$3,270,698</td>
<td>$3,067,122</td>
</tr>
<tr>
<td>CRS Australia</td>
<td>Data unable to be disaggregated</td>
<td>Data unable to be disaggregated</td>
<td>Data unable to be disaggregated</td>
<td>Data unable to be disaggregated</td>
</tr>
<tr>
<td>Supported Accommodation Assistance Program</td>
<td>Data unable to be disaggregated</td>
<td>Data unable to be disaggregated</td>
<td>Data unable to be disaggregated</td>
<td>Data unable to be disaggregated</td>
</tr>
<tr>
<td>CSHA</td>
<td>Data unable to be disaggregated</td>
<td>Data unable to be disaggregated</td>
<td>Data unable to be disaggregated</td>
<td>Data unable to be disaggregated</td>
</tr>
</tbody>
</table>

The Government has increased the level of funding to the above programs since 1996-97.

The detailed information on income support payments required to answer the honourable senator’s question is not readily available in consolidated form. I do not consider appropriate the expenditure of resources and effort that would be involved in collecting and assembling information for the sole purpose of answering questions of this nature.

**Department of Family and Community Services: Programs and Grants to the Eden-Monaro Electorate**

*(Question No. 3068)*

**Senator Mackay** asked the Minister for Family and Community Services, upon notice, on 5 October 2000:

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

(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 programs and grants that 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 administered by FaCS
   - Emergency Relief Program
   - Child Support Agency (CSA) – two community information sessions and related outreach activities to assist people living in Eden-Monaro were conducted in the 1999-2000 financial year
   - Youth Programs – including pilot Reconnect programs
   - Family Relationship Services Program (FRSP)
   - Family and Community Networks Initiative (FCNI)
   - Employment Assistance for people with a disability
   - Advocacy for people with a disability
   - Carer Respite
   - Commonwealth Childcare Programs
   - CRS Australia – vocational rehabilitation and injury management programs
   - Commonwealth funds for the Supported Accommodation Assistance Program and Housing Programs under the Commonwealth State Housing Agreement (CSHA) are administered with state funding by the NSW State Government
   - Income Support Payments (Centrelink)

(2) and (3) Please refer to the table below.
The Government has increased the level of funding to the above programs since 1996-97.

The detailed information on income support payments required to answer the honourable senator’s question is not readily available in consolidated form. I do not consider appropriate the expenditure of resources and effort that would be involved in collecting and assembling information for the sole purpose of answering questions of this nature.

Department of Family and Community Services: Motor Vehicle Fuel Expenditure
(Question No. 3088)

Senator Cook asked the Minister for Family and Community Services, upon notice, on 9 October 2000:

(1) For the financial year ended 30 June 2000, what was the total of monies expended by the department and each of its agencies on fuel purchased for motor vehicles which the department and its agencies are responsible for maintaining (please provide a breakdown by each month of the financial year).

(2) What has been the total amount of monies expended to date for the 2000-01 financial year on fuel for motor vehicles which the department and its agencies are responsible for maintaining (please provide a breakdown for each month up to and including September 2000).

(3) Has the department and its agencies budgeted for fuel bills; if so: (a) what is the budget for the current financial year; and (b) how much has been spent to date.

(4) How does this year’s fuel expenditure budget compare to last year’s fuel expenditure budget for the department and each of its agencies.
How did the last financial year’s fuel expenditure budget compare to the actual outcome for the financial year for the department and each of its agencies.

(a) What is this financial year’s fuel expenditure budget for both the department and each of its agencies; and (b) how much has been spent to date.

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

(1) Total monies expended on fuel by the Department of Family and Community Services (FaCS) and each of its agencies (Social Security Appeals Tribunal [SSAT], Commonwealth Rehabilitation Services [CRS], and the Australian Institute of Family Studies [AIFS]) and total monies expended on fuel by Centrelink for the financial year ending 30 June 2000:

