<table>
<thead>
<tr>
<th>CONTENTS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>THURSDAY, 30 NOVEMBER</strong></td>
<td></td>
</tr>
<tr>
<td>Petitions—</td>
<td></td>
</tr>
<tr>
<td>Australian Broadcasting Corporation: Independence and Funding .............</td>
<td>20219</td>
</tr>
<tr>
<td>Faure, Mr Leonard</td>
<td>20219</td>
</tr>
<tr>
<td>Notices—</td>
<td></td>
</tr>
<tr>
<td>Presentation</td>
<td>20219</td>
</tr>
<tr>
<td>Business—</td>
<td></td>
</tr>
<tr>
<td>Government Business</td>
<td>20220</td>
</tr>
<tr>
<td>Committees—</td>
<td></td>
</tr>
<tr>
<td>Superannuation and Financial Services Committee—Meeting ..................</td>
<td>20221</td>
</tr>
<tr>
<td>Rural and Regional Affairs and Transport Legislation Committee—</td>
<td></td>
</tr>
<tr>
<td>Publication of Evidence</td>
<td>20221</td>
</tr>
<tr>
<td>Lucas Heights Reactor Committee—Meeting</td>
<td>20221</td>
</tr>
<tr>
<td>Business—</td>
<td></td>
</tr>
<tr>
<td>Routine of Business</td>
<td>20221</td>
</tr>
<tr>
<td>Indonesia: Regional Conflict</td>
<td>20221</td>
</tr>
<tr>
<td>Budget 2000-01</td>
<td></td>
</tr>
<tr>
<td>Consideration by Legislation Committees</td>
<td>20221</td>
</tr>
<tr>
<td>Particulars of Proposed Additional Expenditure</td>
<td>20221</td>
</tr>
<tr>
<td>Additional Estimates</td>
<td>20222</td>
</tr>
<tr>
<td>Committees—</td>
<td></td>
</tr>
<tr>
<td>Finance and Public Administration References Committee—Membership</td>
<td>20222</td>
</tr>
<tr>
<td>Bills Returned From The House Of Representatives</td>
<td>20222</td>
</tr>
<tr>
<td>International Monetary Agreements Amendment Bill (No. 1) 2000—</td>
<td></td>
</tr>
<tr>
<td>First Reading</td>
<td>20222</td>
</tr>
<tr>
<td>Second Reading</td>
<td>20222</td>
</tr>
<tr>
<td>Committees—</td>
<td></td>
</tr>
<tr>
<td>Horticulture Marketing and Research and Development Services Bill 2000—</td>
<td></td>
</tr>
<tr>
<td>In Committee</td>
<td>20229</td>
</tr>
<tr>
<td>Third Reading</td>
<td>20237</td>
</tr>
<tr>
<td>States Grants (Primary and Secondary Education Assistance) Bill 2000—</td>
<td></td>
</tr>
<tr>
<td>Consideration of House of Representatives Message</td>
<td>20237</td>
</tr>
<tr>
<td>Veterans’ Affairs Legislation Amendment (Budget Measures) Bill 2000—</td>
<td></td>
</tr>
<tr>
<td>Consideration of House of Representatives Message</td>
<td>20252</td>
</tr>
<tr>
<td>Jurisdiction of Courts (Miscellaneous Amendments) Bill 2000—</td>
<td></td>
</tr>
<tr>
<td>Second Reading</td>
<td>20255</td>
</tr>
<tr>
<td>Farm Household Support Amendment Bill 2000—</td>
<td></td>
</tr>
<tr>
<td>Second Reading</td>
<td>20256</td>
</tr>
<tr>
<td>Telecommunications Legislation Amendment Bill 2000—</td>
<td></td>
</tr>
<tr>
<td>Second Reading</td>
<td>20257</td>
</tr>
<tr>
<td>Privacy Amendment (Private Sector) Bill 2000—</td>
<td></td>
</tr>
<tr>
<td>Second Reading</td>
<td>20259</td>
</tr>
<tr>
<td>Questions Without Notice—</td>
<td></td>
</tr>
<tr>
<td>Vocational Education and Training: Funding</td>
<td>20264</td>
</tr>
<tr>
<td>Economy: Performance</td>
<td>20265</td>
</tr>
<tr>
<td>Aged Care Facilities: Accreditation</td>
<td>20266</td>
</tr>
<tr>
<td>Supported Accommodation Assistance Program: Annual Report</td>
<td>20267</td>
</tr>
</tbody>
</table>
CONTENTS—continued

European High Quality Beef Quotas ........................................................... 20268
Detention Centres: Detainee Treatment....................................................... 20269
Private Health Insurance .............................................................................. 20271
Magnesium: Process Technology ................................................................. 20272
Australian Taxation Office: Company Audits ............................................. 20273
West Papua: Independence .......................................................................... 20273
Dairy Industry: Deregulation ....................................................................... 20274
Extradition Detainees .................................................................................. 20275
Correctional Facilities: Privatisation ........................................................... 20276

Answers to Questions Without Notice—
  Immigration: Detention of Children............................................................ 20277
  Immigration: Detainees ............................................................................... 20277
  Woomera Detention Centre: Allegations..................................................... 20277

Answers To Questions On Notice—
  Questions Nos 2868-2871 ........................................................................... 20278

Answers To Questions Without Notice—
  Vocational Education and Training: Funding .............................................. 20280
Committees—
  Community Affairs References Committee—Report: Government Response...................................................................................................... 20285

Documents—
  Auditor-General’s Reports—Reports Nos 18 and 20 of 2000-01 ................. 20287
  Bringing Them Home: Progress Report......................................................... 20287

Committees—
  Public Works Committee—Reports ................................................................ 20289
  Procedure Committee—Membership ............................................................ 20291

Veterans’ Affairs Legislation Amendment (Budget Measures) Bill 2000—
  Consideration of House of Representatives Message ...................................... 20292

Financial Sector Legislation Amendment Bill (No. 1) 2000—
  Consideration of House of Representatives Message ...................................... 20294

Privacy Amendment (Private Sector) Bill 2000—
  In Committee .................................................................................................. 20299
  Third Reading ................................................................................................. 20322

Committees—
  Legal and Constitutional Legislation Committee—Membership ...................... 20322

Australian Research Council Bill 2000,
Australian Research Council (Consequential and Transitional Provisions) Bill 2000—
  Second Reading .............................................................................................. 20322

Gene Technology Bill 2000,
Gene Technology (Consequential Amendments) Bill 2000,
Gene Technology (Licence Charges) Bill 2000—
  In Committee .................................................................................................. 20327

Australian Research Council Bill 2000,
Australian Research Council (Consequential and Transitional Provisions) Bill 2000—
  Second Reading .............................................................................................. 20335

Education Services for Overseas Students Bill 2000,
Education Services for Overseas Students (Assurance Fund Contributions) Bill 2000,
## CONTENTS—continued

<table>
<thead>
<tr>
<th>Bill Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education Services for Overseas Students (Registration Charges) Amendment Bill 2000,</td>
<td>20340</td>
</tr>
<tr>
<td>Education Services for Overseas Students (Consequential and Transitional) Migration Legislation Amendment (Overseas Students) Bill 2000—</td>
<td>20340</td>
</tr>
<tr>
<td>Second Reading</td>
<td></td>
</tr>
<tr>
<td>Gene Technology Bill 2000,</td>
<td></td>
</tr>
<tr>
<td>Gene Technology (Consequential Amendments) Bill 2000,</td>
<td></td>
</tr>
<tr>
<td>Gene Technology (Licence Charges) Bill 2000—</td>
<td></td>
</tr>
<tr>
<td>In Committee</td>
<td>20357</td>
</tr>
<tr>
<td>Adjournment</td>
<td></td>
</tr>
<tr>
<td>National Youth Roundtable</td>
<td>20360</td>
</tr>
<tr>
<td>Courts: Remand and Bail Conditions</td>
<td>20362</td>
</tr>
<tr>
<td>Centenary of Federation</td>
<td>20364</td>
</tr>
<tr>
<td>World AIDS Day</td>
<td>20366</td>
</tr>
<tr>
<td>Private Health Insurance: Tasmania</td>
<td>20368</td>
</tr>
<tr>
<td>Documents</td>
<td></td>
</tr>
<tr>
<td>Tabling</td>
<td>20368</td>
</tr>
<tr>
<td>Questions on Notice</td>
<td></td>
</tr>
<tr>
<td>Telstra: Launceston Taxis</td>
<td>20369</td>
</tr>
<tr>
<td>(Question No. 2230)</td>
<td></td>
</tr>
<tr>
<td>Department of the Treasury: New Tax System Consultants—</td>
<td>20370</td>
</tr>
<tr>
<td>(Question No. 2371)</td>
<td></td>
</tr>
<tr>
<td>Goods and Services Tax: Australian Business Number—(Question No. 2482)</td>
<td>20370</td>
</tr>
<tr>
<td>Charitable Organisations: Inquiry—(Question No. 2485)</td>
<td>20370</td>
</tr>
<tr>
<td>Australian Taxation Office: Computer Software—(Question No. 2536)</td>
<td>20370</td>
</tr>
<tr>
<td>Launceston Environment Centre: Funding—(Question No. 2546)</td>
<td>20371</td>
</tr>
<tr>
<td>Department of the Prime Minister and Cabinet: Value of Corporate Services—(Question No. 2630)</td>
<td>20373</td>
</tr>
<tr>
<td>Department of the Treasury: Value of Corporate Services—(Question No. 2632)</td>
<td></td>
</tr>
<tr>
<td>Department of the Treasury: Public Opinion Research—(Question No. 2651)</td>
<td>20376</td>
</tr>
<tr>
<td>Department of Defence: Public Opinion Research—(Question No. 2658)</td>
<td>20383</td>
</tr>
<tr>
<td>Civil Aviation Safety Authority: Airline Audits—(Question No. 2715)</td>
<td>20388</td>
</tr>
<tr>
<td>Airservices Australia: Staff Benefits—(Question No. 2739)</td>
<td>20388</td>
</tr>
<tr>
<td>Attorney-General’s Department: Telephone Services—(Question No. 2858)</td>
<td>20391</td>
</tr>
<tr>
<td>Sydney (Kingsford Smith) Airport: Power Failure—(Question No. 2864)</td>
<td>20393</td>
</tr>
<tr>
<td>Stanbroke Pastoral Company: Native Vegetation—(Question No. 2896)</td>
<td>20394</td>
</tr>
<tr>
<td>Agriculture: New Zealand Apples—(Question No. 2938)</td>
<td>20394</td>
</tr>
<tr>
<td>Agriculture: New Zealand Apples—(Question No. 2939)</td>
<td>20394</td>
</tr>
<tr>
<td>Petroleum Products: Excise—(Question No. 2944)</td>
<td>20395</td>
</tr>
<tr>
<td>Indian Ocean Islands Air Service: Contract Providers—(Question No. 2957)</td>
<td>20396</td>
</tr>
<tr>
<td>Forestry Tasmania: Tourism Grants—(Question No. 2962)</td>
<td>20396</td>
</tr>
<tr>
<td>Department of the Prime Minister and Cabinet: Unauthorised Computer Access—(Question No. 2966)</td>
<td>20397</td>
</tr>
</tbody>
</table>
CONTENTS—continued

Department of Industry, Science and Resources: Unauthorised Computer Access—(Question No. 2977) .................................................... 20397
Department of Veterans’ Affairs: Unauthorised Computer Access— (Question No. 2982) ............................................................................. 20401
Department of Industry, Science and Resources: Unauthorised Computer Access—(Question No. 2984) .................................................... 20401
Natural Heritage Trust: Funding—(Question No. 2986) ...................... 20402
Derby Tidal Power Scheme: Funding—(Question No. 2987) ................... 20403
Australian Federal Police: World Economic Forum—(Question No. 3076) .................................................................................... 20404
Taxation Data—(Question No. 3078) ...................................................... 20404
Australia Post: Emergency Procedures—(Question No. 3080) ................ 20404
Department of the Environment and Heritage: Motor Vehicle Fuel Expenditure—(Question No. 3085) .................................................... 20405
Department of Finance and Administration: Motor Vehicle Fuel Expenditure—(Question No. 3092) ...................................................... 20407
Department of Educations, Training and Youth Affairs: Motor Vehicle Fuel Expenditure—(Question No. 3093) ............................................ 20411
Department of Immigration and Multicultural Affairs: Motor Vehicle Fuel Expenditure—(Question No. 3096) .................................................... 20412
Northern Territory: Rural Communities Program Funding—(Question No. 3104) .................................................................................... 20413
Antarctic Air Transport: Compressed Snow Runway—(Question No. 3106) .................................................................................... 20413
Commonwealth Funds Management: Indooroopilly Shoppingtown— (Question No. 3117) .......................................................... 20416
The PRESIDENT (Senator the Hon. Margaret Reid) took the chair at 9.30 a.m., and read prayers.

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

Australian Broadcasting Corporation: Independence and Funding
To the Honourable the President and Members of the Senate in the Parliament assembled:
The petition of the undersigned calls on the Federal Government to support:
the independence of the ABC Board;
the Australian Democrats’ Private Members’ Bill which provides for the establishment of a joint Parliamentary Committee to oversee ABC Board appointments so that the Board is constructed as a multi-partisan Board, truly independent from the government of the day;
an immediate increase in funding to the ABC in order that the ABC can make the transition to digital technology without undermining existing programs and services, and that it will be able to do this independently from commercial pressures, including advertising and sponsorship;
news and current affairs programming is made, scheduled and broadcast free from government interference, as required under law; and
ABC programs and services which continue to meet the Charter, and which are made and broadcast free from pressures to comply with arbitrary ratings or other measures.

by Senator Bourne (from 50 citizens).

Faure, Mr Leonard
To the Honourable, the President and Members of the Senate in Parliament assembled:
The petition of the undersigned shows:
That Australia while signatory to the Optional Protocol of the International Covenant on Civil and Political Rights has breached Article 2 and Article 17 of the Covenant on the petitioner, Mr Leonard Faure of 38 Cairo Avenue, Revesby, New South Wales, Australia.
Your petitioner requests that the Senate should require the Federal Privacy Commissioner in whose possession the case involving these breach/s have been for nearly twelve (12) months to remedy the situation forthwith on the petitioner Mr Leonard Faure of 38 Cairo Avenue, Revesby, New South Wales, Australia.

by Senator Bourne (from one citizen).

NOTICES

Presentation

Senator Faulkner to move, on the next day of sitting:
That there be laid on the table by the Leader of the Government in the Senate (Senator Hill), no later than immediately after questions without notice on 7 December 2000, all GST-related public opinion polling commissioned by government departments from 1 January 1999 to 30 September 2000.

Senator Ian Campbell to move, on the next day of sitting:
(1) That estimates hearings by legislation committees for the year 2001 be scheduled as follows:
2000-01 additional estimates:
Monday, 19 February, Tuesday, 20 February and, if required, Friday, 23 February (Group A)
Wednesday, 21 February, Thursday, 22 February and, if required, Friday, 23 February (Group B).
2001-02 Budget estimates:
Monday, 28 May to Thursday, 31 May (Group A)
Monday, 4 June to Thursday, 7 June (Group B)
Wednesday, 14 November and, if required, Friday, 16 November (supplementary hearings—Group A)
Thursday, 15 November and, if required, Friday, 16 November (supplementary hearings—Group B).

(2) That the committees meet in accordance with the groupings agreed to on 26 November 1998.

(3) That the committees report to the Senate on the following dates:
Tuesday, 27 March 2001 in respect of the 2000-01 additional estimates, and
Wednesday, 20 June 2001 in respect of the 2001-02 Budget estimates.

(4) That the committees consider the proposed expenditure in accordance with the allocation of departments to committees agreed to on 11 November 1998.

Senator Brown to move, on the next day of sitting:
That the Senate—
(a) welcomes the World Heritage Committee to Australia for its meeting in Cairns;
(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.

Senator Brown 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 circumstances, and
   (iii) re-establish Australia’s role as a leader in international environmental negotiations.

Senator Brown to move, on Tuesday, 5 December 2000:
That the Senate congratulates the Parliament of the Netherlands on passing its historic euthanasia bill.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts) (9.33 a.m.)—I give notice that, on the next day of sitting, I shall move:
    That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the Taxation Laws Amendment Bill (No. 8) 2000, allowing it to be considered during this period of sittings.
I also table a statement of reasons justifying the need for this bill to be considered during these sittings and seek leave to have the statement incorporated in Hansard.  
Leave granted.
    The statement read as follows—

Taxation Laws Amendment Bill (No. 8) 2000

Purpose of the bill
The bill amends a number of indirect tax acts to give effect to the original policy intention of the government.

Reason for Urgency
Given that most of the measures will take effect from 1 July 2000 it is important that the legislation is enacted quickly to provide certainty to taxpayers.

Senator Brown to move, on Thursday, 7 December 2000:
That the Senate, in the interest of reconciliation, requests the Toowoomba City Council to remove the offensive term ‘Nigger’ from the name of the E S ‘Nigger’ Brown stand at the Toowoomba sports ground.

Senator Brown to move, on Monday, 4 December 2000:
That the Senate calls on the Minister for Foreign Affairs (Mr Downer) to make urgent representations to the Indonesian Government to ensure the protection and human and civil rights of detained West Papuan leaders, including Theys Eluay and Thaha Hamid.

BUSINESS

Government Business

Motion (by Senator Ian Campbell) agreed to:
That the following government business orders be considered from 12.45 p.m. till not later than 2 p.m. this day:
No. 8—Jurisdiction of Courts (Miscellaneous Amendments) Bill 2000,
No. 9—Farm Household Support Amendment Bill 2000, and
No. 10—Telecommunications Legislation Amendment Bill 2000.

COMMITTEES
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 today from 3.15 p.m. till 5.15 p.m., to take evidence for the committee’s inquiry into the Taxation Laws Amendment (Superannuation Contributions) Bill 2000.

Rural and Regional Affairs and Transport Legislation Committee
Publication of Evidence
Motion (by Senator Calvert, at the request of Senator Crane) agreed to:
That in camera evidence taken from Mr Michael Nicholls, Mr Brian Plain, Mr Peter Laird, Mr Tony Gooch and Mr David Wolfenden, in the course of the inquiry by the Rural and Regional Affairs and Transport Legislation Committee into the provisions of the Wool Services Privatisation Bill 2000, be published.

Lucas Heights Reactor Committee
Meeting
Motion (by Senator O’Brien, at the request of Senator Forshaw) agreed to:
That the Select Committee for an inquiry into the contract for a new reactor at Lucas Heights be authorised to hold a public meeting during the sitting of the Senate on 5 December 2000, from 5.30 p.m.

BUSINESS
Routine of Business
Motion (by Senator Ian Campbell) agreed to:
That consideration of general business and consideration of committee reports, government responses and Auditor-General’s reports not be proceeded with on Thursday, 30 November 2000.

INDONESIA: REGIONAL CONFLICT
Motion (by Senator Brown) agreed to:
That the Senate—
(a) expresses its concern about the humanitarian consequences of conflicts within Indonesia including the generation of one million internally displaced persons;
(b) calls on the Australian Government to increase diplomatic efforts to discourage violence and encourage peaceful dialogue in Aceh, West Papua/Irian Jaya and the Maluku Islands;
(c) welcomes the Indonesian Government’s declared intention of holding further talks with the Free Aceh Movement;
(d) urges all parties to refrain from violence in West Papua/Irian Jaya on Friday, 1 December 2000; and
(e) calls on the Australian Government to give positive consideration to providing further aid to help the Indonesian authorities and non-government organisations deal with the humanitarian consequences of regional conflicts.

BUDGET 2000-01
Consideration by Legislation Committees
Particulars of Proposed Additional Expenditure
Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts) (9.39 a.m.)—I table the following documents:
Particulars of proposed additional expenditure for the service of the year ending on 30 June 2001 [Appropriation Bill (No. 3) 2000-2001].
Particulars of certain proposed additional expenditure in respect of the year ending on 30 June 2001 [Appropriation Bill (No. 4) 2000-2001].
Particulars of proposed additional expenditure in relation to the parliamentary departments in respect of the year ending on 30 June 2001 [Appropriation (Parliamentary Departments) Bill (No. 2) 2000-2001].
Motion (by Senator Ian Campbell)—by leave—agreed to:
That the documents, together with the Final budget outcome 1999-2000, be referred to legislation committees for examination and report.
Additional Estimates

The PRESIDENT—I table the portfolio additional estimates statements for 2000-01 for the Department of the Senate.

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (9.41 a.m.)—I table the portfolio additional estimates statements for 2000-01 for portfolios and executive departments in accordance with the list circulated in the chambers. I remind honourable senators that copies are available from the Senate table office.

The list read as follows—

Estimates of proposed additional expenditure for 2000-2001—Portfolio additional estimates statements—Portfolios and executive departments—

Agriculture, Fisheries and Forestry portfolio.
Attorney-General’s portfolio.
Communications, Information Technology and the Arts portfolio.
Defence portfolio—

Department of Defence and Defence Housing Authority.
Department of Veterans’ Affairs.
Education, Training and Youth Affairs portfolio.
Employment, Workplace Relations and Small Business portfolio.
Environment and Heritage portfolio.
Family and Community Services portfolio.
Finance and Administration portfolio.
Foreign Affairs and Trade portfolio.
Health and Aged Care portfolio.
Immigration and Multicultural Affairs portfolio.
Industry, Science and Resources portfolio.
Prime Minister and Cabinet portfolio.
Transport and Regional Services portfolio.
Treasury portfolio.

COMMITTEES

Finance and Public Administration References Committee

Membership

The PRESIDENT—I have received a letter from a party leader seeking a variation to the membership of a committee.

Motion (by Senator Ian Campbell)—by leave—agreed to:

That Senator Stott Despoja replace Senator Ridgeway on the Finance and Public Administration References Committee for its inquiry into the government’s IT outsourcing initiative.

BILLs RETURNed FROM THE HOUSE OF REPRESENTATIVES

Message received from the House of Representatives agreeing to the amendments made by the Senate to the following bill:

Broadcasting Services Amendment Bill 2000.

INTERNATIONAL MONETARY AGREEMENTS AMENDMENT BILL (NO. 1) 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) (9.42 a.m.)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The purpose of this Bill is to enable Schedule 1 of the International Monetary Agreements Act 1947 (IMA Act) to be amended to reflect a change in the International Monetary Fund’s (IMF’s) Articles of Agreement. Amendments made to the IMF’s Articles of Agreement, such as the Fourth Amendment, make it necessary to change the IMA Act, since the Schedule 1 of the Act repro-
duces the IMF’s Articles of Agreement. The Bill will enter into force when the Fourth Amendment to the IMF’s Articles of Agreement is formally accepted by the required majority of the Funds’ membership.

The Fourth Amendment to the IMF’s Articles of Agreement provides for a special, one-time allocation of SDR21.43 billion. Special Drawing Rights or SDRs are interest-bearing reserve assets, created by the IMF to supplement members’ existing reserve assets. They also serve as the IMF’s unit of account for its transactions and operations. Their value is calculated daily in terms of a basket of currencies of the five members of the IMF with the largest exports of goods and services. Currently, the US dollar, Japanese yen, Euro and the British pound are included in the SDR basket.

Since 1993, the Executive Board of the IMF has had concerns that there was not an equitable share of cumulative SDRs between members relative to their quotas. This is because some members, in particular those whose economies are in transition, had joined the IMF since the last general allocation of SDRs in 1981, and have not received an allocation. In particular, some East European nations have no SDRs because there have been no allocations since they became members.

The Amendment has been proposed as a means of ensuring greater equity between IMF members in terms of their cumulative SDR allocations relative to their quotas (or capital subscriptions) in the IMF, at a benchmark level of 29.32 per cent. Australia would receive SDR213.5 million, or about A$500 million of additional reserves.

If accepted, the proposed Fourth Amendment to the IMF’s Articles of Agreement would amend the text of Article XV, Section 1, and add Schedule M to those Articles of Agreement. The latter sets out the method of dispersing this proposed, one-time allocation of SDRs.

The adoption of amendments to the IMF’s Articles of Agreement is a two-stage process. The first stage was completed in September 1997 when the members of the IMF, through the Board of Governors, approved a set of amendments to the IMF’s Articles of Agreement, known as the Fourth Amendment. Australia voted in favour of the proposed amendment. The second stage was initiated in October 1997, when members were asked whether they would accept the proposed Fourth Amendment. The proposed Fourth Amendment will come into force when three fifths of the IMF’s members, having 85 per cent of the total voting power, have accepted it. If it enters into force, the amendment would be binding on all members, including those who have not advised their view on the proposed amendment.

I note that the Joint Standing Committee on Treaties (JSCOT) supports the proposed Fourth Amendment to the Articles of Agreement of the IMF and has recommended that binding treaty action be taken.

Australia intends to formally accept the Fourth Amendment once this Bill has been approved.

I commend the bill.

Ordered that further consideration of this bill be adjourned to the first day of the 2001 autumn sittings, in accordance with standing order 111.

COMMITTEES

Legal and Constitutional References Committee

Report

Senator McKIERNAN (Western Australia) (9.43 a.m.)—I present the report of the Legal and Constitutional References Committee entitled Healing: A legacy of generations—The report of the inquiry into the federal government’s implementation of recommendations made by the Human Rights and Equal Opportunity Commission in ‘Bringing them home’, together with the Hansard record of the committee’s proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator McKIERNAN—I seek leave to move a motion in relation to the report.

Leave granted.

Senator McKIERNAN—I move:

That the Senate take note of the report.

I am very pleased to be tabling the report Healing: a legacy of generations. The report is the result of the committee’s inquiry into the government’s response to the Bringing them home report. The committee is grateful to and thanks the 146 individuals, organisations and government departments who assisted the committee by making submission to it. We also thank those persons who appeared before the committee at the public hearings in Sydney, Melbourne, Perth and Darwin and at the four public hearings that were held in Canberra. I also place on the record the committee’s thanks to the secretariat led by Dr Pauline Moore, who so dili-
gently and ably assisted the inquiry. We are indebted to Saxon Patience, Noel Gregory, Sonia Hailes and Deborah Cook for the enormous effort that was put into the inquiry and into the compilation of this report.

The inquiry was referred to the committee just over a year ago. It was considered necessary because of what was seen to be an incomplete and somewhat parsimonious response by the government to the 54 recommendations in the Human Rights and Equal Opportunity Commission’s report, *Bringing them home*. Essentially the committee was asked to determine: which recommendations had been accepted, which had been implemented, whether the programs and services funded by the government were working, and what steps the government was taking in respect of other recommendations that had not been implemented.

With regard to outcomes, the lack of up-to-date information from the states made it particularly difficult to assess the progress that had been made in areas where states had direct responsibility for the implementation of some recommendations. I believe that the Minister for Aboriginal and Torres Strait Islander Affairs could have helped the committee by encouraging state premiers and/or state Aboriginal affairs ministers to cooperate with and to assist the committee in the inquiry. During the inquiry, Senator Herron’s office went to some lengths to encourage certain individuals both to make submissions to the committee and to seek to attend and appear as witnesses at public hearings. Had this also been done with state governments, it would have benefited this inquiry, this report and the important issues that we were considering.

The fact that three states completely ignored the inquiry and that two others made late submissions after the public hearings had concluded exposed the limited interest and commitment that some governments have to the implementation of the *Bringing them home* report’s recommendations. I acknowledge that the South Australian government made a submission to the inquiry.

The governments of the Australian Capital Territory and the Northern Territory each made submissions and also appeared before the committee at public hearings. The committee is most appreciative of their assistance.

The committee has found that a number of the *Bringing them home* recommendations have not been addressed effectively. Further, we found little evidence of leadership by the Commonwealth on issues where national leadership would have been beneficial. The Ministerial Council on Aboriginal and Torres Strait Islander Affairs is charged with the responsibility for monitoring the implementation of outcomes. It is a body of seemingly low-level importance or influence. *Bringing them home* recommended this role be given to the Council of Australian Governments, but this proposal was flatly rejected by the Commonwealth. The committee found that the ministerial council does not meet often, that it has not yet developed a coherent plan to progress issues and that there has so far been a notable failure to undertake work which would demonstrate a commitment to coordination and to the evaluation of services. The committee was also provided with evidence that suggested there was inadequate planning and a lack of effective coordination between government departments. This is disturbing.

In short, the committee found that, whilst the government response had some good points, these had been carried out in a half-hearted manner. Further, there has been no independent evaluation of services, projects or programs. There has been very limited consultation with the people most affected by the past practices of removal. The inquiry found that there is no clearly defined target group to which Commonwealth government services are directed, which reveals the strong possibility that services have not gone to those most in need. Witnesses detailed to the committee how difficult it was to access information on what was happening, what was being provided for, where the funding had gone, and why it was allocated to particular groups and not to others. A simple solution would be the provision of more information in a user-friendly format.

It was further claimed in evidence that some of the programs which were funded in the Commonwealth’s response might have
been called ‘bringing them home’ projects when they had already been planned before the report was published. This type of re-badging made many people doubt that the government had any real interest in addressing some of the serious problems arising from the past.

I now move on to conclusions, recommendations and an apology. The committee found that the Commonwealth needs to show leadership by acknowledging the past in a more concrete way, including through a proper apology by the parliament. The statement of regret made by the parliament on 26 August 1999 is not seen by a majority of witnesses to be acceptable, as this statement does not even mention separated people. The committee recommends that an acknowledgment and apology be made by the federal parliament in accordance with the Bringing them home recommendations.

The committee believed that an effective way of involving the stolen generation representatives in the decision making process, thereby improving the current situation, would be to call a national summit. The summit would bring together the relevant parties including representatives of the stolen generations, the Commonwealth government, church representatives and, importantly, state and territory governments. It is proposed that the summit discuss a range of issues, some of which are referred to in recommendations contained in this report, and that its agenda be established following consultation between the Commonwealth and representatives of the stolen generations and their organisations, including ATSIC. There is evidence to suggest that in the past such consultation has not been thorough or meaningful and that current representatives of the stolen generations are being ignored.

An audit of the funded programs should be carried out to determine if the programs that have been funded are meeting the needs of separated people. This audit must be completed by the time of the national summit. An independent coordination and monitoring process should be established to ensure that the needs of separated people are met on an ongoing basis.

The committee believes that a reparations tribunal should be established and recommends accordingly. The form of the tribunal should be determined after consultations with the representatives of the stolen generations. The committee proposes that the model suggested by the Public Interest Advocacy Centre be used as a foundation on which to build. The committee acknowledges that there will be difficulties in establishing a reparations tribunal. However, the committee believes that these problems can and must be overcome in the interest of justice. The reparation tribunal path that is proposed will be less traumatic and less painful for applicants and much less expensive for Australian taxpayers than the current litigation process. The recommendation for a reparation tribunal should be an agenda item for the national summit so that those most affected are involved in discussions on the nature of the tribunal.

Other recommendations address the issue of reparations. The committee suggests that there be ongoing discussions on the form of a national memorial to the stolen generation. Government members of the committee have indicated that they do not support certain of the conclusions and recommendations contained in this report. They are preparing a minority report, which appears as an addendum to the majority report.

Finally, it would be obvious that there were differences within the committee, but I would like to thank all members of the committee for the manner in which they approached the issues and conducted themselves during the inquiry. The potential to divide and to seek to score political points during the course of the public hearings was a constant. It is to the credit of all that this did not happen. My appreciation for that is recorded. Senators Marise Payne, Barney Cooney, Helen Coonan, Trish Crossin, Aden Ridgeway and Eric Abetz are to be congratulated on their approach to the inquiry and on the manner in which they handled and dealt with sensitivities that were canvassed during the inquiry. I commend the report Healing: a legacy of generations to the Senate.
Senator COONAN (New South Wales) (9.53 a.m.)—I thank the Chair of the Legal and Constitutional References Committee, Senator McKiernan, and each of my colleagues on the committee. The committee members work very cooperatively together and that is certainly something which, I think, each of us appreciates. The terms of reference of this inquiry focus primarily on the adequacy, effectiveness and appropriateness of the Commonwealth and other government responses to the recommendations of the Bringing them home report. The purpose of the government senators in submitting a dissenting report is to present a different perspective on some of the key issues raised by the committee in its inquiry. We have found the discussion in the majority report useful in clarifying some of the complex matters under consideration and in providing some helpful background material. However, we also believe that the majority report has failed to identify and reflect in its findings key deficiencies in the Bringing them home report. Our criticisms of the methodology and soundness of the Bringing them home report are, however, meant to be both constructive and forward looking.

It is now three years since the Bringing them home report was published. In the light of several court cases which have rigorously tested many of the assumptions underlying that report and following the Commonwealth’s $63 million response, it is now time to evaluate, in a dispassionate way, where the policy debate is heading. It requires us to ask some tough questions in order to find a way forward. If we do not accomplish this, we fail not only the Aboriginal people and the Australian public but also ourselves. Although we do not agree with the thrust of the recommendations of the majority report on Bringing them home, we do believe this presents us with an opportunity to consider constructive ways to address the pain of past separations and this opportunity should not be wasted. It is a matter of great regret that the public debate over separated children has led to divisiveness, for what is called for is constructive dialogue so that this chapter of Australia’s history can be addressed and resolved in its contemporary context. While few would dispute that the clash of European and Aboriginal cultures has left a legacy of dispossession and, in many cases, despair, the plight of indigenous Australians is not advanced, we think, by a distorted version of history which, in some of its manifestations, unfairly impugns the motives of many Australians whose actions were well intentioned.

The Bringing them home report has been criticised on a number of grounds which, if established, undermine the validity of its findings and call into question its conclusions as a sound basis upon which to ask a government to respond. Of course, one of the recommendations of Bringing them home was for the payment of monetary compensation to people affected by forcible removal. I think it is fair to say that that took up most of the committee’s time. The majority have built on this recommendation and have recommended that a reparations tribunal be established to manage the process of reparations, including individual compensations, without identifying how that would relevantly assist those affected or indeed how it would work.

We have set out in some detail in our report the legal, conceptual and procedural barriers that lie in the path of a reparations tribunal, specifically the model suggested by the Public Interest Advocacy Centre and adopted by the majority. I just mention a few in passing. During the course of the Senate inquiry, the judgment in Cubillo and Gunner and later in the Court of Appeal of the Supreme Court of New South Wales in Williams were delivered, and both made findings which contradict findings in the Bringing them home report. Both of these decisions were decided against the plaintiffs. In both cases, allegations of the plaintiffs being forcibly removed were raised.

Although this is not the place for an exhaustive review of Bringing them home, some brief observations are pertinent. O’Loughlin J concluded that there was no evidence that supported the claim that in the Northern Territory there was a general policy of removal of part Aboriginal children. He further concluded that the evidence failed to establish that in the Northern Territory there was ever activity on such a scale that a general policy of removal was being enforced.
His Honour also found that the selection of children for removal was based on the personal circumstances of the individual children, and similar findings were made in the Williams case. The relevance of these findings to the current inquiry is that it cannot be readily assumed or asserted that Aboriginal children separated from their parents were forcibly removed by compulsion, duress or undue influence.

For the purpose of establishing entitlement to compensation, all cases of removal would require a case by case assessment to distinguish those cases where a parent voluntarily sent their child away to school or to a foster home for education or health reasons, or consented to an adoption. In involuntary cases involving the exercise of a statutory power, it would require an examination of whether the decision was justified in the interests of the child. However, as stated in the majority report, we consider the purpose or objectives of removals, or indeed the number of persons removed, to be relevant only insofar as these matters may affect current need, help identify the value of new or proposed services and identify those who may previously have been excluded. But it does raise the threshold issue that, in devising a monetary compensation scheme for those affected by separation, you still have to decide who would be eligible to claim. There are simply no short cuts on the road to establishing the evidence, whether you do it before a tribunal or whether you do it before a court.

The Bringing them home report contemplates many heads of injury and loss, and there is absolutely no indication in the majority report—or, indeed, the PIAC model—as to how there would be any reconciliation of how those heads of damages would be assessed. A lot of time was spent in the report in emphasising the importance of family reunion. So, whilst we do not support a reparations tribunal, an area of acute need that had not been identified prior to the Bringing them home report was the need for family reunion, an issue which lies at the heart of addressing the consequences of past separations. The Commonwealth’s $63 million response includes a national network of family reunion services; specialist indigenous counsellors; emotional and wellbeing centres to deal with the trauma and mental health issues; and parenting projects to provide assistance to those who, being institutionalised, had little in the way of parenting role models, as well as improved access to records and an oral history project—all initiatives designed to recognise and acknowledge these difficulties and to assist and heal. These are measures designed to deliver lasting benefits to those affected by past separation practices, and we believe that the majority have been quite unfairly critical of an initiative taken by the government which was in response to the primary recommendation of the Bringing them home report; that is, the need for family reunion.

In a broader context we believe that the response to the particular plight of the separated children should be part of a broader charter of reconciliation. The question is: how can those who find themselves dislocated and dispossessed by these past events be appropriately assisted? The starting point is an acknowledgment that the level of disadvantage experienced by the indigenous population of Australia as a group is a legacy of colonial history, as with most indigenous populations. But of course we can build the future together. The government has demonstrated a commitment to the effective channeling of further resources into the needs of separated children and their families. Assessing the Commonwealth response to Bringing them home has enabled us to look at the broader issue of reconciliation through the prism of the separated children. The separated children as a group are symptomatic of the broader problems experienced by Aboriginal people of Australia—a product of our colonial past and not our collective future. I think it must be recognised that reconciliation cannot be legislated; it is not something that can be imposed; it cannot be bought. Instead it is something that must be built by forging bonds of trust. In the end, reconciliation is something we must want passionately to achieve. Reaching out to the separated children, as I think we have done in this report, is another step in the journey.
Senator RIDGEWAY (New South Wales) (10.03 a.m.)—The terms of reference for the Legal and Constitutional References Committee inquiry set out two broad questions. One was about assessing the adequacy and effectiveness of the government’s response to the Bringing them home report, and the other was: in the light of the hopes, aspirations and needs of the stolen generations, what measures are needed to achieve the full implementation of the recommendations of that report, especially in relation to the delivery of reparations. More than a year ago, our objective in calling for the committee inquiry was to provide a human response to what is one of the darkest and most tragic periods in our history. It is certainly the view of the Australian Democrats that an open and honest national debate needs to occur to bring about a proper resolution of the issue rather than the polarisation of sections of the community, which only perpetuates misinformation and harm.

We accept the findings of the Bringing them home report that every indigenous family has been directly or indirectly affected by child removal policies. We also accept the findings of the Bringing them home report that the forcible removal of indigenous children from their families and communities constitutes a violation of fundamental human rights. Evidence to the committee demonstrated that human rights standards existed in the postwar years and were understood by those in positions of authority who were responsible for the ongoing implementation of the removal policies and practices. So we support all of the recommendations that have been made in the majority report.

The minority report that the Australian Democrats have provided is a complement to the majority one, and it provides our own explanation for the conclusions we have drawn about the inadequate and ineffective nature of the government’s response, an analysis of the very political context in which the committee undertook its work, and a detailed examination of the legal precedents that exist in Australia to show that there is no legal impediment to the establishment of a reparations tribunal. We can only regard the government’s failure to provide an effective and adequate response to the Bringing them home report and the stolen generations as being a political decision.

The need to compensate accident victims and others who have suffered harm is widely accepted by all Australians, and we have grown accustomed to trained experts determining levels of compensation to award people who have suffered, based on the pain and suffering they have experienced, the extent of their injuries, their future job prospects, earning capacity and so on. These are all speculative and subjective decisions, but we respect them as fair and final. Yet the government has publicly stated that the main reason that reparations, including compensation, will not be forthcoming to the stolen generations is that there is no comparable area of awards of compensation itself.

I want to put on the record that the New South Wales Law Reform Commissioner, Professor Regina Graycar, stated that what is or is not compensable at law is more a matter of political judgment and government policy than it is a matter of any inherent legal understanding of compensability. The argument as the government has put it—that compensation is not possible as there is no framework by which to assess any damages—is disingenuous and ignores the many political choices that are routinely made in deciding which interests, and whose interests, we value in our community.

We regard the 54 recommendations of the Bringing them home report as a package of measures which complement and reinforce each other, but they should not be selectively implemented according to political viewpoints. A comprehensive and effective government response to that report will require the allocation of significantly more funds. The detail of such a response and the appropriate amount of funding should be an agenda item, as is recommended, at a national summit, although the government does not seem keen on that idea.

The funding package should be ongoing and subject to regular and independent review. The government’s response should be the responsibility of the highest level of government, being the Council of Australian
Governments, to ensure that there is a truly coordinated and national whole of government response to the consequences of past policies and practices. I believe that COAG’s involvement would also help to reassure the stolen generations of the seriousness with which the government regards this particular issue. Again, COAG’s handling of this matter should be subject to regular review by an independent audit.

The Australian Democrats go further in recommending that the churches proceed with their plans to establish their own national compensation fund to facilitate the delivery of reparations—including compensation—to the stolen generations, their families and communities, in accordance with the recommendations of the Bringing them home report. We also called on the government to implement the 10 recommendations of the Bringing them home report relating to the establishment of minimum standards of treatment and protection of all indigenous children to prevent contemporary removals as part of national standards legislation. This is especially in relation to removals that are caused by the juvenile justice system, despite the fact that the committee was not able to inquire into that in any great detail. Currently Australia has the very alarming figure of one in every two juveniles in detention being of Aboriginal or Torres Strait Islander descent.

The Democrats also recommend that all parties involved in the negotiations for the establishment of a tribunal consider a number of matters in the process of determining the functions and operations of such a tribunal. We recommend to the government that they examine the Veterans’ Entitlements Act as a successful legal precedent for the relaxation of the normal requirements for establishing liability, a mediation process, and an alternative dispute resolution mechanism. Most importantly, I think that the Administrative Review Council or an equivalent body should prepare a report for tabling in the Australian parliament on the appropriate model for the stolen generations reparations tribunal. That report should draw extensively on the views of the stolen generations, their representative organisations, and the outcomes of the national summit on the stolen generations if and when that happens.

I also want to quickly mention that, whilst there has been reference to the Gunner and Cubillo case, the inquiry was not instructed to examine the merits or facts of the Gunner and Cubillo case. Whilst the Gunner and Cubillo case failed to produce evidence to substantiate a finding that there was a sweeping general policy of removal and detention, it needs to be said that this was a case that was isolated to the experiences and the facts that were able to be provided by two individuals, Gunner and Cubillo. So it is not enough for the government to speak just to this case. It denies any possibility that there may in fact have been sweeping policies.