<table>
<thead>
<tr>
<th>Month</th>
<th>FaCS</th>
<th>Centrelink</th>
<th>SSAT</th>
<th>CRS</th>
<th>AIFS</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 99</td>
<td>6,204.02</td>
<td>121,614.84</td>
<td>332.64</td>
<td>23,762.13</td>
<td>158.00</td>
</tr>
<tr>
<td>August 99</td>
<td>9,148.25</td>
<td>152,011.72</td>
<td>141.85</td>
<td>32,802.82</td>
<td>176.00</td>
</tr>
<tr>
<td>Sept 99</td>
<td>12,308.68</td>
<td>163,102.12</td>
<td>542.26</td>
<td>34,612.31</td>
<td>35.00</td>
</tr>
<tr>
<td>Oct 99</td>
<td>8,650.16</td>
<td>104,981.81</td>
<td>356.27</td>
<td>26,161.07</td>
<td>202.00</td>
</tr>
<tr>
<td>Nov 99</td>
<td>8,766.53</td>
<td>127,283.83</td>
<td>00.00</td>
<td>27,090.89</td>
<td>136.00</td>
</tr>
<tr>
<td>Dec 99</td>
<td>5,407.76</td>
<td>130,868.90</td>
<td>341.76</td>
<td>18,140.85</td>
<td>136.00</td>
</tr>
<tr>
<td>Jan 2000</td>
<td>18,782.27</td>
<td>219,846.45</td>
<td>474.06</td>
<td>44,118.09</td>
<td>148.00</td>
</tr>
<tr>
<td>Feb 2000</td>
<td>10,762.71</td>
<td>153,028.10</td>
<td>718.35</td>
<td>31,805.09</td>
<td>196.00</td>
</tr>
<tr>
<td>Mar 2000</td>
<td>7,751.52</td>
<td>82,345.63</td>
<td>537.55</td>
<td>16,462.64</td>
<td>00.00*</td>
</tr>
<tr>
<td>April 2000</td>
<td>14,232.68</td>
<td>227,106.58</td>
<td>217.78</td>
<td>51,041.05</td>
<td>90.00</td>
</tr>
<tr>
<td>May 2000</td>
<td>14,929.28</td>
<td>152,235.07</td>
<td>644.10</td>
<td>36,229.10</td>
<td>15.00</td>
</tr>
<tr>
<td>June 2000</td>
<td>14,946.07</td>
<td>181,864.10</td>
<td>373.17</td>
<td>44,214.23</td>
<td>113.00</td>
</tr>
<tr>
<td>TOTAL</td>
<td>134,889.93</td>
<td>1,816,288.90</td>
<td>4,679.79</td>
<td>386,440.27</td>
<td>1,405.00</td>
</tr>
</tbody>
</table>

* Combined in February.

The Child Support Agency has a service level agreement with the Australian Tax Office for the provision of vehicles and is charged an hourly rate for all car management services including fuel. It is not possible to separately identify fuel cost for this Agency.

(2) Total amount of monies expended to date for the financial year 2000-01 on fuel for motor vehicles with the department, its agencies, and Centrelink:

<table>
<thead>
<tr>
<th>Month</th>
<th>FaCS</th>
<th>Centrelink</th>
<th>SSAT</th>
<th>CRS</th>
<th>AIFS</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 2000</td>
<td>14,946.07</td>
<td>57,945.69</td>
<td>164.41</td>
<td>11,865.16</td>
<td>N/A*</td>
</tr>
<tr>
<td>Aug 2000</td>
<td>3,673.59</td>
<td>236,246.84</td>
<td>151.71</td>
<td>58,861.96</td>
<td>N/A*</td>
</tr>
<tr>
<td>Sept 2000</td>
<td>19,270.74</td>
<td>218,815.38</td>
<td>320.21</td>
<td>54,133.48</td>
<td>77.00</td>
</tr>
<tr>
<td>TOTAL</td>
<td>37,892.40</td>
<td>513,007.91</td>
<td>636.33</td>
<td>124,860.60</td>
<td>77.00</td>
</tr>
</tbody>
</table>

* No vehicle used.

(3) The department, its agencies, and Centrelink do not specifically budget for fuel costs. Anticipated fuel costs are part of the overall budget for motor vehicle expenses and are not considered separately.

(a) Not applicable  
(b) Not applicable  
(4) Not applicable  
(5) Not applicable  
(6)(a) not applicable  
(b) Not applicable

Action Plan for Australian Birds: Funding  
(Question No. 3112)

Senator Bartlett asked the Minister for the Environment and Heritage, upon notice, on 13 October 2000:

With reference to the Ministers release of the 673 page national blueprint, Action Plan for Australian Birds, on 11 October 2000, prepared by Birds Australia with funding from the Natural Heritage Trust:
can the Minister advise the Senate when the action plan will be published, either electronically or in printed format, in a form available to the public.

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

I am pleased to advise the Senate that the Action Plan for Australian Birds 2000 has already been published in printed format and is freely available from Environment Australia. Copies are currently being widely distributed to libraries, agencies, community groups and people with an interest in bird conservation in Australia. I also understand a copy has been placed in the Parliamentary Library. The plan is also expected to be electronically available shortly on Environment Australia’s website. I have also arranged for a copy of the plan to be provided to the honourable senator.