To finish up, the Australian Democrats believe that the response from the government so far has been inadequate. The government needs to look at these things in the context of consulting the past in order to find explanations about present dilemmas and future prospects. Speaking to the victims themselves is, I think, the best way of gauging what is the best history in order to orientate ourselves to the future and to come up with answers that this government now needs to take on board. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

HORTICULTURE MARKETING AND RESEARCH AND DEVELOPMENT SERVICES (REPEALS AND CONSEQUENTIAL PROVISIONS) BILL 2000

In Committee

Consideration resumed from 29 November.

Senator FORSHAW (New South Wales) (10.12 a.m.)—We adjourned the consideration of these bills yesterday, and we thank the government for agreeing to that course of action. It did enable the opposition to consider further the observations and strong comments from the Senate Scrutiny of Bills Committee on this legislation. We did express, throughout the committee stages, our concerns regarding issues of accountability. We have prepared amendments. I am not
aware whether or not they have been circulated, but they have been provided to the government and to other parties. They are now on the desks. I thank the support staff of the Clerk’s office and also the government for their assistance in getting us to the stage where we can now proceed with the amendments. I will outline what these amendments seek to do. As I said, what we are proposing is in line with the observations and comments of the Senate Scrutiny of Bills Committee. I think the important amendment is No. 2, which states:

(2) Clause 9, page 12 (lines 8 to 10), omit subclause (6), substitute:

(6) The Minister must cause a copy of each declaration under this section to be:
(a) laid before each House of the Parliament within 5 sitting days after the declaration is made; and
(b) published in the Gazette within 14 days after the declaration is made.

Consequential amendments are contained in amendments Nos 1 and 3, which relate to the date upon which the declarations would have effect, having regard to the requirement to have the declaration laid before each house of the parliament and published in the Gazette. I do not think I need to go over all of the arguments again. We discussed this at some length in committee. Just to repeat: we believe that this proposal would provide for improved accountability because the minister’s declarations would be laid before each house of the parliament and from thereon would be able to be a matter of scrutiny by the parliament.

The second key amendment is in regard to clause 29, which is found at amendment No. 5. Without reading it in detail, it would require that, where the minister gives a direction under clause 29, he or she must cause a copy of that direction to be published in the Gazette as soon as practicable after giving the direction and to be tabled in each house of the parliament within five sitting days of that house having given the direction. Secondly, particulars of the direction, and an assessment of the impact of the direction, should be published within the annual reports of the particular body to which it refers.

I am advised that this proposal to amend clause 29 is consistent with the provisions of former clause 32 of the Australian Horticulture Corporation Act. That is noted in the report of the Scrutiny of Bills Committee. The purpose of these amendments is to ensure proper accountability of the new company and the bodies to be given specific recognition as either the industry services body or the export control body under this legislation. We note that, even though they are to be private companies in the future, there is nevertheless a significant amount of government or taxpayer funding to be contributed to their operation. It is appropriate that this parliament be able to scrutinise and ensure the appropriate expenditure of such funds, I understand that the government has had the opportunity to consider these amendments. Maybe I will leave my comments at that and get a response from the government as to its position on the amendments before we proceed much further.

Senator FORshaw, do you intend to formally move the amendments?

Senator FORshaw—I was going to move them, but I have been advised that the government may have comments to make about the possible redrafting of the amendments.

So you are reserving your right to move them?

Senator FORshaw—I reserve my right to move them.

As these amendments stand in this particular form, the government believes that amendments Nos 1 and 3 in particular would impose an impossible restraint on the start-up date of the company. It is my understanding that these amendments are being redrafted. Obviously the government would like to look at the final form of amendments Nos 1 and 3. I have been given verbal assurances as to what is to happen but, from the government’s point of view, we would like to
see the final form. I would then be prepared to make some comments.

Senator HARRIS (Queensland) (10.20 a.m.)—In rising to speak to the amendments that have not formally been moved but have been circulated, I indicate that Pauline Hanson’s One Nation will be supporting the basic principle of the amendments, taking into account the parliamentary secretary’s recent comments. In doing so, I would like to raise an additional issue relating to clause 29. I will direct this to the opposition’s attention. When rewriting these amendments, could the opposition ensure that subsection (3A) of section 29—on page 31, line 32—of the Horticulture Marketing and Research and Development Services Bill 2000 is looked at extremely closely because it would appear to me that, irrespective of the amendments that the Labor Party is intending to move, there is a possibility that the minister may not be required to table the documents ‘in the national interest of Australia’. I am just alerting the opposition to that. I seek clarification from the parliamentary secretary as to the circumstances in which the government may be likely to implement subsection (3A) of section 29.

I raise these issues primarily because I still have concerns relating to the grower input in relation to this corporation. I support the opposition’s move to make the corporation more accountable to the government, but I believe that it is equally important, if not more important, that the corporation is, and is seen to be, accountable to the growers. The parliamentary secretary did answer my questions yesterday in relation to the growers having a right to address issues at the annual general meeting of this corporation. But I also believe that we would err if, when we are actually setting up this bill, we do not make a clear and concise process under which the actual growers—and I stress: the growers, not the industry leaders—will have access and right of redress in relation to the issues. I will just recap the issues I am raising. Under what conditions would subsection (3A) of clause 29 be likely to be invoked in the national interests?

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (10.25 a.m.)—Senator Harris, I think I dealt with this yesterday when I indicated that it might be that the national interest would be invoked if Australia’s diplomatic relations with another country had been severed—in that we were unable to carry out normal contracts or that trade was endangered—or if there was a pest incursion or a disease outbreak, in which case the minister would need to act very quickly. I assure you that, in the latter case, the growers’ interests would be represented very well. Growers do not want their produce to catch disease or to have the prospect of a crop wiped out. In that case the minister would be acting not only in the national interest but also on behalf of growers.

With respect to this particular industry, it is necessary to bear in mind that, because many of these industries are relatively small and fragmented, the government believes that their views and their right of access should be safeguarded. I assure you that every one of the industries that signed on to the memorandum of understanding has always had excellent access to Minister Truss and to me. If a concern or an issue is raised, it is possible for us to look at that and be in contact with the industry concerned almost immediately so that discussions can take place. That will not change under the new company. Because the board will be elected after the first AGM by the peak industry bodies or by the voters, they will be the growers’ representatives. Growers will be able to choose the people they believe best represent their interests to go on that particular board, as is the case in parliament and just as directors are elected at normal private sector AGMs. I hope that goes some way to addressing your concerns.

Senator HARRIS (Queensland) (10.27 a.m.)—I thank the parliamentary secretary for her detailed information, and I find it heartening. The only issue of clarification that I would ask for would be whether, at the annual general meeting, the individual growers themselves would have the right to participate in the election of the board or whether it would be the representatives of those growers who vote in the election. If the individual growers have the ability to vote on
the board members, that would totally alleviate any concerns that I have. I would still retain some concerns if only the representatives of the peak bodies voted on the election of the board members.

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (10.28 a.m.)—It is true that the levy payers participate at the AGMs of the peak industry bodies but the representatives of the peak industry bodies elect or choose the board of the corporation. In that sense, I guess the democratic process is one step removed from the levy payers actually having a hand in the appointment of the board. But, again, in my experience, any unrest on the part of levy payers is immediately transmitted to the upper echelons, and that process would flow through so that any very strong feelings on the part of levy payers would be able to be addressed.

Senator O'BRIEN (Tasmania) (10.29 a.m.)—The point that I understand Senator Harris has just raised is pretty well identical to a point that I raised yesterday about the role of growers, their organisations, and the propensity for organisations perhaps, from time to time, to lose the confidence of their members for alternative organisations. As the minister indicated yesterday, even now these alternative organisations are seeking to supplant the major organisations to be recognised as the peak bodies. You would have to say, in terms of the structure of the legislation and the memorandum of agreement and the process which is evidently going to be put in train immediately following the passage of this legislation, that the weakness is likely to occur in the area of complaints about the representative nature of the bodies that appear in the schedule on page 31 of the memorandum of agreement. I do not know that there is a remedy for that in the short term, but I think that that is going to be a challenge which this or another government will face in relation to the ongoing administration of the levies, grants, and this legislation in general. So I think it is wise that we put on the record today—as was put on the record yesterday—concerns about this aspect. That, I guess, flags that if at some stage that eventuality occurs, there may be a need, if it is possible under the legislation, for some direction by a minister in relation to particular organisations or, ultimately, for the exercise of power under section 10 of the bill if representation of the funded body appears not to be accurate of the views of the industry or, indeed—as the problem is most likely to manifest itself—if organisations which constitute the Corporations Law company are not representative of the industry that they purport to represent. But I do not think that we can deal with the difficulty that arises with this legislation in any way other than to reject the model, which I do not think anybody is proposing to do today.

Senator FORSHAW (New South Wales) (10.32 a.m.)—I am not sure if the parliamentary secretary has the latest redraft of the opposition's amendments. I think there may have been a slight drafting error in the subsequent draft amendments that you have been presented with and which we are attempting to get printed as we speak. I will yield the floor to Senator Harris.

Senator HARRIS (Queensland) (10.33 a.m.)—The other issue that I would like to raise in relation to this bill is one that has actually been indicated in the Bills Digest. The concluding comments of the Bills Digest express the following concern:

In respect of export control powers over horticultural products, the amalgamation proposal actually represents a significant increase in the centralised power of the executive. Currently, this function is devolved to the AHC, a seven member statutory corporation in which the majority of members do not directly represent the government’s interests. In contrast, the Bill proposes that power to declare which products require licences in respect of certain markets will be the sole discretion of the Secretary of Agriculture, Fisheries and Forestry Australia. Some accountability is provided for, as these orders are to be disallowable instruments. Although the licensing function will be exercised by the IECB, if there is no such body, the Secretary will also be given the licensing powers to exercise.

The minister yesterday clearly indicated to us that the only time the industry export control body would not be in place was when the government invoked section 10 of the bill—that is, to revoke the licence of the cor-
porate entity. I would like to just focus on the former part of that quote from the Bills Digest. Under the AHC with its seven-member statutory corporation there is quite considerable industry representation, but there are concerns that, under this bill, the government can actually reverse that. The government will have the final executive power through the minister being able to override the decisions of this corporate body.

I want to place on record the concern that has been reflected by the growers with whom we have been in contact. They believe this bill will attain two things: first, they believe it will centralise more power with the government; and, secondly, they fear that their industry will be privatised by the passage of this bill. In the past, if that government department were subjected to the normal rigours of the ballot box, it would give the people some right of redress over the government’s decision. However, the bill will put in place this corporate body, and some growers have expressed concern that this is a further way for the government to privatise another corporate body.

However, I recognise that, in this instance, the government is handing that corporation substantially to the industry representatives. I make that distinction: in other cases, the government has corporatised public facilities that have been handed to corporate bodies that do not represent the end user in any way. We have only to look at the outcomes of road, rail and power privatisation. I recognise that in this case the government is privatising a previously government-owned entity and is handing it back to the industry. I support that move.

Senator FORSHAW (New South Wales) (10.39 a.m.)—We have provided redrafted amendments, to which I understand the government has acceded, in respect of Nos 1 and 3. The problem with the original amendments is that they did not allow for the declarations to be tabled out of session. If a declaration were to be made when parliament was not in session and was not scheduled to sit for some time, it would clearly be some weeks before the declaration could have effect if it had to be laid on the table of the parliament. Therefore, we have agreed—our intention has been communicated to the government—to provide for declarations to be tabled out of session by presentation to the President. However, in the course of redrafting the amendments, it was pointed out that the proposed new clause would have to require such declarations to be published. I am advised that, if a declaration is tabled in the parliament, standing orders provide that it will be published automatically. Therefore, we are endeavouring to redraft the amendments to pick up that slight technical omission. I am sure that the amendments will be ready very soon, which leaves me on my feet to comment on Senator Harris’s observations. We believe the issues that Senator Harris raised are dealt with by our amendments.

Senator O’BRIEN (Tasmania) (10.42 a.m.)—Senator Forshaw is trying valiantly to do what we all know must be done. Rather than reporting progress and interrupting the debate, we must continue and conclude the committee stage of the bill in this session. If we report progress, we will not necessarily return to the legislation this morning.

The revised draft amendments, which have been circulated in the chamber, require a small change to ensure that the declarations and information tabled by the minister that is relevant to clause 9 must also be published. To ensure that that occurs—and having regard to the standing orders of the Senate—the foreshadowed amendments must include a passage to that effect. I understand that, subject to the change, the government is not unhappy with the proposed amendments—and may even be prepared to support them. If that is the case, consideration of the bill will be short. In commending that approach to Senator Harris—and pre-empting the arrival of the amendments, which I was informed would be here a few minutes ago—I invite him to ask any questions now.

Senator HARRIS (Queensland) (10.45 a.m.)—In actuality I am not filling in; I am raising issues on which I would have sought clarification yesterday but ran out of time. Can I draw the parliamentary secretary’s attention to section 17 of the Horticulture Marketing and Research and Development Services Bill 2000. Under that section the
bill makes provision for marketing. It also makes provision for those marketing funds to be used for some of the following purposes: administration of the corporation; salaries and allowances for staff, directors, consultants and agents; payment of Commonwealth levies and collecting charges; and other purposes authorised under the act or regulation. Could I seek clarification from the minister as to how the salaries and allowances for both the staff and directors and the consultants and agents of the corporation will be set. Is there a defined process for doing this? Would those allowances and salaries for staff, directors and consultants be put before the board? Would it filter down to the industry representatives? From the minister’s previous answers I conclude that that would not come down to the actual growers, but I would seek clarification from the minister. Because these funds are provided by both the growers’ levies and the subsidies by the government, who will actually set or cap the salaries and allowances for the corporate body?

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (10.47 a.m.)—The board in consultation with the members and in line with Corporations Law will determine what those allowances and salaries are going to be, and that is what normally happens. Obviously, when we are amalgamating two corporations that have formally existed, a deal of thought will need to go into what is going to present as a single, unified, streamlined structure, but that is the practice that will be followed: the board will determine those allowances and salaries in consultation with the members and in line with Corporations Law.

Senator HARRIS (Queensland) (10.48 a.m.)—In section 21(1) there is provision for the implementation of penalties in relation to breaches of the bill. Could the parliamentary secretary acquaint the committee with the issues that the government perceives would equate to an offence under the legislation? Would the minister also comment on the maximum penalty regime of 180 penalty units: could that ever be applied against an individual grower or is it the government’s perception that these penalty regulations would only more properly be applied to the corporation itself or some other person who is acting under an export licence that has been actually granted? I am just seeking clarification from the minister as to the issues the government would perceive would be a breach of the legislation. The 180 penalty units would translate into a penalty of just under $20,000. I recognise that is the maximum penalty, but if the government is going to initiate penalties and has put 180 penalty units as the upper limit, then it is reasonable to assume that at some time they may be implemented. I am seeking two things from the parliamentary secretary: what the government perceives would equate to an offence, and whether any of those would relate to an individual grower.

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (10.51 a.m.)—I can assure Senator Harris that the breaches would be of the export control licence; that the maximum penalty would be that which is stated in the legislation; and that the penalty would be exacted against the individual exporter, not the grower.

Senator HARRIS (Queensland) (10.52 a.m.)—I thank the parliamentary secretary for that clarification and indicate that I believe we have the amended amendment.

Senator FORSHAW W (New South Wales) (10.52 a.m.)—We now have the final form of the amendments we seek to move. I understand they are being photocopied for circulation in the chamber, but a copy has been provided to the government. For the purpose of the record I will identify the specific altered amendments on revised sheet 2057. We have provided for situations where the declarations and the direction of the minister are able to be tabled by virtue of presentation to the Presiding Officer in situations where, obviously, the parliament is not sitting. That is to avoid any unnecessary delay in the coming into effect of the declarations or the directions beyond what would otherwise have been the case if they had been tabled in the parliament. In order to do that we propose to insert into clause 4 of the bill, on page 7, after the definition of ‘officer of the
Amendment (2), which is the original amendment (1) on sheet 2057 stays the same. We then have a new amendment (3), which relates to amending clause 9 of the bill by omitting the current subclause (6) and substituting:

(6) The Minister must cause a copy of each declaration under this section to be:

(a) laid before each House of the Parliament or, if a House is not sitting, presented to the Presiding Officer of that House for circulation to the members of that House, within 5 sitting days after the declaration is made; and

(b) published in the Gazette within 14 days after the declaration is made.

(6A) For the purposes of subsection (6), if a House has been dissolved and the newly-elected House has not met when a declaration is provided to the Presiding Officer, circulation to the persons who were members of that House immediately before the dissolution is taken to be circulation to the members of the House.

(6B) To avoid doubt, the function of a Presiding Officer of receiving and circulating a declaration under subsection (6) is a function of the Presiding Officer for the purposes of the Parliamentary Presiding Officers Act 1965.

They are the key changes that appear on revised sheet 2057, which I understand has now been circulated—good timing. The same changes that I have just read into the record are repeated for clause (10) of the bill. That covers the alterations to the original set of amendments. I understand the government has had the opportunity to peruse those amendments and accepts them, but I will await the comments of the parliamentary secretary. I believe the Democrats and other members are in support of our proposals. I seek leave to move the amendments.

Leave granted.

Senator FORSHAW—I move:

(1) Clause 4, page 7 (after line 14), after the definition of officer of the industry services body, insert:

Presiding Officer means:

(a) in relation to the House of Representatives—the Speaker of the House of Representatives; and

(b) in relation to the Senate—the President of the Senate.

(2) Clause 9, page 12 (lines 5 and 6), omit “That day must be the day on which the declaration was made, or a day that is after that day.”, substitute “That day must not be earlier than the day after the day, or the later of the days (as the case may be), that paragraph (6)(a) is complied with.”.

(3) Clause 9, page 12 (lines 8 to 10), omit sub-clause (6), substitute:

(6) The Minister must cause a copy of each declaration under this section to be:

(a) laid before each House of the Parliament or, if a House is not sitting, presented to the Presiding Officer of that House for circulation to the members of that House, within 5 sitting days after the declaration is made; and

(b) published in the Gazette within 14 days after the declaration is made.

(6A) For the purposes of subsection (6), if a House has been dissolved and the newly-elected House has not met when a declaration is provided to the Presiding Officer, circulation to the persons who were members of that House immediately before the dissolution is taken to be circulation to the members of the House.

(6B) To avoid doubt, the function of a Presiding Officer of receiving and circulating a declaration under subsection (6) is a function of the Presiding Officer for the purposes of the Parliamentary Presiding Officers Act 1965.

(4) Clause 10, page 13 (lines 22 and 23), omit “That day must be after the day on which the declaration is made.”, substitute “That day must not be earlier than the day after the day, or the later of the days (as the case may be), that paragraph (5)(a) is complied with.”.

(5) Clause 10, page 13 (lines 25 to 27), omit sub-clause (5), substitute:

(5) The Minister must cause a copy of each declaration under this section to be:
(a) laid before each House of the Parliament or, if a House is not sitting, presented to the Presiding Officer of that House for circulation to the members of that House, within 5 sitting days after the declaration is made; and

(b) published in the Gazette within 14 days after the declaration is made.

(5A) For the purposes of subsection (5), if a House has been dissolved and the newly-elected House has not met when a declaration is provided to the Presiding Officer, circulation to the persons who were members of that House immediately before the dissolution is taken to be circulation to the members of the House.

(5B) To avoid doubt, the function of a Presiding Officer of receiving and circulating a declaration under subsection (5) is a function of the Presiding Officer for the purposes of the Parliamentary Presiding Officers Act 1965.

(6) Clause 29, page 31 (lines 28 to 33), omit subclause (3), substitute:

(3) Subject to subsection (3A), where the Minister gives a direction to a body under subsection (1):

(a) the Minister must cause a copy of the direction:

(i) to be published in the Gazette as soon as practicable after giving the direction; and

(ii) to be tabled in each House of the Parliament within 5 sitting days of that House after giving the direction; and

(b) the annual reports of the body applicable to periods in which the direction has effect must include:

(i) particulars of the direction; and

(ii) an assessment of the impact that the direction has had on the operations of the body during the period.

(4) Subsection (3) does not apply in relation to a particular direction if:

(a) the Minister, on the recommendation of the industry services body or the industry export control body, determines, in writing, that compliance with the subsection would, or would be likely to, prejudice the commercial activities of the body; or

(b) the Minister determines, in writing, that compliance with the subsection would be contrary to the public interest.

Senator WOODLEY (Queensland) (10.57 a.m.)—I have been following the debate on the TV so I do not come to it cold. I needed only to be brought up to date on that final alteration, and I now have an understanding of that. Senator Forshaw is correct, the Democrats will support the amendments.

Senator HARRIS (Queensland) (10.58 a.m.)—On behalf of Pauline Hanson’s One Nation I will be supporting the opposition’s amendments to the bill. In doing so I reiterate that, as important as it is to have parliamentary scrutiny of the decisions of the corporation and the minister, it is equally if not more important to ensure that, during the course of this debate, the growers also have representation.

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (10.59 a.m.)—The government are inclined to accept these amendments. We were not happy with your original amendments because, as I said, they constrained the ability of the new company to be in operation at the time the government think necessary. They also meant that, if the House or the Senate were not sitting at the time, there would be a greater delay than we would like to see in the tabling. Having said that we will accept it, I still find it difficult to accept that the Scrutiny of Bills Committee comment was as strong as the opposition would like it to be. But, in the interests of getting this very important legislation through, we are prepared to accept these amendments.

Amendments agreed to.

Bills, as amended, agreed to.

Horticulture Marketing and Research and Development Services Bill 2000 reported with amendments, and Horticulture Marketing and Research and Development Services (Repeals and Consequential Provisions) Bill 2000 reported without amendment.
Third Reading

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

STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) BILL 2000

Consideration of House of Representatives Message

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

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

Motion (by Senator Troeth) proposed:

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

Senator CARR (Victoria) (11.02 a.m.)—It is unfortunate that the House of Representatives has chosen to respond to the Senate’s request in the manner that it has. Very late on Tuesday night the House of Representatives spent all of 10 minutes debating—I use that word advisedly—the message from the Senate on the government’s schools funding bill. There are not too many issues in this place that really can be adequately canvassed in 10 minutes—that is, five minutes for the government and five minutes for the opposition. There is not much that can be said at the moment that would indicate an area more important and complex than the schools funding bill. The perverse view that Dr Kemp has is that handing millions and millions of dollars to the elite schools like Geelong Grammar or King’s in Sydney can be justified as a social justice measure. It takes a particularly twisted mind to come up with that sort of approach. Frankly, it is not a position that I believe the Senate should endorse and it is not a position that we ought to take seriously in regard to what is such a critical question of funding. As far as I can see, there has been no serious examination of the positions put by the Senate on these matters. I think it is now time to allow this government the opportunity to once again examine the fairness of its proposals.

We believe that the new system of non-government school funding is blatantly unfair. Because of the government’s neglect in particular of government schools, of public education, it is unfair. It is unfair to suggest that it might be better for the minister to keep his counsel on the subject of fairness. We think we ought to have an opportunity to pursue this matter yet again. Because of the unfairness of the government’s proposals, the opposition have sought to amend the schools funding bill. As far as we are concerned, this bill is in fact deeply flawed. It is deeply unjust and deeply unfair. It is becoming increasingly apparent to the broader community that Dr Kemp’s SES funding model is designed to advantage the already privileged. It is also unfair because it compounds the neglect displayed by the government towards public education in this country, which is the system that actually caters for the 70 per cent of Australian children who attend government schools. It effectively reduces the share of Commonwealth funding to those schools as a percentage of the Commonwealth monies that are allocated, while heaping extra millions of dollars upon the elite private schools, which are already extremely well endowed.
When we are elected to government, Labor will restore a set of policy priorities that will give precedence to public education and to government schools. We know that the vast majority of Australians will support us on that. Not only does Dr Kemp neglect public education; I believe he is in fact contemptuous of it: he is contemptuous of the children who are educated in government schools. He makes it clear with his policies that private schools are his priority and that non-government schools are where he believes people ought to send their children. He believes that the ‘generous’ policies he is presenting can in fact be rationalised as a method of exercising choice. By implication, he sends the message to Australian families that government schools are definitely second-best.

To him, excellence in education belongs in the non-government sector. His constant argument is that the government system is in crisis and that therefore it needs to be reformed. It is easier for him to reform it if he can demonstrate that there is this ‘crisis’. We reject that view. Labor is strongly committed to excellence in public education, and in government Labor will give effect to that commitment.

The SES model for non-government school funding, as it is presented to us under Dr Kemp, puts a position which reinforces inequality. We can see this by the fact that it is only applying to 20 per cent of non-government schools. It is clear that 65 per cent of the non-government school sector, through the Catholic education system, has actually opted out of it and seeks to present an entirely different model of fairness. We see Dr Kemp then trying to argue that this is a system that is going to end what he calls discrimination. He suggests the opposition is pursuing a policy of discrimination by seeking to remove the 61 wealthiest non-government schools from application of the SES model. He says that schools which have private yacht clubs attached, schools that can afford to employ three people simply to tend their cricket pitches—those examples were put to me recently—and schools where the annual operating budgets are $25 million to $30 million are underprivileged and are entitled to moneys additional to what they are already getting. He says that these schools that have so much ought to be given more. These are the schools that have such an enormous resource available to them that they only spend half their moneys on the salary budgets for teachers each year, which compares with the government school system where at least 80 per cent is spent on salary budgets.

So we have a situation where government schools, which are cash strapped and not able to provide a whole range of services, are being compared with a wealthy elite that can employ armies of gardeners, bevvies of cleaners and tea ladies and an abundance of lab assistants and various highly paid publicists and promoters. Of course I would like to see armies of cleaners, gardeners and all those other ancillary staff within all schools, but that is not the situation at the moment. It is just not possible given the discrimination in funding that currently exists and that is directed at those schools in greatest social need.

The elite private schools themselves, on the other hand, are not shy about the issue of discrimination. We have seen examples recently put that they are clearly of the view that they are entitled to discriminate on the grounds of religious belief. I have examined the regulations of some of these rich category 1 schools on the subject of exclusion and admission policies. In theory, these schools can discriminate against anyone on any basis whatsoever. I presume they would not necessarily do so, but the fact remains that they are able to. I am assured by a group of category 1 school principals who recently came to see me on these matters that most schools do not do that. But some principals also told me that, as far as the admission and expulsion of students is concerned, the final decision was theirs: they could refuse to admit a child for any reason.

The only course that parents would have in that instance would be to take civil action through the courts. We all understand what that involves and, in terms of those sorts of remedies, who is able to take that sort of action and what sorts of resources are required to do that. The expense of such action is ob-
viously beyond the reach of the majority of Australians. I have an example here of Caulfield Grammar School. Its policy states quite clearly:

The principal is authorised at any time to refuse to permit a student to continue as a pupil at the school. In relation to any question concerning discipline or the expulsion of a student, the principal and the school are not bound to observe what is known in legal terms as ‘natural justice’.

Another category 1 school, Brighton Grammar in Melbourne, has a policy as follows:

While application is a pre-requisite to admission, it is not a guarantee of admission and the school reserves the right to offer a place to any boy, irrespective of date of application.

Senator Schacht—What happens to the girls or is it only a single sex school?

Senator CARR—This is a single sex school, Senator Schacht. So we have a situation where a government is handing out very large sums of money to these schools with no effective accountability on the issues of fees, exclusion policy and disciplinary policies.

We have a situation where the government is providing real funding level increases for these category 1 schools, handing millions of dollars to the wealthier schools, whose fees are already at $14,000—many are around that figure—and who expect to increase their fees yet again on top of the moneys that they are receiving. So there is a huge windfall of moneys coming to these schools and a demand from these schools to parents that their fees will increase all the more.

We have heard Dr Kemp argue that ‘all the major religious groupings in Australia’ support the funding bill. I ask the minister to tell me this: is the Jewish faith one of those major religious groupings? I would have thought so, yet the Australian Coordinating Committee of Jewish Day Schools has said publicly that it does not support the bill. So has the Anglican Bishop of Grafton and Dr Nic Frances, the head of the major Anglican charity the Brotherhood of St Laurence. So did the National Catholic Education Commission in its submission to the Senate inquiry into the bill. Its submission says:

... the NCEC [has] argued consistently that a combination of measures of need should be used. These include recurrent and capital resources, geographic spread, the necessity to provide a wide range of central services, the socio-economic status of the populations served by the schools...

The Catholic Education Commission does not support the use of a pure SES model to measure the needs of schools.

Dr Kemp has one great achievement in this whole debate: he has fired up this whole issue of state aid. The divisiveness and the unfairness of his policies have raised issues in the community that many of us thought had long passed. We have been lobbied by a range of people about the sorts of actions that should be taken in response to Dr Kemp’s policies. One of Dr Kemp’s amazing achievements is to encourage some groups to write to us that we have not heard from for a while. With regard to the opportunity to persuade, the means taken are varied and quite extraordinary on occasion. The letter I have here would have to be one of the most amazing of all attempts to persuade me. I received correspondence the other day from the Australian Council for the Defence of Government Schools. They say in the letter:

This is the first of a number of submissions in relation to this Bill and the State Aid to Church Schools that it involves. We have not bothered to circulate information to federal politicians and the Press since the 1980s because we felt that it was like feeding pearls to the swine.

So we now have groups like this entering the discussion and putting a view which we have not heard for some time. Dr Kemp ought to reconsider his actions. He ought to reconsider what he is trying to do to education in this country. He ought to say, ‘There is time now to accept the requests that have been made by the Senate so that we can move forward and so that schools can have money for the coming year.’

Senator Allison (Victoria) (11.17 a.m.)—I want to indicate that the Democrats will not be supporting the government’s motion. We will stand by the 25 amendments made to the States Grants (Primary and Secondary Education Assistance) Bill 2000 by the Senate. They are far from ideal, but we strongly believe that they are worth insisting on. If the government cannot find its way to agree to them, the consequences should be
on its own head. In our view, the ball is very firmly in the government’s court with regard to accepting the Senate’s amendments.

This bill is a landmark piece of legislation which, if allowed to pass in its present form, would be a disaster to public education in this country in the long term. We do not want to see just another debate take place in the House of Representatives; what will happen is pretty predictable if that is the case. We want to see this firmly sent back to the government with the very strong message that the Senate is going to continue to insist on its amendments. Mr Beazley said the other day that the Democrats are all care and no responsibility. I want to say on the public record that that is absolutely ridiculous. It is irresponsible, in our view, to ignore the obvious flaws and inequities in this bill. If we were to believe that anything the Senate did was irresponsible or not anything to do with the opposition, then there would be no point in putting up any amendments in this place or voting against anything that the government does, so I very firmly and strongly reject that notion of Mr Beazley’s.

The ALP is saying, ‘Trust us, vote us in, and we will make it fairer,’ but the damage from this legislation will have already been done. The top private schools receiving outrageous increases would surely not be made to hand them back. Then, of course, there is the question: what if the ALP does not take office next year? Where does that leave us in terms of support for public education and the inequities in this bill? If we were to believe that anything the Senate did was irresponsible or not anything to do with the opposition, then there would be no point in putting up any amendments in this place or voting against anything that the government does, so I very firmly and strongly reject that notion of Mr Beazley’s.

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The Democrats put up a proposal to extend the present funding system, the education resources index, for another 12 months so that there would be time for an inquiry to take place to devise a fairer system and to also look at what it actually takes to educate children in a good system which is more than adequate, in a system which accords with people’s expectations of what education should deliver. In such an inquiry, there would have been consultation with all the parties affected—public and private schools, special needs advocates; not just Dr Kemp’s usual hand-picked few—but, of course, the government said no. I guess those of us on this side of the chamber expected that, given this government’s previous moves on education.

However, it has been a bitter disappointment to us that the ALP has not been able to be stronger on this legislation and support our amendments. Our extension would have meant that non-government schools would have been no worse off than they were this year. We were also proposing to base the SES formula on actual parental income if the 12-month extension were not agreed to, and the ALP knocked us back on that, too. We are opposed to basing school funding on average incomes over the area of 250 households, as is proposed by the SES model. It is this averaging that has made ludicrous the notion of this legislation being needs based. Apart from the obvious advantages to schools that draw students from diverse socioeconomic areas, there are many low income schools which miss out under this legislation—which is, of course, why the Catholic system has opted out.

The government talks a lot about choice and how this is providing more choice for more people. Academic Janet McCalman pointed out in the Age today that if you cannot afford choice, then you have no choice. That is the situation for the vast majority of parents out there wanting the best for their children in education. Public education is underresourced in this country. I do not think anyone could argue with that. As a percentage of GDP, our overall spending on education has dropped from 5.1 per cent in 1992-93 to 4.3 per cent in 1999-2000. We have
also dropped well below other OECD countries in public spending on education. Australia was spending 4.3 per cent of GDP in 1997, compared with the OECD average of 5.1 per cent.

I think we will live to regret the States Grants (Primary and Secondary Education Assistance) Bill 2000 and our children will curse the coalition and the ALP if it is allowed to pass unamended. It furthers David Kemp’s agenda of forcing parents out of the public system and into private schools. As we know, it will deliver millions in extra funding to the category 1, 2 and 3 schools that need it the least. I am loath to give even more free publicity to King’s, but I must reiterate: a school that can embark on a $16 million capital works project and has already raised $2.5 million from parents does not, we would argue, need an extra helping hand from the taxpayer.

This morning, I looked in the Australian and saw an advertisement by Canberra Grammar School for a director of public affairs which says:

Canberra Grammar School, long regarded as one of Australia’s leading independent schools, has undertaken a major review of its public relations and marketing needs and is now seeking a suitable person to fill this newly created position.

The Director of Public Affairs will be responsible for developing proactive media relations and special events strategies, improving relations within the wider community and devising promotional and publishing campaigns, together with managing the School website.

I join with Senator Carr in saying that, along with the people mowing lawns and doing cleaning in some of these schools, I wish each public school had a director of public affairs. If they did, I think we would find the situation in Australia would be that funding for government schools would be a lot better than it is. I remind the Senate that Canberra Grammar School, under this new formula, will receive an extra $1.8 million after four years. Clearly, Canberra Grammar School regard this as an opportunity for them to further promote their school and no doubt some of that money will go into paying the salary of such a person.

Government schools have a whole list of things that require funding. They need capital works funding for public schools that have relied for years on portable classrooms that freeze in winter and boil in summer. They need funding to provide public schools with assembly halls and sports facilities. They do not need rock climbing walls and rifle ranges that the elites seem to need; they need basic resources for providing a decent education system. They also need extra resources to ensure children do not have to share out-of-date textbooks. They need extra resources so that kids whose parents cannot afford or will not pay the so-called voluntary fees are not excluded from school activities and excursions. We need extra resources in the public system so that indigenous kids, 80 per cent of whom are educated in government schools, can get education targeted at their grade level. Public schools need support and resources to help keep their young people who are at risk in the school system. As we know, Dr Kemp axed the only program that was targeting this issue.

The bill continues the enrolment benchmark adjustment, Dr Kemp’s formula that penalises public education for changes in the enrolment percentages across the board, so that when the private school sector grows in terms of percentages, money is taken out of public education. The EBA has already taken $57 million out of public education funding since its inception. And it goes on getting worse each year and becomes a larger sum because the benchmark keeps going back to 1996. The government has rejected the Senate’s amendment that would have abolished this unfair formula, but, again, we insist on it. I trust the ALP will do likewise.

The bill also reduces special education per capita funding for secondary students in government schools. I do not think you get much lower than this. Senator Ellison suggested yesterday or the day before that the government was not reducing special education funding, but it is. It is reducing it for secondary schools in order that a little more can be given to primary schools. The bill disregards the fees and fundraising capacity of private schools. The result is that a school charging $2,000 in fees can be funded at the
same level as a school charging $12,000. We think this is obscene. Again, the ALP rejected our amendment requiring the government to take fees and private income into account when determining a school’s funding level.

We need a vision for public education as something worth fighting for and as something everyone wants to use, not something people would flee if only they had the money to do so. The average cost of sending a child to a public school is about $6,600—and this is only an average. Many schools receive a lot less because this figure includes the high cost of delivering education in rural and remote areas. Yet the Commonwealth government wants to top up schools which can afford to spend more than twice that sum on every student. In fact, in many schools the fees are twice as much as we spend on students in government systems. The SES formula guarantees a minimum entitlement to all students in non-government schools, regardless of how wealthy the school is, and that is 13.7 per cent of the average government school recurrent cost.

Ultimately, the issue at hand is excessive public subsidy of the wealthiest private schools and what the limits should be. Every additional dollar to the top non-government schools which can afford to spend more than twice that sum on every student. In fact, in many schools the fees are twice as much as we spend on students in government systems. The SES formula guarantees a minimum entitlement to all students in non-government schools, regardless of how wealthy the school is, and that is 13.7 per cent of the average government school recurrent cost.

I notice that Senator Brown wants to speak, but I am sure he will not mind if I go next in order. I rise to support the remarks of my colleague Senator Carr on behalf of the opposition, that the Senate insist on all of these amendments that we have previously moved. I accept that I have not been a major contributor to the education debate over the time I have been in the Senate, though I am an ex-schoolteacher from 30 years ago. You cannot do everything in the Senate. I feel obliged to speak because what this government is doing in education under this ideologically obsessed and driven minister, Dr Kemp, is an appalling outrage.

When the great debate took place in the fifties and sixties about state aid in education—and I have to say that it was an issue that split the Labor Party, on and off, over two decades—Gough Whitlam put a proposal to the Labor Party which in the end was accepted, that state aid would be available on a needs basis to private schools. He argued that kids at the poorer Catholic parish schools were being disadvantaged as much as those at the poorer public schools, because they were not having access to quality education. Many of us who may, philosophically, have had a view that the state and the church should be separated completely accepted that argument that, for the sake of the kids, the best thing to do was to provide a reasonable quality of education and the resources to achieve it.

That ended the sectarian nature of the state aid debate in this country that had gone on and on for nearly a century. I remember growing up in Gippsland in Victoria, on a dairy farm, where there was debate over whether private school kids going to the local Catholic school in Sale could travel on the public school bus provided for those of us going to Sale High School. It was fought out as a sectarian issue and it was debilitating for the community.

The policy that Whitlam brought forth overcame that. We saw that kids ought to be looked after first, irrespective of which school they went to, but on a basis of need and equity. What this maniac minister has done now is to say, ‘Equity ain’t going to
count anymore. Need ain’t going to count anymore. What’s going to count is what deal I can do to enhance the best private schools in this country getting more facilities.’ And he then says, ‘But it is a choice. I want the parents to have a choice, so that they can choose to go to the richest schools that get all this extra benefit.’

Senator Allison just said that you can only offer choice if you have the economic background to be able to afford it. In my three years of teaching in the sixties I taught at a school called Elizabeth Grove in the northern suburbs of Elizabeth—one of the lowest socioeconomic areas of metropolitan Adelaide. The idea that you can say to the parents, even now, at Elizabeth Grove, ‘You have a choice to send your kid to Prince Alfred College or St Peter’s College or Annesley College in Adelaide’—the richest private schools—is a joke. It was a joke then in the sixties and it is a joke now at the beginning of the 21st century. So that is no choice at all.

The only way that you would be able to say that choice could work would be if all incomes in Australia were dead equal. No one is proposing that and it will not be achievable in this coming 100 years or in the coming 1,000 years. There will always be differences in income, but it is the responsibility of government to make sure that the disparity in income is not used to punish the kids of low income families, so that they do not have less opportunity to get a decent education in order to have equality of opportunity for the rest of their lives.

What this maniac minister is doing is fundamentally turning that upside-down: 'If you have already got an advantage by having wealthy parents and access to a private school, he is going to enhance that advantage.’ That is not equity; that is ‘punishing the poor’—punishing those who are less well-off. And then, to drive it even further, this maniac minister wants to reduce the money for the public schools and the comparatively poorer schools.

The States Grants (Primary and Secondary Education Assistance) Bill 2000, I am told, means $22 billion over four years. Of that, $14 billion goes to the private schools. Much of that I have no objection to, because it will be going to the poorer parish schools, as they are called, of the Catholic education system and other religious and non-religious private schools that have lower income levels. I have no objection to that, because that is in accordance with the principle that Gough Whitlam laid down about a needs based education. But to find that the public schools only get $7 billion of the $22 billion is extraordinary. We find that, in 1996, a similar bill gave 43 per cent of the money to the public schools in Australia. What does this bill give? Thirty-four per cent.

In this bill, Dr Kemp has made a deliberate decision to reduce by nine per cent the money available for public schools in this country. I see an adviser shakes his head, and I should not acknowledge the adviser, because it could probably get him into strife with standing orders, and Harry the Clerk will send a note around saying, ‘Why are you smiling? You shouldn’t do that.’ I will defend your right to nod your head or grimace when I say something you disagree with. I think that is free debate. I just want to say that Commonwealth funding goes from 43 per cent for public schools down to 34 per cent in this bill.

This really shows something about this minister, Dr Kemp. Some of us have said that we thought that the now semi-disgraced minister, Mr Reith, was ideologically diabolical over what he did on industrial relations, but I think Mr Reith was doing that for cynical political reasons. He did not really believe it; he just knew it was a good way to kick the trade union movement, and anything he could do in that area he would. I think the most ideologically dangerous minister in the present government is Dr Kemp. Not only does he believe that money should be redirected to the better schools in the private sector; he is actually doing it. The worst thing is that the Liberal and National parties are rolling over and giving him the support to do it. I find it extraordinary that some members of the National Party who represent poorer public schools in rural areas—which have the worst disadvantage of all—actually rolled over for him.
Senator Carr—They cheered him on! What are you talking about? They cheered him on!

Senator SCHACHT—I have noticed, Senator Carr, that there has been some publicity recently that some of this money is going to private boarding schools so that farmers and graziers can have a better opportunity to send their kids to a higher quality, private boarding school.

Senator Carr—With $21,000 a year fees.

Senator SCHACHT—as Senator Carr interjects, they are still charging $21,000 fees. The fees haven’t been cut. They are still being collected. How many parents of kids going to a public school in Charleville—a template of an outback regional-rural town that is often used to describe regional attitudes—will be able to afford $21,000 to send their kids to a top boarding school in Brisbane or Sydney? Zilch. Zero. But the National Party, unfortunately, have fallen for it.

There is another feature of this bill that I have noticed since it has been indicated that this additional money is available for wealthy private schools. My wife is a junior primary school teacher—so I declare my interest—and she gives me a fair belting on these issues from time to time. She pointed out to me the other day an advertisement she saw in the newspaper. One of these private schools in Adelaide has put an ad in the paper calling for applications for a development officer for the school. What does a development officer in a private school do? The way the job was described, this person’s job was to go out and recruit kids to come to the school; to go out and explain to rich parents why this school is better than the other private school.

The extra funding we are providing indirectly allows schools to start spending money on things that are not really educational. It is really about promoting the status of the school, so that they can say, ‘We are a better private school than the one down the road.’ That is the misuse of this money. By allowing these grants to be made—the $145 million to the 61 rich private schools over two years—they have now got the discretionary income to go off and appoint people called development officers. I find that disgraceful. That is not an educational need; that is a promotional need to create status for the school. That is the consequence of Dr Kemp’s proposals.

The Labor Party have made it clear that we oppose this bill. We recognise that if the bill is consistently defeated, from the beginning of next year there will be no money at all; there will be no $22 billion. Let us make this quite clear. The government will not accept our amendments or the Democrat amendments because they are going to blackmail us. If we did not pass the bill and the money were not available to any schools at all, they would say, ‘Blame the opposition; they did not carry the bill.’ It is political blackmail, and that is what they are relying on. It is not an argument about the merits of the bill; it is an argument about blackmail. The Labor Party have made it clear that if the bill goes through unamended—if the government will not accept these reasonable amendments, based on providing equity to where it is needed in the education system—we are committed, when we win government in 12 months time, to recommitting and restructuring this bill and providing the money to the schools and the kids on the basis of need, not on the basis of greed and wealth. That is the commitment Kim Beazley has made, and we will stick to that.

We are happy to fight this issue out as an electoral issue of passion in the Australian community. We are happy to fight this out all through next year, explaining that we will recommit this bill on our election to office. We will substantially change it and redirect the money to the schoolkids who need it, not to those schools that want it because of their greed and because we have this ideologically obsessed minister for education at the Commonwealth level. We look forward to the debate over the next 12 months. We will make it an issue and we will not be backward in turning up the heat on the government every chance we get. We do not want them squealing and squirming over the next 12 months, saying that we are being unfair, that we are pointing out divisions in education. Remember: the person responsible for this is Dr Kemp, along with his government backed
by the members of the Liberal and National parties. They are the ones who put the wedge into education and said, ‘You will get the money based on your greed and your status, not on your need.’ This is one of the worst and most shameful, ideologically driven bills I have seen in my 13 years in this parliament, and we will campaign to defeat it at the next election.

Senator BROWN (Tasmania) (11.44 p.m.)—Let me make it clear that, as the Greens senator in this place, I will be standing in defence of the Senate’s amendments and requests all the way down the line. I do not agree with the analysis from the Labor Party that the government would block funding to the schools. The government has the responsibility to ensure that the schools system in this country is funded. The government would accept these amendments if only the Labor Party would press them. The Senate has the power to insist, and the Senate should do so. The anger that the Labor Party says should be directed at the government should be converted into a very positive defence of the government on this matter. It is an extremely important matter for the nation. It is an extremely negative direction that the government has taken. Senator Schacht has just given a clear exposition on the decades of turmoil over government funding of schools in the pre-Whitlam era. It ought to be remembered that, in the United States, funding of non-government schools is prohibited under the constitution. This legislation would be unconstitutional in the United States because it not only gives money to the private school sector but gives the majority of the money to the private school sector.

Senator Tchen—You can’t count, Senator Brown.

Senator BROWN—The senator opposite says I cannot count. I did well at sums in the public school system and I can count very adequately, thank you. That said, I am not going to go over the debate again. I think the salient debate and vote will come when the Labor Party caves in. That will be the telling factor. I think the House of Representatives might be indicating that in the message it has sent to us.

On another matter, regarding a requested amendment from the Senate to the bill on veterans’ entitlements, it is notable that the Speaker sent a message simply saying that the House of Representatives had not made the requested amendment. In the message before us at the moment, the Speaker said, ‘The House of Representatives returns the bill and acquaints the Senate that the House of Representatives has considered message No. 496 of the Senate in reference to such bill and has not made the requested amendments which the Senate has purported to press.’ Maybe a little of the money should be sent to those responsible for that concoction. What ever happened to plain English? Purported to press? We have pressed it. It is not a matter of purporting; it has gone in a clear message to the House of Representatives. It has been pressed.

The TEMPORARY CHAIRMAN (Senator George Campbell)—I understand from the clerks that this argument between the Senate and the House of Representatives has been going on since about 1902.

Senator BROWN—I thank the clerks for that. I am sure I am here lining up on the side of the clerks, and indeed the Senate. I am sure that the Speaker of the House of Representatives, whoever it is at this moment, will be reading the Hansard and going to the dictionary to see what the word ‘purported’ means. It is something that could be eliminated from this exchange of messages. That said, I stand absolutely resolute in pursuing the request to the House of Representatives and the government, and I will be standing just as strongly for the public school system in pushing the amendments which the Senate has made to this piece of legislation.

Senator LUNGY (Australian Capital Territory) (11.49 p.m.)—In also pressing this request, I will reference a couple of myths that have emerged regarding the coalition’s education policies. One of these myths is that their policies have always been that providing more and more funding to enormously wealthy schools with high fees and long waiting lists somehow gives the average battler a choice to send his or her children to such schools. The coalition has tried to insist that some elite schools, such as Geelong
college, have said that they will use the unneeded windfall to provide scholarships. However, I would like to draw the Senate's attention to a cartoon by Geoff Pryor of the ACT, who put this in perspective by showing a hopeful worker parent applying to a wealthy school and being told, 'I don't think you quite understand. You don't choose us; we choose you.'

No doubt these schools are interested in using scholarships to poach the brightest talent from poorer government and non-government schools to boost their academic averages, but have any of these elite schools come forward and said, 'This extra funding will enable us to take in young people who have dropped out of the system—perhaps emotionally disturbed students, low achievers, homeless and other disadvantaged young people who we now, with this taxpayers' money, have an obligation to help educate?'

The government does not seek accountability for how the increased funding is spent nor does it guarantee lower fees or greater accessibility.

Another coalition myth is: because government schools are funded by the states, they do not require extra funding from the Commonwealth. Extra Commonwealth funding for non-government schools, on the other hand, is said to be needed to provide equity in choice. But states and territories provide funding also for non-government schools. By decreasing Commonwealth funding to government schools, even through its enrolment benchmark adjustment scheme—even though enrolments in this sector have increased—is Dr Kemp trying to provoke the states to retaliate so he can cut non-government schools’ funding? These are the sorts of questions that need to be asked.

Since 1996 the Howard government has progressively and deliberately slashed funding for public education. Under Dr Kemp and this government the sector to benefit most has been the very wealthiest private schools. Decreasing percentages of Commonwealth education funding have gone to government schools and to disadvantaged schools. One way the government has done this is through the enrolment benchmark adjustment, the EBA, a 1996 Commonwealth budget initiative which purports to calculate the drift in student enrolments to non-government schools in each state compared with the 1996 benchmark. Although the number of government school enrolments is still increasing, the coalition government has been able to decrease funding per government school student through this dodgy strategy. Over the past three years the EBA has taken more than $60 million from government schools around Australia, even though those schools enrolled more than 26,000 extra students.

Labor's amendment seeks to abolish these inequities. Australia must value all young people equally. Who knows which young Australians will be the ones to make future significant contributions to our welfare, standard of living or status in the eyes of the world? Dr Kemp is trying to pick the winners from a very small base of wealth and privilege. In this way, he is limiting the future achievements and standards of this country. Many European and Asian countries know that investment in education pays dividends not only in the extent of success but also in the limiting of behavioural problems and in less need for jails, juvenile justice and unproductive expenditure. It is a big picture social policy strategy that really places education at the forefront.

The Australian Capital Territory, my own electorate, provides an excellent example of how unfair the coalition's new SES system will be. There is a prevailing myth that I think highlights this issue, and that myth is that there is no poverty here in Canberra. The ACT is small in terms of states and territories and is a planned city. One of the unique features of this planned city is that our suburbs, quite intentionally, have a mixture of income levels. On the whole this has worked well. According to the Australian Bureau of Statistics, in 1996-97 11.8 per cent of ACT households had incomes of less than $200 gross per week and 22.2 per cent of household incomes were below $300 gross per week. The ACT Poverty Taskforce will report soon, and we will have an accurate and current picture of disadvantage in the ACT. However, we now know that the present government will not provide choice for
schooling for these low income households under the SES funding system.

Only one non-government ACT school will be funded more under the government’s SES formula. Although this school is one of the wealthiest in terms of resources and parental income, it does attract students from country areas, from outside the ACT and from families with overseas postings. Surely Dr Kemp in his zeal has not sought to measure the SES status of the Third World countries to which we may have sent diplomatic or trade staff who have student children! This is just a bit of a joke, but it highlights the inappropriateness of using the status of one’s neighbour’s incomes to actually measure an assessment for school funding. I suppose this would make just as much sense as measuring the socioeconomic status of Australians who do not go to the schools Dr Kemp is so generously enriching.

The Canberra Church of England Boys Grammar will receive more than $640,000 a year in additional funding. Other well-resourced non-government schools in the ACT were assessed under the original SES formula as deserving of lesser federal government grants. These schools are Daramalan College, Marist College, St Edmunds College, Radford College, Orana School, Trinity Christian School, Brindabella Christian College, Emmaus Christian College, Canberra Girls Grammar, Covenant College, Canberra Montessori School, Burgmann Anglican School and the Canberra Christian School. The federal coalition government has said that no school will be worse off, but the SES assessment is that these schools will receive between them almost $11 million, to which, under the new formula measuring the socioeconomic status of the suburbs, they are not actually entitled. Naturally these schools are now very nervous about possible future applications of the SES funding system, which could substantially decrease their funding levels.

While only one, very well-endowed, non-government school in my electorate will benefit from the funding system of this bill, at least one non-government school finds itself in limbo not only in terms of Commonwealth funding but also in terms of ACT funding: the Blue Gum School. The Blue Gum School is a new non-systemic independent school. It is to open at the beginning of the year as a new primary school, having operated to date as a preschool. The Blue Gum School aimed to provide choice as a low fee school. Its 22 families include disadvantaged families without the resources to pay high fees. Now the only choice that parents are likely to face is to stay if they are high income families or to leave if they are low income families. As the Blue Gum School says, 'This is not the choice of schooling Dr Kemp keeps claiming his legislation will offer families.' The system for providing ACT government funding to ACT non-government schools is now in total disarray because the new system does not work in the ACT context. In the ACT context of a planned community, it is totally useless in assessing the needs of any particular school.

If Labor’s amendment is passed, the increased $57 million Dr Kemp planned to give the 61 wealthiest schools will provide much-needed special education programs in non-government and government schools. Following the success and inspiration of the Paralympics, what better time is there to improve the education and opportunities in the non-government and government schools of the 100,000 or so Australian students who have a disability? Education will be one of the top priorities of the next Labor government. Our aim is for Australia to become, and to be recognised internationally as, a knowledge nation. To do this we have to do many things, and one of them is close the digital divide. This means providing the opportunity for students to develop information technology skills in all schools. It is laughable to suggest that Dr Kemp’s 61 favoured rich schools would lack the computers in working order needed to provide their students with IT experience and the training needed to realise the vision of a knowledge nation and to close the digital divide. Labor’s knowledge nation plan for education is about quality education for everybody. Above all, it means achieving a high standard and fair education system at primary, secondary and tertiary levels. If we concentrate on providing only for those who can afford to choose private schools, Australia can never become
the clever country that we aspire to become. No country can afford to squander the potential abilities of 70 per cent of its future citizens—the percentage of children in Australia who currently attend public schools.

The education funding policies proposed by the coalition represent a radical departure from world practice. No wonder there is so much public disquiet. While our education budget can never be open-ended, that stands alone as a significant and primary reason why it is incredibly important to direct funding to the areas of greatest need, with equity and fairness being the overriding principles. Make no mistake: the largesse that Dr Kemp is distributing from the taxpayers to the wealthiest schools is at the expense of needy government and non-government schools and those principles of equity and fairness.

Senator McLUCAS (Queensland) (Midday)—I only want to make some very brief comments today on the States Grants (Primary and Secondary Education Assistance) Bill 2000 and the message from the House. In doing so, I want to reconfirm Labor’s position on this bill. First of all, we need to remind ourselves what this bill will actually deliver to Australian children. It continues the EBA system—the enrolment benchmark adjustment system—which will mean that, although enrolments in state schools continue to increase, because of the proportion of enrolment change Commonwealth funding allocations to the state sector will reduce. In my state of Queensland, we will end up with a loss of $7.7 million to our state education budget; and, I am afraid, that is something that is not sustainable in our state schools in Queensland.

The second point I would like to make is that the government has said about this bill that there will be a no loser policy. I have to say that that is simply not true. There is a no loser policy for those non-government schools which were concerned that, with the differential funding formula, they would receive less funding. But in the long run, the schools that will lose out on this bucket of money—as a result of this new funding formula—will be the children who go to state schools, and their families. The government says the new funding formula is to measure the needs of schools. This is fundamentally not true and cannot be true. It measures the socioeconomic status—the SES—of the district in which the parents live, not the income or the status of the parents. That means that, for those children who come from grazing properties in western Queensland and who attend some of the most exclusive schools in Brisbane, the fact that their families live in areas that have a low SES is included as the indicator of that family’s income—not the fact that these children’s parents are very wealthy graziers and have lots and lots of money and are able to make a choice to send their children to those private schools. I encourage them to make that choice, if in fact that is what they want to do; but, I am sorry, you cannot say that, simply because you live in an area that has a low SES rating, you come from a poor family. This is using statistics to support an argument that ensures the funding will go to, as we know, the category 1 schools. I suggest to the government that that $64 million is inappropriately spent.

Funding for the non-government sector will increase dramatically, relative to state funding. I will provide some figures on what that means for Queensland. The Commonwealth forward estimates for the year 2000-01 indicate that government expenditure on non-government schools in 1998-99 was $2.4 billion. In 2002-03 this will increase to $3.4 billion, which is an increase of 41.7 per cent. In 2003-04 this will rise to $3.7 billion, which is an increase of 53.5 per cent over the 1998-99 figures. Compare that with the figures for the state schools. In 1999, $1.86 billion was spent on state education by the Commonwealth. This is projected to rise by the year 2004 to $2.27 billion—a measly rise of 22 per cent. This is less money for all of those children who attend state schools right across Australia. There is no way that anyone can read those figures as being fair or equitable—to deliver fair and equitable education to all children.

Much has been made about the notion of choice in the debate on this bill. I have to say that, as a senator from Queensland, the argument is spurious, almost hilarious and certainly preposterous. What choice does this
bill provide children who live in rural and remote places? How is this bill providing a notion of choice for indigenous families who live in remote locations? What is the alternative school that a child in Doomadgee is going to go to? What about the child who lives in Hughenden? What alternative school do they have to their state school? There is no choice for those families. We, as a government, have a responsibility to ensure that the education that those children receive in remote and rural locations is excellent. Nothing less than that: it has to be excellent, and then people who make a choice outside of that can make a true choice.

I also remind the Senate of Labor’s position on this bill. Labor has clearly said that we want to redirect the money that would have funded increases to the wealthy category 1 schools and spend it instead on special education—on children with disabilities, most of whom attend state schools in Australia—doubling the capital per capita amount for special education in private schools and quadrupling the amount in government schools. That is a fair use of that extra $64 million and that is something that I am proud the Labor Party has proposed. Our amendments also abolish the enrolment benchmark adjustment—that unfair funding formula—and we will return the $32 million taken from government schools to the public school sector.

I remind the Senate that Labor is committed to a strong public education sector, providing the benchmark of excellence in education for our community. We recognise the historical partnership between the private and state sector and we recognise that that needs to be maintained and that needy private schools, especially those in the Catholic sector, need to be supported—but not at the expense of anyone else. Our formula for funding of education is based on need, not on social class.

Finally, I would like to say that Labor recognises and values the important role of teachers and what they do in our community. We are committed to ensuring that teachers are supported in their very important work in both primary and secondary schools, wherever they work, and especially those teachers who work in rural and isolated places that need the extra support that is not being provided by this bill.

Senator CARR (Victoria) (12.07 p.m.)—I take this opportunity to remind the Senate that these issues are embodied in two opposition requests to which this place agreed and then put to the House of Representatives. The effect of these requests is to secure a reallocation of moneys from the 61 category 1 schools to those students who are doing their very best to cope with disabilities. Through these requests we are seeking to find additional resources for the 85,000 disabled students in government schools and the 13,000 students with disabilities in non-government schools, of which 8,000 are in the Catholic sector. This would mean a four-fold increase in funding for students in government schools who require special education assistance and it would double the amount of money available to students in the non-government sector who require special education assistance.

This principle highlights the Labor Party’s commitment to allocating funding on the basis of need. We have decided to reallocate the funds freed from the category 1 schools to a group who are in especially great need: students with disabilities. Our requests would increase by four times the amount of money currently available to students in government schools who require special education assistance and would double the amount of money available to non-government schools for this purpose.

Our other amendments go to the issue of the EBA, which is almost universally thought to be unfair. I do not believe anyone apart from Dr Kemp seriously thinks otherwise. It is simple discrimination by Dr Kemp and this government directed at the public education system in this country. Our requests are about fairness and equity. That is the critical issue in this debate.

We are also concerned about quality in education and about the pursuit of excellence. Under a Labor government, the priority would be ensuring that all Australian school students could access a decent education. In government, we will give priority to the government school system, where the
vast majority of Australian children are educated. We will stand up for public education. We assure the parents of Australia that their children’s needs will be served well by a Labor government. Wherever children go to school—whether it is in the bush or the city, in government or non-government schools—Labor will ensure that they have access to a decent education, which is seriously lacking under this government’s proposal. We reject this government’s obscene policy of funding the wealthiest private schools.

Several honourable senators have given some specific examples, one of which is the Blue Gum School in the ACT. I also pursued this matter during Senate estimates committee hearings. I have always maintained a deep interest in ensuring that departmental officials provide accurate advice during Senate estimates—and, by and large, they do that. By and large, departmental offices demonstrate a high level of professional competence. However, I am concerned on occasion.

Last Thursday, 23 November, DETYA officials told us that the questions concerning the funding arrangements for the Blue Gum School were hypothetical because that school had not yet lodged a formal application for funding. Sir Humphrey Applebys are alive and well in DETYA and in many other departments. I am always interested in the principles that apply within the Public Service: I would like to access the training that public servants offer to each other. I am reminded of the famous *Yes, Minister* scene when Jim Hacker was sworn in as minister and met departmental officials for the first time. He said, ‘Oh, we know you well; we discussed issues at estimates and we always noticed how well you answered our questions.’ The public servant replied, ‘Well, I’m glad you thought so, Minister.’ I am afraid that I do not take the Jim Hacker approach to these matters because I am not persuaded that public servants always answer my questions well.

In the case of the Blue Gum School, it was claimed that the funding arrangements were hypothetical because the school had not lodged a formal funding application. However, this has been put to me in correspondence from Blue Gum School:

DETYA failed to mention that it is impossible for Blue Gum School to lodge a formal application for funding because no formal application exists!

I have a letter signed by a departmental assistant secretary, which states:

I wish to confirm that the application forms for new schools commencing in 2001 are not yet available. They will not be available until after the passage of the *States Grants (Primary and Secondary Education Assistance) Bill 2000* that is currently before the Parliament. When finalised, the application forms will be available in electronic form.

DETYA could have told me the whole story. It strikes me that it is difficult for a school seeking additional funding to receive that funding when there are no application forms available and the production of such application forms is critical to receiving that money. The school asks:

How can we finalise a budget & calculate school fees?

We note that DETYA also conceded at Senate Estimates that there was a problem with the SES funding model in the ACT and that DETYA has known this since the beginning of its analyses. They also point out to me that Dr Kemp’s adviser, a Mr Ford:

. . . told Blue Gum School at a meeting with him on Thursday 12 October 2000, that Dr Kemp was not aware, nor did he accept, that there was any problem with the funding model in the ACT.

The school goes on to draw to my attention that they are very concerned about this conflict in advice. They ask:

Has Dr Kemp got it wrong, or has DETYA, or has DETYA failed to keep the Minister adequately briefed?

I guess that will be a question the minister would be able to answer for us here when he sums up. The Blue Gum School puts this to me:

If the new SES funding model does not work in the ACT, why is it being applied in the ACT—to new schools viz. Blue Gum School? If the model is ‘broke’ in the ACT, what steps are being taken to fix it, or to find a fair, equitable, simple and transparent alternative? For example, our SES score (based on families enrolled all year in our Kindergarten Class) is the same as our neighbouring schools—Emmaus Christian School and
& Brindabella Christian College—yet we will receive about HALF their level of funding! Further, our families on maximum social security living in government housing are producing scores of 117-122 i.e. they are wealthy! By contrast, our middle-income family temporarily residing in Western Australia comes out with an SES score of 96!

So it goes. Minister, I trust that you will be able to provide me with some advice on this particular case. I reiterate that the Labor Party is pressing these requests. We will be voting against the government’s motion. We believe the government ought to be provided with an opportunity to reconsider its unfair, divisive legislation. We trust that the government will accept our invitation.

Senator ELLISON (Western Australia—Special Minister of State) (12.17 p.m.)—This is very important legislation, as the opposition well knows. It deals with $22 billion worth of funding for Australia’s schools, both government and non-government. This has been debated. It is quite misleading for the opposition to say that we only had 10 minutes of debate on this matter. This has had some 12 hours of debate in the other place and a similar length of time in this place; a Senate inquiry has looked into the legislation; and estimates committees have been used as a means of asking questions in relation to the funding and other matters. The subject of this legislation has been canvassed far and wide.

Contained in this legislation is the provision of billions of dollars of funding for government schools. For this quadrennium there is an increase of $1.4 billion over the previous quadrennium and that is good news for Australia’s government schools. This government has been urged to get this legislation through as quickly as possible. The Senate and the other place have been urged to pass this legislation so this funding can flow on to Australia’s government and non-government schools. The minister for education has received a letter from representatives of the various church sectors speaking on behalf of their organisations supporting this legislation: the National Council of Independent Schools Associations, the Archbishop of Sydney on behalf of the Anglican Church of Australia, the Australian Association of Christian Schools, the Association of Heads of Independent Schools of Australia, the Rudolph Steiner Schools, the National Lutheran Schools, the Seventh Day Adventists Schools and the Uniting Church of Australia. A very big sector indeed is the Catholic sector, and that sector too is keen to see this legislation passed. We have overwhelming support from the community for this legislation and, more importantly, the timely passing of this legislation. These requests will do nothing more than simply hold up the passage of very important legislation for Australia’s educational system. As I understand it, the opposition has said that it is going to support the passage of this bill at the end of the day. What we have here is a time consuming exercise by the opposition which does nothing to advance the passage of this legislation.

There have been a number of points raised; I will not deal with them in detail. But I can say this in relation to the Blue Gum School, because it has been raised by Senator Carr and Senator Lundy: we cannot fund a school which is not registered by a state authority or territory authority. We just cannot do that, nor is it appropriate. As I understand it, the Blue Gum School has no ACT government registration as a school. That, I think, deals with the matter squarely. Commonwealth assistance is contingent on a school being recognised and registered by a state or territory authority, and accordingly the Blue Gum School cannot meet the provisions for that Commonwealth assistance. I think really that kills that issue, and that is the advice that I have received.

This legislation is imperative for Australian schools, both government and non-government, and we are seeing here an increase of funding for the government sector. This government has said repeatedly that it wants a strong government school sector and a strong non-government school sector so that parents can have a viable choice as to where their children go to school. That is what I think most Australian parents would want. I commend the legislation to the Senate and I urge senators to cooperate in the urgent passing of this legislation.

Question resolved in the negative.
Resolution reported; report adopted.

**VETERANS’ AFFAIRS LEGISLATION AMENDMENT (BUDGET MEASURES) BILL 2000**

**Consideration of House of Representatives Message**

Message received from the House of Representatives returning the Veterans’ Affairs Legislation Amendment (Budget Measures) Bill 2000, and acquainting the Senate that the House has not made the amendment 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 request for an amendment not made by the House of Representatives.

Senator SCHACHT (South Australia) (12.23 p.m.)—Is the minister going to add anything further to the debate? I understand he is on his way. The opposition opposes the government’s motion that we not press for the amendment that was successfully moved in the Senate on Monday of this week. I watched most of the debate in the House of Representatives when our amendment went back. I did not hear it all, but I checked the Hansard and there has been nothing that Minister Scott has said in the House of Representatives that has persuaded the opposition that we should not persist with our amendment. The minister did indicate that he would be willing to have further discussions with the nurses to assist them getting a better deal from Comcare over their complaints. He may be willing to have a meeting and he may show great sympathy, but Comcare benefits are decided by the law—its own legislation. Whatever the minister’s sympathy is he cannot get Comcare to give extra benefits if it is not outlined in the legislation. The opposition and the Democrats made it very clear in this debate on Monday of this week that, no matter which way you look at it, the benefits available from Comcare to the people who served in the civilian surgical units—the 420-odd doctors, nurses, radiologists and other medical people—are just nowhere equivalent to what the Veterans’ Entitlements Act would provide.

Many of the nurses who provided evidence to the Senate committee when it was holding its review of the legislation are suffering from the same levels of illness and physical disability as they get older as are the Vietnam veterans. These are people who served in Vietnam at the request of the government—who volunteered to go there as civilians at risk to their own lives and in very uncomfortable conditions, to say the least, and who are now suffering the same complaints by and large as the Vietnam veterans, such as post-traumatic stress disorders and skin cancers. Fortunately, I do not think any of them suffered bodily wounds by being in action, although at times they were very close to action. We are very pleased, of course, that none of them suffered what some of our Vietnam veterans did by being wounded or treading on mines. We do not oppose the minister having a chat with the nurses or sitting down with them, but unless he wants to amend the Comcare act it will be a fruitless exchange because the nurses will explain to him that they will not be able to get benefits equivalent to what the Veterans’ Entitlements Act can provide.

In his remarks, the minister made great mention of the fact that the RSL, in a resolution carried earlier this year at their national conference, determined not to support the members of the surgical teams getting entitlement under the Veterans’ Entitlements Act. It was pointed out to him—as it has been here—by my colleague Mr Graham Edwards, a Vietnam veteran himself, that the Vietnam Veterans’ Association and the Vietnam Veterans’ Federation, the two most representative bodies of Vietnam veterans, both support the members of the civilian surgical teams getting entitlement under the Veterans’ Entitlements Act. Coincidentally, on Tuesday of this week I was invited to a lunchtime meeting of a Vietnam veterans’ welfare organisation here in Canberra, representing some 400 Vietnam veterans. In the discussion on a number of issues I put this particular issue to them. They were unanimous in their support for the members of the civilian surgical teams getting entitlements under the act. They saw it in no way denigrating their service and in no way creating unusual precedence. They knew what the nurses,
doctors and the others did in Vietnam and the conditions under which they lived and worked, and they can see no reason why they should not be given access to VEA entitlements. One of them pointed out to me that he knew that the members of the teams had been awarded the Australian Active Service Medal. He saw that as an indication that these members were not only in danger but also representing Australia and providing a service to assist Australia’s involvement.

The opposition will insist on this amendment and will vote for it here today. I hope the Democrats again support it very strongly, as they did earlier in the week. If that is the case, the Senate will send the resolution back to the House of Representatives and then, if the government does not see its way clear to accept the amendment and bounces it back to the Senate, I can assure you that we will again vote in favour of the amendment. At that stage I suppose we might get down to a bit of poker playing where the government will say, ‘If you don’t support the amendment, the rest of the bill lapses and other benefits will not be in place from 1 January.’ If that is the case, we will have that debate, maybe tomorrow or maybe next week, but we will not be blackmailed by that sort of pressure. The responsibility for the bill not going through will be the responsibility of the government, not the opposition. You are the government and you have the responsibility to deliver the bill and its benefits. You know that this is not a capricious decision of the opposition to support the civilian surgical teams. As I said last Monday, it is based on the recommendation of your own independent report, the Mohr report. We had some discussion last Monday where the parliamentary secretary made a valiant effort to find an odd line somewhere in the report—

Senator Abetz—No, I caught you out.

Senator SCHACHT—where maybe there is a discrepancy between what Mr Mohr said at one stage compared with what he said elsewhere. I agree you can interpret it that way. But, when it came to the crunch, he put in black and white on the page a recommendation that the members of the civilian surgical teams should get veterans’ entitlements. You can look at any other parts of the report to try and prove your very weak position, Parliamentary Secretary, but it is in black and white in the report. Therefore, we are not acting capriciously and we are not acting in a populist way; we are acting on the recommendation of your own independent review. I think you should have the good grace to accept that recommendation, as you have accepted all the others. This is what the veteran community, like the veterans I talked to on Tuesday—

Senator Abetz—The RSL does not agree.

Senator SCHACHT—I know the RSL does not, but I have to say that the organisations of the actual Vietnam veterans, the ones who served in Vietnam, support the civilian surgical teams, and in particular the nurses. I have to say that gives our position extra weight. They quote your own report.

We do not want to have this as an issue of Labor versus Liberal, government versus opposition. Since I took this job as shadow minister two years ago, I have said on many occasions that I am not interested in playing party politics on issues to do with veterans’ entitlements. The only issue I am concerned about is trying to get the best entitlements for veterans. I have stated that on a number of occasions to RSL congresses and to other veterans’ organisations. I am on the record. I have to say that most of the veterans’ organisations appreciate that very much. They want a bipartisan approach to issues on veterans. They do not want veterans’ issues to become a party political matter. So I am not raising this here as a point scoring exercise to benefit the Labor Party in some electoral contest.

We are accepting the recommendation of your own independent review, and the people who count support it. Bearing in mind that many Vietnam veterans are also members of the RSL, I suspect there will be an ongoing debate in the RSL about this matter as well. Nevertheless, I say to the government that if it does decide to now support this amendment I would not see it as a victory for the Labor Party over the government but would see it as a victory for 420 doctors, nurses and other medical people who served this country with distinction in very difficult circumstances. That is the issue. It is not a party political issue; it is an issue of justice for
420-odd great Australians who served this country well.

Senator BARTLETT (Queensland) (12.34 p.m.)—I speak on behalf of the Democrats in relation to this message. For the benefit of those following this debate, I will clarify what we are actually doing here today. One thing we are doing is actually considering legislation, which seems like more than they are able to do in the House of Representatives at the moment. We are trying to do a constructive job in our legislative role in considering an important piece of legislation which affects a significant number of Australians and a significant number of very special Australians: those who have served their country in theatres of war. The bill itself seeks to expand entitlements to a group of people who had not received entitlements in the past because of anomalies that had developed. As a result of an independent review, the Mohr review, these anomalies were identified and those that were deemed to be deserving of recognition were recommended by the report to receive it. This legislation implements that review, and it is warmly supported by the Democrats, and indeed by all members in this place.

The issue at stake here is that the Senate has added the one recommendation the government chose not to agree with, which was to include one of those groups which had not received recognition: the civilian medical and nursing personnel who served in Vietnam from 1964 onwards. The Senate amended the legislation to ensure that the legislation, which is full of the positive expansion of entitlements, also includes that other group who were missing out and whom the government had not seen fit to acknowledge. Having passed the Senate, the bill went back to the House of Representatives and, in a brief moment when they do actually do some work, they considered it and chose not to accept the amendment that the Senate had made, so it has come back here for the Senate to consider whether it wishes to insist on its view that these entitlements should be provided to nurses, doctors and other medical people who served in Vietnam through civilian services as part of the aid program at the time.

It is the Democrats’ view that the government has still not acknowledged that principle, and we feel that the parliament should continue to insist, in making and passing this law, that the law should be as positive as possible. The original content of the law was positive but it was not as positive as it should have been, because there was a group of people missing out on entitlements that they should have been receiving as of next year, as was identified in the Mohr review. Senator Schacht made a very important point that Vietnam veterans, those who have already been recognised, are among the strongest supporters of the need for this improvement to the legislation—the need for these people, these civilian medical personnel, to be recognised appropriately. That view has not been given enough weight.

The other aspect that the government has still not properly acknowledged is the inadequacies in the alternative that it proposes for these people—that they use the standard compensation arrangements to get assistance where necessary. In the debate last time we considered this issue a number of inadequacies in that approach were put forward. Some of them were countered by the government but I would contend that many of them were not countered by the government. Indeed the fact that the minister has indicated he is willing to meet with the nurses to look at whether there are other ways to improve things, whilst a welcome move, is an admission that it is not as good as it could be and that it is certainly not as adequate as what the Senate is trying to do in adding these people to the group who are able to receive entitlements.

So, from the Democrats’ point of view, it is still really on the government’s head to explain better why these people should not be recognised when Vietnam veterans certainly believe that they should be, the independent review believed that they should be and the alternatives to meet the very real needs that the review identified with these particular people are clearly shown to be not as adequate. All of those issues still need to be addressed more fully by the government.
Whilst the Democrats have no wish to act in a way that would prevent entitlements being extended to those other veterans who are due to be getting them from next year through the passage of this legislation, we believe that the government must justify why these particular people would be missing out on them. If this legislation were held up because of the government’s refusal to accept the Senate’s view, the reality would be that the people who would be missing out on receiving the entitlements that were contained in the original unamended bill would be doing so because of the government’s refusal to accept the recommendation of the independent Mohr review and the government’s refusal to appropriately recognise the service of civilian medical personnel in Vietnam in that important period of Australian and world history.

Senator ABETZ (Tasmania—Parliamentary Secretary to the Minister for Defence) (12.41 p.m.)—We have had this debate in which Senator Schacht and Senator Bartlett have repeated propositions which, quite frankly, are not sustainable when you look at the facts. We are dealing with amendments to the Veterans’ Entitlements Act. The act has a definition in relation to who will be determined to be a veteran, and that definition has withstood the test of time on a bipartisan basis. The people that we are talking about now were sorely neglected under 13 years of Labor. We took a position that we believed that there ought to be an inquiry and we provided terms of reference to Justice Mohr. The terms of reference clearly referred to members of the Australian Defence Force and that is what we asked His Honour to investigate, to look at and to make recommendations about.

The Department of Veterans’ Affairs made a number of submissions to that commission of inquiry and in fact His Honour made a recommendation beyond the terms of reference. That recommendation clearly went beyond his terms of reference and therefore on the terms of reference it is unsustainable. On the internal logic of his own report, it is also inappropriate, because he makes the recommendation in relation to civilian medical teams on the basis that they got the Australian Active Service Medal, the AASM. But on page XLII, if I recollect correctly, he says in fact that the mere awarding of an AASM should not make somebody entitled to veterans’ entitlements. We as a government say we agree with Justice Mohr on that.

But, ignoring what he said on page XLII, he went on to make a recommendation saying that they should be entitled because they got the AASM, which, as I understand it, these civilian medical teams got on the basis of the Vietnam Logistics Support Medal. So you give them one medal and then there was the flow-on for the AASM. Unfortunately, there are elements within the community who have had their expectations raised that, as a result of receiving that medal, somehow they should be entitled to veterans’ entitlements. Clearly, they are not veterans. Clearly, they do not fall within the definition of the Veterans’ Entitlements Act. So the question then is: are they covered? The answer is: yes, they are covered under Comcare like other people who are engaged by the Commonwealth. There were other people engaged by the Commonwealth in Vietnam, serving Australia’s interests in Vietnam, during that period of time, so the question then is: why would you only extend veterans’ entitlements to one category of civilians that were in Vietnam during the Vietnam War?

Progress reported.

JURISDICTION OF COURTS
(MISCELLANEOUS AMENDMENTS)
BILL 2000
Second Reading
Debate resumed from 10 November, on motion by Senator Ian Campbell:
That this bill be now read a second time.

Senator BOLKUS (South Australia) (12.45 p.m.)—The opposition supports this legislation. The Jurisdiction of Courts (Miscellaneous Amendments) Bill 2000 is required to rectify defects in the establishment of the Federal Magistrates Service. It clarifies the jurisdiction of the Federal Court and the Magistrates Service with respect to applications under the Administrative Decisions (Judicial Review) Act 1977 and the jurisdiction of the Federal Magistrates Service in matrimonial causes under the Family
Law Act 1975. More specifically, it states that the Federal Court has jurisdiction to hear applications under the Administrative Decisions (Judicial Review) Act 1977 that are transferred to it by the Federal Magistrates Service, and that the Federal Magistrates Service has jurisdiction to hear such applications that are transferred to it by the Federal Court. It also clarifies that it is in the jurisdiction of the Magistrates Service to hear matrimonial causes transferred to it by the Family Court.

The bill is intended to resolve uncertainty about the effectiveness of the conferral of administrative review jurisdiction and proceedings transferred between the courts. Further, the bill is needed to put beyond doubt the matrimonial causes jurisdiction of the Federal Magistrates Service in transferred proceedings. We understand that the government has received advice from the Solicitor General that there is some uncertainty in respect of the effectiveness of judgments made in cases that the Federal Magistrates Service has already heard in these jurisdictions. Accordingly, the bill validates any judgments made without jurisdiction by the Federal Magistrates Service in such kinds of matters. This approach has been adopted in the past to deal with potentially ineffective judgments, and it is an approach that has been approved by the High Court.

Under the Trade Practices Act 1974, the Federal Magistrates Service can only award damages of up to a monetary limit of $200,000 or such other amount as is prescribed in respect of proceedings instituted in the court. Whilst the initial intention was for this limitation to apply to all trade practices proceedings before the service, some doubt has emerged as to whether the limit applies to proceedings transferred to the service by the Federal Court. Amendment is therefore needed to clarify this.

Essentially, these amendments are technical and clarificatory in nature. While Labor continue to have reservations about the policy underlying the creation of the Federal Magistrates Service—and we have consistently argued that it would have been simpler and more effective to build a magistrate level of justice into the existing structures of the Federal Court and the Family Court—there is no doubt that these amendments are necessary to resolve uncertainties about the nature of the jurisdiction exercised by the Magistrates Service. Accordingly, we support the bill.

Senator PATTERSON (Victoria—Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs and Parliamentary Secretary to the Minister for Foreign Affairs) (12.48 p.m.)—I thank Senator Bolkus for his contribution to the debate. The Jurisdiction of Courts (Miscellaneous Amendments) Bill 2000 deals with some specific areas of jurisdiction of the Federal Court and the Federal Magistrates Service. While this bill is merely clarificatory in nature, issues concerning the federal magistrates are very important to the government. The Federal Magistrates Service is an initiative of which the government believes it can be justifiably proud. It is a service which is delivering real results to the community. In just a few months of operation, the service is becoming an increasingly important part of the justice system. To date in the family law area, over 7,000 applications have been filed with the service. In non-family law areas, over 500 applications have been filed. Importantly, the Federal Magistrates Service has introduced into the Australian judicial system an element of flexibility and variety for the resolution of disputes under Commonwealth law. I commend the bill to the Senate.

Question resolved in the affirmative.

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

FARM HOUSEHOLD SUPPORT AMENDMENT BILL 2000

Second Reading

Debate resumed from 27 November, on motion by Senator Ellison:

That this bill be now read a second time.

Senator FORSHAW (New South Wales) (12.50 p.m.)—I indicate on behalf of the opposition that we support the passage of the Farm Household Support Amendment Bill 2000. The provisions of the bill will improve
the availability of income support to farmers and their families under the Farm Family Restart Scheme. This scheme was originally introduced in 1997 as part of the AAA package, the Agriculture—Advancing Australia package. The Farm Family Restart Scheme was due to be completed in March 2000. The scheme has been criticised by farm organisations, particularly because the asset test associated with the re-establishment grant is so tight that very few farm families have been able to make use of it. The scheme was the subject of a review which was completed in March this year by the department, and many of the provisions in this bill come out of the recommendations of that review.

Those provisions include the following. Firstly, the bill will increase the net assets threshold for re-establishment grants from $90,000 to $100,000. The maximum grant payable to farmers with net assets of $100,000 or less will be $45,000. Another change will extend the deadline for applications for help under the scheme until 30 November 2003 and payments will be made until 30 November 2004. The name of the scheme will be changed — that is a fairly minor amendment. The bill also contains provisions to include a retraining grant of $3,500 and other changes to offer voluntary case management to clients and also includes for ministerial discretion in the provision of a re-establishment grant to be available where exceptional circumstances have led to a delay of more than 12 months in the sale of farm assets. As I said, the changes contained in the bill are as a result of that timely review. It picks up and addresses concerns that have been raised by farm organisations and others, including the opposition. We are happy to support this bill. We are all aware of the difficult circumstances with which farmers are often faced, probably no more so than we are witnessing at the moment with the floods in New South Wales. We are happy to support these changes, which will improve the accessibility and availability of this scheme to farmers.

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (12.54 p.m.)—The Farm Household Support Amendment Bill 2000 reflects the government’s commitment to rural and regional Australia. The Farm Help Program has proved to be a very effective safety net for farm families facing severe financial difficulties. Since the scheme began in December 1997, as at 31 October 2000 around 4,950 farm families have received income support, nearly 5,350 professional advice sessions have been attended and over 500 farm families have received re-establishment grants. The government is very pleased that this program has been so well received by those who need it. The enhancements to the Farm Help Program have been detailed very well by Senator Forshaw. I thank him for his comments and for the bipartisan support which the bill has received. The enhancements to the Farm Help Program will be implemented on proclamation of the act.

Question resolved in the affirmative.

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

TELECOMMUNICATIONS LEGISLATION AMENDMENT BILL 2000

Second Reading

Debate resumed from 28 November, on motion by Senator Ellison:

That this bill be now read a second time.

Senator MARK BISHOP (Western Australia) (12.57 p.m.)—When we were last discussing the Telecommunications Legislation Amendment Bill 2000 on Monday evening, I made the point that over the last few weeks there had been a Senate inquiry into the bill and that the opposition had identified five issues that were raised by contributors to that Senate inquiry. Those issues were: (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 processes; and (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 had concluded my remarks on paragraphs (a) and (b) and was part way through my comments on (c). I will now continue. Greater flexibility for the exact name you can choose was advocated to avoid the complexity and expense resulting from a policy which is administratively time consuming. The self-regulatory processes being facilitated by auDA will determine whether there will be any changes to Australia’s naming policy in the near future.

Turning now to (d), there is the possibility that the existence of the bill’s safety net measures might undermine the self-regulatory process. In our minority report, Labor senators noted the concern that the presence of this safety net regulation could potentially undermine and jeopardise the cooperative environment necessary for self-regulation. This would be particularly so if the safety net were seen as a more favourable outcome than the self-regulatory scheme under development.

The inquiry received submissions that the bill was both premature and unnecessary. A preference was expressed for industry self-regulation to continue on its course without the threat of legislation hanging over its head. Electronic Frontiers of Australia argued in its submission that to seek passage of such a bill at this time indicates at best a propensity to threaten auDA into accepting policy dictates from the government of the day, notwithstanding that an open and accountable public consultation process may well result in preferable outcomes.

On the other hand, Melbourne IT, presently a monopoly domain name registry, acknowledged that delays in the self-regulation process have occasioned the bill. In evidence to the committee, Melbourne IT stated:

...the current problem is that it has taken more than three years of activity to create a self-regulatory environment where issues such as names policy can be dealt with, and we are yet to have a new names policy... the process up to date has been very slow, and ... the regulatory organisations, or the self-regulatory environment, have been set up a number of times, have collapsed and have had to be reformed.

Melbourne IT indicated that ongoing failure over the last three years to resolve some of the core issues justifies the bill. If those issues do not get resolved within the next 12 months it would face high costs in dealing with complaints about current policies.

NOIE advised the committee that the motivation for the bill is ‘prudent administration’—that is, anticipating and providing alternatives in case of self-regulatory failure and giving a greater degree of confidence and certainty to the players establishing the self-regulatory system. The evidence of recurrent failures in establishing a self-regulatory regime seems to adequately justify the government’s decision to implement the changes contained in the bill. Naturally, that conclusion assumes that the measures in the bill are appropriate to achieve the objective of providing a safety net and will only be used for that purpose.

The final criticism of the bill discussed in the Labor senators’ minority report, paragraph (e), concerns the ACA’s role in the management of electronic addressing and the circumstances in which safety net measures may be invoked. Concerns were raised with the committee about the ACA’s role in electronic addressing. Those concerns relate to the breadth of ACA powers under the provisions in the bill, particularly under paragraph 474(3)(b), and the potential conflict of interest in the ACA’s role. Under proposed paragraph 474(3)(b) the ACA will be able to declare a manager of electronic addressing if the person is not managing that kind of electronic addressing to the ACA’s satisfaction. The issue raised in submissions and in evidence to the committee was the subjectivity of determining what is satisfactory and the absence of objectively ascertainable criteria to guide the ACA’s determination. The breadth of this clause is considered excessive and inappropriate by Electronic Frontiers Australia, because it would empower the ACA to give directions on matters outside mere good governance which relate to controversial policy matters. In response, the National Office for the Information Economy indicated that the new paragraph 474(3)(b) is intended to be more workable and flexible than the existing provision.
Contrary to the suggestion by the EFA that the circumstances in which the section might be invoked should be restricted to ‘governance of the addressing in terms of its technical requirements’, NOIE expressed a need for the provision to go beyond technical governance issues. NOIE does not consider the ACA’s role inappropriate, because the ACA is:

...a well-established statutory body, accountable to the parliament and to the executive ... and the bill contains procedures for oversight by the parliament.

The potential for a conflict of interest where the ACA has a role in making determinations in a process in which it may itself replace the body was a concern raised in the submission from Finlaysons. That submission raised further questions about the ACA’s impartiality and accountability. Labor senators note the issues raised by concerned parties relating to the general breadth and inappropriateness of the ACA’s role pursuant to provisions in the bill. There is a perception that governmental interference could result. However, no alternatives that we consider viable have been suggested. Some degree of the provisions is not unwarranted.

In conclusion, the small number of submissions to the inquiry into the bill and the fairly limited range of concerns raised therein about serious flaws in the bill’s approach are not apparent to the opposition. The recurring failures of the attempt at self-regulation do suggest a need for this legislation and the measures it implements cannot be said to be unwarranted, although some provisions could be clarified and ambiguities removed. Many of the concerns raised before the committee relate to issues that will be addressed by the self-regulatory scheme being formulated by auDA. These concerns do not, therefore, amount to objections to the bill. Labor does not object to the expressed intent of the bill and will observe with interest the outcomes or lack of outcomes of ongoing industry endeavours to implement a self-regulatory scheme.

Debate (on motion of Senator Patterson) adjourned.

PRIVACY AMENDMENT (PRIVATE SECTOR) BILL 2000
Second Reading

Debate resumed from 29 November, on motion by Senator Ian Campbell:

That the bill be now read a second time.

Senator JACINTA COLLINS (Victoria) (1.05 p.m.)—It is somewhat ironic that I rise to make comments in the second reading debate of the Privacy Amendment (Private Sector) Bill during consideration of non-controversial legislation before the Senate today. I would normally have allowed Senator Bolkus to ably deal with this matter had it not been for a press release circulated in the names of the Hon. Daryl Williams and Minister Reith on the matter of employment records. I have now been provoked to make a number of comments in relation to this legislation with respect to employment records. On reviewing all of the matters that have been raised about this issue over time, it appears that the only person who really wants a review and who is pushing the controversy on this matter is in fact Mr Reith.

Firstly, I turn to the press release that Minister Reith and Daryl Williams circulated yesterday. It is headed ‘Privacy of employee records to be reviewed’. It states:

The Government will be reviewing existing Commonwealth, State and Territory laws to consider the extent of privacy protection for employee records and whether there is need for further measures.

The review will commence after the Privacy Amendment (Private Sector) Bill 2000—which is due to be debated by the Senate this week—is enacted but before it comes into effect 12 months later. Employee records held by employers are exempt from coverage of the legislation.

This issue has already been reviewed and reviewed and reviewed to date. It is headed ‘Privacy of employee records to be reviewed’. It states:

The Government will be reviewing existing Commonwealth, State and Territory laws to consider the extent of privacy protection for employee records and whether there is need for further measures.

The review will commence after the Privacy Amendment (Private Sector) Bill 2000—which is due to be debated by the Senate this week—is enacted but before it comes into effect 12 months later. Employee records held by employers are exempt from coverage of the legislation.

This issue has already been reviewed and reviewed and reviewed to date. I will go into the outcomes of those reviews in a moment, but I want to deal firstly with the approach that Minister Reith has taken. In the press release, the ministers state:

Labor wants to amend the Bill so that the employee records exemption is narrowed so that all records are covered by the Bill except those relating to an employee’s engagement, training, discipline, resignation, termination, performance and conduct.
It goes on:

Under Labor’s proposal all of the other information on a typical employee record would be subject to the provisions of the Bill. The Government does not consider it necessary or appropriate to impose additional administrative and financial burdens on Australian employers without giving proper consideration to the need of such controls. Nor is it appropriate to create new obligations which potentially conflict with existing state or federal workplace relations legislation.

The review will be conducted in this context.

The closing statement of the press release states:

The time for debate over what should or should not be covered by the legislation has run its course. The Government calls on Labor to support passage of the Bill in its current form to secure privacy protection for all Australians.

I want to put those comments in their more real context. Once again, as I have said in this chamber many times, Minister Reith, whom I characterise as the ‘Minister for Misrepresentation’, is misrepresenting the context.

Senator Patterson—Mr Acting Deputy President, I rise to a point of order. That is an inappropriate reflection on the minister, and I ask that it be withdrawn.

The ACTING DEPUTY PRESIDENT (Senator Chapman)—I remind Senator Collins that the minister should be referred to by his proper title.

Senator JACINTA COLLINS—Mr Acting Deputy President, I did in fact refer to the minister as Mr Reith. I also indicated that it is my characterisation. I do not see that that is out of order in the chamber.

The ACTING DEPUTY PRESIDENT—He should be referred to as ‘the minister’.

Senator JACINTA COLLINS—that is why I referred to him as Minister Reith.

The ACTING DEPUTY PRESIDENT—‘Minister Reith’ or ‘Mr Reith’?

Senator JACINTA COLLINS—Either.

Senator Patterson—I am sorry, but there was a reflection on the minister. Senator Collins did refer to him as Mr Reith or Minister Reith, but she then used another title which is inappropriate and she ought to be asked to withdraw it. I ask that you ask her to withdraw it.

The ACTING DEPUTY PRESIDENT—The issue is whether the comment was inadvertent or deliberate; the use of the word ‘misrepresentation’ was deliberate. I will ask Senator Collins to withdraw.

Senator JACINTA COLLINS—What I will clarify is that I am not suggesting, as would be inappropriate in that chamber, that the minister is intentionally misrepresenting the situation. I have not made that assertion and so my conduct has not been unparliamentary.

The ACTING DEPUTY PRESIDENT—I will accept that explanation.

Senator Patterson—Senator Collins referred to him as the ‘Minister for Misrepresentation’. That is totally inappropriate and I ask that you ask her to withdraw it.

The ACTING DEPUTY PRESIDENT—There is no point of order.

Senator JACINTA COLLINS—I might indicate for Senator Patterson’s benefit that this debate was actually conducted, I think, a few weeks ago as well.

Senator Patterson—You might have learnt not to do it again.

Senator JACINTA COLLINS—The point was, as an outcome of that discussion in the chamber, there was no point of order, so perhaps Senator Patterson might learn not to do that again.

I will return to the point. The press release by Minister Reith essentially says: ‘Take me on trust. Take me on trust that I will review the issue of the protection of employment records.’ My comments today go to the point: why should we take Minister Reith on trust that in the future, rather than today when we are dealing with this legislation, a review will adequately protect employment records once this legislation comes into place in a further 12 months? I think there are very serious reasons as to why we should not take the minister on trust. There are, of course, the obvious reasons and the recent debates over things like how long it took to review other matters such as telecard records, but there are even more embarrassing matters,
such as the manner in which the government behaved on other issues associated with the protection of employee records or what records could be required of employees.

I still recall that the government seriously embarrassed us internationally at the ILO by suggesting that it could be appropriate under certain circumstances to test women for pregnancy. Now, on top of that, they highlight their flaws by suggesting, ‘And we will go soft on how those records could be conveyed even further.’ I should indicate for the record that, in the international debate and the domestic debate at the time, the government saw the light and corrected their position in relation to pre-employment testing for pregnancy, and I am very pleased that that is the case. But in response to this press release that I have covered today, I would like to see the government see the light in relation to ensuring adequate protections exist for employment records in quite a number of areas.

I am surprised that Mr Daryl Williams has joined Mr Reith in this release. I would have thought he would have seriously considered the background in this matter before he, perhaps without much consideration, signed on to this release. There certainly had not been a huge history on the employment records side from the minister in the lead-up to this release, but perhaps, in considering some of the details that others have in this matter, Mr Williams may reconsider whether the amendments that the Labor Party is moving in relation to employment records can be regarded as non-controversial.

I indicated earlier that this issue has been reviewed before. In fact, it has probably been reviewed to death. The first case of that review was the Senate Legal and Constitutional References Committee in its report in 1999 on privacy matters, the second one was the House of Representatives Legal and Constitutional Affairs Committee in its report in September of this year, and the third one was in fact the Senate’s legislation committee that reported in October of this year. None of those reports, involving quite a number of government members and senators, support the ministers’ stance here. So how has the government come to the position as reported in this press release by Mr Reith and Mr Williams that it ‘does not consider it necessary or appropriate to impose additional administrative and financial burdens on Australian employers without giving proper consideration to the needs for such controls’? I really wonder where that government position comes from, given the indications of government senators and government members in some of these previous reports.

So let me go to some of those reports. I might deal with this historically. I will go to the first of these reports, which was the Senate references committee report. The recommendation in that report at 3.22 is:

The committee—

and this is the committee as a whole; it is not a minority report and it is not a majority report—

therefore recommends that in the development of more effective privacy legislation, as is recommended later in this report, consideration be given to the relationship between existing laws regulating employer records and proposed legislation which would seek to cover employee data.

This committee thinks that we should cover employee data. Later in that report, at 6.45 in relation specifically to employee data, it is also indicated:

Another problem with the bill is that it does not apply to the information held by organisations on their employees.

This is a problem for the committee as a whole, including government senators. Further it says:

No specific reason is advanced for this. As noted above, there is an objection by many business groups to having employee information covered by privacy legislation on the grounds that employee data is already subject to a range of other legislation.

However, the committee then goes on to recommend, despite this, that exemptions should be minimised and concludes at the very end with quite a stark statement:

It is equally obvious from the information set out in chapter 7 of the report that resistance by the business sector to legislation has been seriously exaggerated to say the least.

Again, this is a report by the full committee. There was no minority report and I think all senators are fairly clear on the issue of employment data.
Let us go to the second of these reports. This is a House of Representatives committee report. The House of Representatives committee report made very interesting reading in the light of what has transpired to date. Just let me go to their conclusion at 3.29, which states:

In the light of the evidence it has received, the committee—

and again in this case it is the committee as a whole; there is no minority or majority report—

is not satisfied that existing workplace relations legislation provides enough protection for the privacy of private sector employee records and has grave concerns about the inclusion of the employee records exemption in the bill. It has not been persuaded that there is any clear need for employees to be without privacy protection in relation to their workplace records.

It goes on further in the second sentence at 3.32 to state:

In that light, it does not appear to the committee to be appropriate that this wide range of information should all be subject to such a sweeping exemption.

But, most interestingly, at recommendation 5 in the report it then goes on to recommend the Labor amendment. It is the Labor Party’s amendment that is recommended by this full committee report. Let me just go through the members of that committee. We have Mr Kevin Andrews as the chair and Ms Nicola Roxon as the deputy. Other members of the committee are Mr Bruce Billson, Ms Julie Bishop, the honourable Alan Cadman, the honourable Duncan Kerr, Mr Alan Griffin, Mr John Murphy, Mr Stuart St Clair and Mrs Danna Vale.

These committee members, including government members, recommended the amendments, which the minister is now criticising, as put forward by the Labor Party. But when we look at government members’ and senators’ positions in the next review of this bill, which was the Senate Legal and Constitutional Legislation Committee’s report of October, there is also a different position by government senators. They do not accept carte blanche acceptance of this exemption. They suggest a sunset clause to allow the exemption to operate for two years—not carte blanche, not to stay in there forever, but in a sense a two-year implementation period. But Minister Reith will still not accept that. Perhaps there is hope Mr Williams will reconsider the situation, as is advised by some of his colleagues.

This is where I go back to where I think this issue has been misrepresented. What the ministers do not say in their press release is that the Labor Party amendments were in fact recommended by previous reviews, the membership of which included government members. If you do not accept the report from the House of Representatives committee and you look at the Senate committee report, the minister’s press release does not even refer to the fact that government senators, even in their majority report—yes, there was division in the report on this bill—had decided to indicate their clear position as distinct from other committee members; they recommended a sunset clause. There is no mention of a sunset clause in this press release. I hope that, in reconsidering this issue, Minister Williams will look at what some of his colleagues have said, will reconsider, and will take in the full picture that is perhaps not quite as clear as Minister Reith has painted it and take a much more serious look at what happens to employee data.

At the moment, time does not allow us to go into the very detailed discussions of the complications that can and would occur in relation to a different standard in Australia on employee data or discussions about the fact that, in many instances, it becomes clear that employer opposition to these standards has been overplayed. But I hope that Minister Williams will review some of this and take advice from his colleagues. I hope that, when we deal with these amendments, rather than the position expressed in the press release from Mr Williams and Mr Reith being pressed, these amendments will be considered more seriously, and we do not have simply a proposal for yet another review. As I have highlighted today, there have already been three reviews of this issue.

The minister’s own colleagues have joined with other senators and members in expressing concerns and suggestions about how to deal with these matters. Simply proposing
another review in this press release, with no commitment at all to any other outcome, does not lead us anywhere. Why should we take Minister Reith on trust? He has no record in these areas. There is nothing in this press release to give us any assurances, let alone other government members and senators who have clearly indicated their views on these matters in the past. The government should accept the Labor Party’s amendments—in fact, its own members’ suggested amendments—when, in the committee stage, we deal with the issue of employment records.

Senator PATTERSON (Victoria—Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs and Parliamentary Secretary to the Minister for Foreign Affairs) (1.24 p.m.)—I would like to add a few comments in this debate. This bill has been the subject of extensive consultations for the past two years. That consultation has assisted the government to find the most appropriate balance between the interests concerned. It really is time to stop talking and to take action to ensure that privacy standards for the handling of personal information by the private sector in Australia are enshrined in legislation. It is a groundbreaking piece of legislation. It will put in place 10 national privacy principles and a regime that offers a flexible approach to privacy regulation.

It is in marked contrast to what the Labor Party and the Democrats are proposing. The proposed amendments of the Labor Party and the Democrats will force a heavy-handed, time consuming and costly privacy regime on business. They have indicated that they want legislation that is more prescriptive. Presumably, they do not trust business to get it right. Overprescription means more paper, more confusion, higher compliance costs and no scope for innovation. The government will resist the preference of the Labor Party and the Democrats for a heavy-handed and prescriptive regime because such a scheme entirely misses the point of good privacy policy. The government has already indicated that the Privacy Commissioner will conduct a formal review of the legislation once it has been in operation for two years. The government has publicly announced its intention to conduct a review of employee records.

This bill lays a solid foundation where none has existed before. We could pass this bill here and now and rest assured that this legislation will come into force in December 2001—or, as it seems will happen, we will be here nitpicking over minor issues well into next year. That appears to be the intention of the Labor Party and the Democrats. It is clear that they have lost sight of what is important in ensuring privacy protection for all Australians. If this bill is not passed in these sittings, it will not be the fault of government senators and members; it will be the fault of those on the other side. I call on the opposition—the Labor Party and Democrats—to put politics aside and support the passage of this groundbreaking legislation without further debate or delay.

Before I finish, I must vent my spleen. Senator Collins called Mr Reith the ‘Minister for Misrepresentation’. I do not think it was clear that she clarified that issue. It is totally inappropriate to refer to him in that way. I would like to have seen her actually clarify that she was restating his title, which I do not think was clear in that little argy-bargy we had during her comments. Senator Collins also said that the issue of employee records is referred to in various parliamentary committee reports. The issue of the interaction of state and territory legislation that imposes record keeping obligations on employers about employees has not been examined by any of these committees. It would be inappropriate for the Commonwealth to legislate in respect of employee records without examining this aspect.

Senator Collins was also not correct in her views about the coverage of employee records. The Attorney-General and the Minister for Employment, Workplace Relations and Small Business have taken the correct approach and have decided to review thoroughly the extent of privacy protections for employee records and whether there is a need for further measures. This, of course, will involve consideration of the present regulation of employee records by state and territory laws. The government is not about to impose a new burden on business until it
has all the facts and options to consider. I commend the bill to the chamber, but I believe we will have to defer the committee stage of the bill.

Question resolved in the affirmative.

Bill read a second time.

Ordered that consideration of the bill in committee of the whole be made an order of the day for a later hour.

Sitting suspended from 1.29 p.m. to 2.00 p.m.

QUESTIONS WITHOUT NOTICE

Vocational Education and Training: Funding

Senator CARR (2.00 p.m.)—My question is to Senator Ellison, representing the Minister for Education, Training and Youth Affairs. Does the minister recall the passage of the Vocational Education and Training Funding Amendment Bill 2000 through the Senate on 6 November 2000? Did this bill appropriate nearly $1 billion in the Commonwealth’s contribution to the funding of vocational education for the next year? On what basis did the minister, Dr Kemp, at the ministerial council meeting on 17 November, threaten to withhold the Commonwealth’s entire share of vocational education and training funds for the year 2001 from all states and territories if the states did not sign up to his proposed new arrangements for the Australian National Training Authority?

Senator ELLISON—Senator Carr should know better than this. He knows this was canvassed at the estimates committee and that the new agreement and funding for the states and territories was discussed at an ANTA ministerial council meeting. That meeting was adjourned. There will be another meeting held before Christmas this year, when the matter will be resolved. I will not go into the discussions that took place between ministers—that would be totally inappropriate—but I can say that we are providing guaranteed funding to the states and territories in relation to training. That will give them the certainty to deliver opportunities to all Australians, especially young Australians, and to build on the record number of Australians in training across this country. More than 260,000 Australians are in training at the moment, and that is a record.

Senator Kemp—How does that compare with the Labor years?

Senator ELLISON—This is greatly advanced from the Labor years, and I thank Senator Kemp for that comment. Through our Australian Recognition Framework, we are working towards a system whereby there is recognition of training, which could have taken place anywhere in the country, so there is a universal recognition of qualifications. We are intent on building on our good record. Our New Apprenticeships program is providing those opportunities not only to those Australians who want to embark on training but also to employers who are seeking skilled people. This new agreement will provide certainty for the states and territories in relation to training, and that is something they will be able to build on over the next three years.

Senator CARR—Madam President, I ask a supplementary question. I ask the minister: why has he just misled the Senate? He speaks of guarantees of funding and the certainty of funding. At the last ministerial council meeting, why did the minister threaten that funding and move a resolution—which he subsequently withdrew—to that effect? Further, in the context that the Commonwealth year in year out fails to provide funding for essential growth in the vocational education system, why has the minister returned more than $220 million in unspent VET funds to consolidated revenue over the last two years? When the government has not spent the funds that it has made available, why does it consistently refuse to provide much needed funding for growth in vocational education places?

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tories to bring about funding for the next three years. It is a total beat-up by Senator Carr to suggest that the states, territories and Commonwealth are not working towards an agreement for funding for the next three years.

Economy: Performance

Senator WATSON (2.04 p.m.)—My question is directed to the Assistant Treasurer, Senator Kemp. Will the minister inform the Senate of Australia’s economic performance, in particular today’s balance of payments figures, which confirm the strong performance of the Australian economy since the implementation of tax reform on 1 July? Is the minister aware of any alternative policies?

Senator KEMP—I thank Senator Watson for that very important question. In recent weeks there has been a continuation of very positive news on the economy which underlines the strong economic performance of Australia—for example, the midyear economic review projected a four per cent growth for the year 2000-01. This was up from the budget estimate some six months ago of 3.75 per cent. The budget surplus, as has been reported, is expected to be some $4.3 billion—more than $1.5 billion more than was projected in the budget. Perhaps more importantly, the current account deficit will fall to around 4.25 per cent of GDP in 2000-01. In the last couple of days we have seen some further good news on the trade front, which I think Senator Cook would be particularly delighted with. Yesterday the October balance of trade figures showed a surplus of some $324 million.

Senator Abetz—Hear, hear! That’s good!

Senator KEMP—It is very good indeed, Senator Abetz. This followed from the September surplus, which was also a very strong figure. I would like to bring to the attention of the Senate the views of one commentator on the trade figures. This commentator is very well known to this chamber. He said: One thing is for sure, this is the best trade result Australia has had in decades, and I mean decades. This is unequivocally good.

Let me inform the Senate that that commentator was none other than former Senator Graham Richardson, speaking on Sydney radio. I take it from the nod from Senator Peter Cook that he effectively concurs with Senator Graham Richardson.

Senator Cook—Never has the dollar been so low.

Senator Abetz—And you’re even lower, Cookie.

The PRESIDENT—Order! The Senate will come to order on both sides.

Senator KEMP—I am sorry that comment provoked some further comment from Senator Cook and others. Today we see further confirmation of the positive trade performance with the balance of payments figures showing a further improvement in Australia’s current account deficit. The deficit for the September quarter stood at $5.5 billion or some 3.5 per cent of GDP. This is a great figure. It shows the continuing improvement that we are making on the balance of payments, and this excludes the net effect of the Olympics. The importance of this figure can be demonstrated by showing that, under the Keating Labor government in 1995, the current account deficit stood at 6.5 per cent of GDP. This is in contrast to the 3.5 per cent which came in on the September quarter. I have lots of further comments on alternative policies, Senator Watson. If you would care to ask me a supplementary question, I will follow through on that.

Senator WATSON—Madam President, I ask a supplementary question because it is such positive good news. Can the minister provide further information and also outline any alternative policies, if there are any?

Senator KEMP—This is particularly good news. I have shown the contrast between our performance on the balance of payments front and that of the former government. This strong performance has been as a result of the very strong and clear policies of reform that we have followed as a government. But the question is: what are the alternative policies? Where, for example, do the ALP stand on the GST?
for example, do the Labor Party stand on the private health insurance rebate? They opposed it in this chamber, they voted against it, but now we have had an announcement that a so-called Beazley government would accept it. If you believe that, you would believe anything, to be quite frank. (Time expired)

Aged Care Facilities: Accreditation

Senator WEST (2.10 p.m.)—My question is to Senator Herron, representing the Minister for Aged Care. Can the minister advise why, under the government’s much vaunted aged care accreditation system, a nursing home that fails one of the four care standards can receive three years accreditation, the highest level possible? Can the minister also explain why an aged care institution that fails three of the four care standards can still receive one year accreditation? Will the government conduct an independent review of the accreditation system before the next round to address the serious concerns in the sector over the thoroughness and consistency of accreditation assessments?

Senator HERRON—I thank the honourable senator for the question. I think the question is an extrapolation and an exaggeration of what in fact occurs. Theoretically, it is possible, but the measures that have been put in place by the Minister for Aged Care will ensure that, where complaints occur, the accreditation will be reviewed. Since the first round of site visits of all facilities was done, 84 per cent of facilities have now achieved accreditation. The agency will complete the process by the 1 January 2001 deadline. The agency has visited all homes at least once, and many more than once with follow-up visits. The great majority of facilities have embraced the reforms and are providing better care and services. Currently there are up to 50 facilities that need to improve to meet standard requirements. These homes are being case managed by the department and most are responding very positively. The residents of these facilities and their families are fully informed about progress. Residents and their families are able to discuss with the department or with advocacy services any concerns they may have. As I said in answer to another question, the complaints commissioner has been appointed and even anonymous complaints will be received by him and investigated by the department. If any facility is not accredited by 1 January 2001, the responsibility of care will still rest with the approved provider. However, if an approved provider does not continue to provide care, contingency plans have been developed to deal with these facilities. If a complaint arrives in and accreditation has been achieved, it is not a rubber stamp for another three years. That is the implication of the question.

Senator West—Madam President, I rise on a point of order. I am just a little bit concerned about relevance. I asked why, under the government’s much vaunted aged care system, a nursing home that fails one of the four care standards can receive three years accreditation and why one that failed three out of four standards can receive one year accreditation, whether the minister could advise why it is happening and whether an independent review is going to look at the whole accreditation system.

Senator Patterson—What’s the point of order?

Senator West—I am not talking about complaints; I am talking about the system.

The PRESIDENT—There is no point of order.

Senator Herron—So too was I talking about the system. Does it not suit the honourable senator to get the truth? The implication was that this is not an ongoing process. It is an ongoing process. If a complaint occurs, then it is investigated. It is not a rubber stamp for three years accreditation irrespective of what occurs after that. That is the implication of the question as put by the honourable senator. It is not a rubber stamp. We have a complaints mechanism in place. What occurred under Labor? They had 13 years to do something about it and did nothing about it. They did nothing about accreditation, nothing about certification and nothing about a complaints system. We have put in place a complaints system which can be accessed by anybody who wishes to do so. Where a provider fails one, two, three or four points, if necessary, a case manager will
be put in and they will have to follow the processes of the act, whereby action will need to be taken to bring the facility up to standard. So it is not a rubber stamp for three years. It is not even a rubber stamp for one year. Given that the review process will be completed by next year, it is an initial approval. When that review process is completed, it will be up for review any time after that.

Senator WEST—Madam President, I ask a supplementary question. I want to know from the minister why, under the government’s system, a nursing home that fails one out of four standard categories gets three years and another nursing home that fails three out four gets one year. Can the minister advise how many homes have been granted accreditation that have already had their accreditation revoked or downgraded for failing to maintain care standards?

Senator HERRON—There is an easy answer to that question. The answer to the question is that all nursing homes are different. There is not a standard process across every nursing home. Why will one get one year, why will one get three years? Senator West should be aware that each one is judged on the facility that is available in that particular nursing home. So each one is judged on its ability to fulfil the standards, and accreditation is given according to the people who look at the provider’s status. That is the answer. If it does not suit Senator West, well, that is her bad luck.

Supported Accommodation Assistance Program: Annual Report

Senator KNOWLES (2.17 p.m.)—My question without notice is directed to the Minister for Family and Community Services, Senator Newman. Will the minister inform the Senate of the significance of the release today of the Supported Accommodation Assistance Program annual report which was compiled by the Australian Institute of Health and Welfare?

Senator NEWMAN—I thank Senator Knowles, who is the chair of the Community Affairs Committee and who has great interest in these issues, for the question. I welcome today’s release of a national data collection report about the government’s program assisting homeless people. The SAAP annual report demonstrates the government’s significant achievements in addressing the needs of homeless people. The 1999-2000 Supported Accommodation Assistance Program annual report shows that around 90,000 people were assisted through SAAP during the 12-month period, which is a slight decrease of about one per cent compared with the previous financial year. The proportion of younger clients, those under 25, has also slightly decreased by two per cent, from 39 per cent in the previous year to 37 per cent last year. The number of support periods or occasions of support also decreased from 163,200 to 157,600, and SAAP agencies were able to assist their clients for longer periods, possibly due to increased attention to people’s complex needs. I am pleased to see that the vast majority of people accessing SAAP services receive the assistance they need. This is shown by the substantial increase in the number of people with support plans to find longer-term solutions to varied and complex needs.

These results clearly indicate the effectiveness of a combined effort of all governments working together. However, I continue to be concerned about the level of domestic violence and family breakdown shown in these figures. Over a third of women with accompanying children in SAAP are there due to domestic violence or relationship breakdown, and a high proportion of those young people come from situations of family breakdown. In addition to the SAAP program and the Commonwealth-State Housing Agreement, the government is working on a number of fronts to try to prevent homelessness caused by relationship and family breakdown through programs such as Reconnect, the Family Relationships Services Program and the Partnership Against Domestic Violence initiative. The Reconnect program alone provides an additional $60 million over four years from 1999 to 2003, plus ongoing funding thereafter, to assist in early intervention support for young people at risk of homelessness and their families.

I also launched today a major new report into women’s homelessness called Home
safe home. The report provides for the first time comprehensive information on the links between domestic and family violence and women’s homelessness. The National Homelessness Strategy launched in May this year provides a framework for policy and program development, with an emphasis on forging links between these programs to prevent homelessness from occurring. SAAP is just one part of the government’s response to the issue of homelessness. Supporting homeless people regain independence as well as providing a safety net to people at risk of homelessness is an important issue for every Australian.

We recently announced a $50,000 project with the St Vincent de Paul Society to assist chronically homeless people into employment, and the head of the Australian Federation of Homelessness Organisations, Narelle Clay, said today:

... by having access to employment, they receive the income so they can afford decent stable accommodation.

In this regard, the government’s welfare reform agenda of supporting people to take up work will assist in addressing the cycle of homelessness and poverty. People should also remember that over the next five financial years the Commonwealth and states and territories will spend over $1.4 billion on supported accommodation assistance programs to help homeless people and those at risk of homelessness. The federal government’s contribution to that funding is $800 million, an increase of 18 per cent. Through the Commonwealth-State Housing Agreement, funding of more than $4 billion of federal funds over four years will be spent to provide appropriate, affordable and secure housing assistance to those who most need it. (Time expired)

Senator KNOWLES—Madam President, I ask a supplementary question. Is the minister aware of any comment about, or any alternative policy to, this particular report, considering the substantial outcomes that have been announced today?

Senator NEWMAN—I thank Senator Knowles for the supplementary question. It is quite interesting that at a time when my shadow, Mr Swan, has sunk out of sight, his sidekick, Mr Albanese, has dashed into this issue. Clearly, and unfortunately, he has little knowledge about the subject, or he is also having a problem with credibility. We know that Mr Swan often has problems with credibility, but so now apparently does Mr Albanese. I point out that Mr Albanese today put out a press release on this report in which he has two things quite wrong. He says that the homelessness crisis is worsening, and he cites the report for evidence. It is wrong; it is down one per cent. He also says that 67,100 children accompanied adults who required access to homelessness services, and he said that that was an increase from an estimated 45,000 to 55,000 children in the previous year. Wrong again. He has misread and misled—who knows what it is?—but he is wrong, wrong, wrong. (Time expired)

European High Quality Beef Quotas

Senator FORSHAW (2.22 p.m.)—I direct my question to Senator Alston representing the Minister for Agriculture, Fisheries and Forestry. Is the minister aware that evidence given to the Rural and Regional Affairs and Transport Legislation Committee during its recent inquiry into the meat and livestock industry order with respect to European Union high quality beef quotas indicates that the arrangements put in place by the Howard government have resulted in the industry’s being concentrated entirely in the eastern states of Australia? Is it not also the case that, because of the large distances and high costs involved in moving cattle across the nation, beef producers in Western Australia now have effectively no access to the European market? In making these changes to the system for allocating quota for European high-quality beef, why did the minister fail to ensure that all Australian beef producers would have access to this important market? In fact, why is the Howard government discriminating against Western Australian beef producers? (Time expired)

Senator ALSTON—I lost track of whether Western Australia or Queensland is the area of concern. I assure Senator Forshaw that we are not discriminating against anyone. For many years, the EU has granted Australia an annual, country specific quota of 7,000 tonnes for high quality beef. That
quota is allocated to eligible Australian exporters every 12 months, and was issued on 1 July this year on the basis of shipments of record into the EU HQB market during 1999-2000.

Senator O’Brien—What is HQB?

Senator Alston—I do not know; something about headquarters.

Senator Calvert—High quality beef.

Senator Alston—Thank you, Senator Calvert.

Senator Hill—Teamwork!

Senator Alston—Under these arrangements, the quota is now placed in the hands of supply chain participants supporting the EU market, which ensures that premiums are available to maintain processor commitments to this valuable market. These arrangements will also entice producers to make available suitably eligible cattle, which will be welcome news to many regional cattle producers who are looking for improved prices. Each year, 400 tonnes of the quota will be set aside to accommodate new entrants to the EU high-quality beef market. Applicants will be required to meet the provisions of guidelines prepared in consultation with the industry. An additional 200 tonnes have been set aside in the first year to cater for those exporters who can demonstrate, against the guidelines, that they have been disadvantaged by the changes in the method of quota allocation.

I think all the facts are there. If Senator Forshaw wants any more information, I can continue. However, there does not seem to be a high level of interest on the other side. I suspect that reflects the fact that Senator Forshaw was told that it was his job to fill up some time, which he has done. It obviously does not cut any ice with his colleagues, so I will leave it at that.

Senator Forshaw—I ask a supplementary question. I thank the minister for reading that brief—which he has obviously been practising—to the chamber. I invite the minister to read the committee’s excellent report that will be tabled next week so that he can gain some further information about this subject. Given the minister’s statement that this action is not discriminatory—

Senator Ian Macdonald—Don’t read it.

Government senators interjecting—

The President—Order! There is far too much noise. Senator Alston needs to hear the question.

Senator Forshaw—And understand it. Given the minister’s statement that his government is not discriminating against Western Australian beef producers, can he explain why the agriculture minister rejected the recommendation of the Red Meat Advisory Council—

Senator Cook—Quite right.

Senator Forshaw—about quota allocations, which, if accepted, would have allowed Western Australian beef producers to maintain their access to quota?

The President—Senator Forshaw, you have exceeded your time and you are debating the issue.

Senator Alston—I apologise for reading my answer—I know that I should have memorised it before I came into the chamber. Unfortunately, I do not have the same advantage as Senator Forshaw regarding a report that he says will be tabled next week. I suppose it is a little difficult to anticipate what might be in that report and, in the circumstances, it is a bit much to expect of me. When Senator Forshaw asked me about the minister’s decision to reject the recommendation of the Red Meat Advisory Council, I was encouraged to hear Senator Cook agree with that decision.

Senator Carr—That is not true.

Senator Alston—Senator Cook said, ‘Quite right’, so I presumed that he was making a constructive contribution. I am very pleased that Senator Cook supports the government’s action on this front. If he wants any further information, I will ask the minister to provide it.

Detention Centres: Detainee Treatment

Senator Bartlett (2.28 p.m.)—My question is directed to Senator Vanstone representing the Minister for Immigration and Multicultural Affairs. I draw the minister’s attention to further new reports of incidents in Australia’s detention centres, including reports of a mentally ill person being locked
in solitary confinement, tear gas being used on female prisoners and even detainees being punished by disallowing them family contact or even the possession of photographs of loved ones. Can the minister explain how these sorts of actions assist in maintaining Australia’s security, which is the government’s supposed justification for its mandatory detention regime? Why should Australians have to rely on anonymous allegations made through the media to get a picture of what is going on inside our detention centres? Why does the government continue to refuse to allow an open, independent judicial inquiry into actions and conditions in Australia’s detention centres?

Senator VANSTONE—I thank Senator Bartlett for his question. I do not have a briefing from the minister specifically on the issues, so I will ask for information to be given to the senator on that. I have some information which I will table at the end of question time in relation to the senator’s earlier questions. But I will just say a couple of things.

If allegations are made in respect of any matter, they should be treated as allegations until they are proved. I do not assume for one minute that allegations that are made are necessarily factual—although they may be. I think, Senator Bartlett, your question was premised on the assumption that they were in fact factual, so I ask you to give consideration to that. In terms of anything happening in a Commonwealth run or controlled facility that should not be happening, you should not have to rely on anonymous tip-offs or, for that matter, people going overtly to the media. Things that should not be happening should not happen. It does sometimes happen in all walks of life, not just in detention centres, that people do the wrong thing and it is frequently the case that when people do the wrong thing they try and cover it up. In those circumstances it is often a whistleblower, if you want to call them that, who comes forward either within the administration or to the media, and sometimes out of a desire to protect themselves in their position they do it anonymously. I make those general remarks, Senator, because I did understand your question to be assuming that all the allegations that have been made are in fact correct.

The second point I want to make with respect to what you have said, Senator, is that you assume that an open, broad judicial inquiry is the appropriate way to get to the bottom of each of these allegations. Can I just use the example of one: the sexual assault of a child. I am not at all satisfied that an open judicial inquiry is the appropriate way to deal with that allegation. There is an appropriate body to deal with that allegation: it is the state authorities, and they will deal with it. With respect, I do understand that you have a genuine concern and interest in these people, but there is a temptation to bundle every little bit of media allegation together and say, ‘Oh, wow! Let’s have a judicial inquiry into this,’ and treat them all as if they are correct before they have been given the opportunity to be addressed by the appropriate authorities. If the immigration minister has more to add, I will get you those answers as soon as I can.

Senator BARTLETT—Madam President, I ask a supplementary question. First, I note and very much agree with the minister’s comment that allegations that are made should not be assumed to be true just because they are made. I also ask the minister—in relation to her comments about whistleblowers: will the government follow through on recommendations from the Senate committee report of some time back to introduce stronger whistleblower legislation at the national level, so that people that are required to come forward in circumstances such as those she described will have stronger legal whistleblower protection?

Senator VANSTONE—With respect to the Public Service, the question on whistleblowers goes to whoever here represents Dr Kemp. With respect to more general whistleblower protection, that may well come within my responsibilities, and I will have a look at the report. It may be someone else’s responsibility. I will check and come back to you.
Private Health Insurance

Senator DENMAN (2.33 p.m.)—My question is to Senator Herron, representing the Minister for Health and Aged Care. Can the minister confirm that, in addition to the $17 million already spent this year exhorting Australians to take out private health insurance, the government is intending to spend a further $10 million encouraging people to take out gap cover insurance? Why is the Howard government spending taxpayers' money on another ad campaign selling the supposed benefits of private health insurance when this should be the commercial responsibility of the health insurance funds themselves?

Senator Faulkner—Good question.

Senator HERRON—It is a good question, but I cannot confirm the figures that Senator Denman has cited. I think it is interesting that 50 per cent of Tasmanians have taken out private health insurance, and they have taken it out voluntarily. Senator Denman may talk to those 50 per cent who have taken it out, and ask why they have taken it out. They have taken it out because of the benefits that will be given to them by being in private health insurance, because it will take the pressure off the public hospital system in Tasmania.

Senator Denman should be asking here about the waiting lists in the public hospitals in Tasmania, run by a Labor government. Senator Denman should be asking about the waiting lists in New South Wales, where there is said to be a crisis in the public hospital system because of waiting lists—a Labor government. We as a government have done something about it. Under the Labor Party, over 13 years they were running down private health insurance trying to destroy it completely because of their ideological fascination with a socialistic health care system. On the other hand, we have encouraged people to take out private health insurance because it is also for the benefit of the public hospital system.

We are the best thing that has ever happened in Medicare, because we have influenced people to take out private health insurance to take the pressure off the public hospital systems. There is lot more money now being put into the health system—when it was in decline. I would ask all those honourable senators in the other states what percentage of people are now in private health insurance in the various states of Australia. The answer is it is up now to 47.8 per cent right across the nation. In some states it is lower than in others, but the reality is that half the population have voted with their chequebooks, with their credit cards or even with cash to pay for their health insurance because they have been encouraged by this government. And if it is necessary to encourage more, then of course a bit of extra money will be spent to encourage those who do not wish to take it out now.

Senator Crowley—How much?

Senator HERRON—I cannot answer Senator Crowley because I do not have the figure in front of me.

Senator Faulkner—You don’t know what you are talking about.

Senator HERRON—Senator Faulkner, I have been in the health care delivery system for over 40 years, and the only time that you have been in the health care system is when you have been under an anaesthetic and asleep. I am pretty certain that Senator Faulkner has private health insurance too. I am pretty certain that he has private health insurance because he is one of the more sensible Labor senators over there who have taken out private health insurance. There are others—I won’t name them. I know Senator Forshaw has private health insurance because he told me. Senator Denman should not criticise the government for encouraging people to take out private health insurance because it is for the betterment of all Australians.

Senator DENMAN—Madam President, I ask a supplementary question. Actually, some of those hospital beds in Tasmania, Minister, just for your information, are taken up by people waiting to get into aged care units. In light of the $27 million total current cost, when will the last taxpayers’ dollars be spent on the Howard government’s advertising which directly and substantially benefits the commercial health insurance funds in this
country? Wouldn’t this $27 million be better spent on real health services like hearing aids or dentures for the elderly or public health services for indigenous communities? Where are the government’s priorities?

Senator HERRON—Even if it is $27 million—and I do not know if that is correct or not—it pales into insignificance before the $40 million that the Victorian government is spending on a royal commission into the provision of ambulance services in Victoria. The reality is that that money, if spent, will be well spent. Even more important, it is the Labor Party policy: the Labor Party policy is to retain the present government’s policy in relation to private health insurance—

Senator Faulkner—I’ve told you before—stick to the brief.

Senator HERRON—Senator Faulkner is nodding his head as if that is not true. If it is not true, come out and tell us what the Labor Party policy is. Do we know? Do we have any policies from the Labor Party? They have had four years to produce a policy in relation to health care, and they have not done it. It is no use criticising us for encouraging people to take out private health insurance, which is the answer to the problems of the public hospital system of this country. If there is no alternative policy and the Labor Party have no alternative policy, they are sticking with ours. They have not denied that they won’t.

Magnesium: Process Technology

Senator CHAPMAN (2.38 p.m.)—My question is directed to the Minister for Industry, Science and Resources. Will the minister advise the Senate how government support for the Australian magnesium processing technology will benefit Australia and provide longer term benefits to the environment? Is the minister aware of any alternative policies?

Senator MINCHIN—I thank Senator Chapman for his question. The coalition government is very strongly committed to the development of Australia’s magnesium industry. With our abundant resources and cheap power, we are very well placed to develop this industry. Thus, on 14 November I was pleased to announce the government’s decision to commit $50 million to the commercialisation of the Australian magnesium processing technology to be used in the AMC project in Central Queensland. The funds will be provided through the CSIRO, which helped develop and jointly owns the technology. The government will receive a royalty stream, once magnesium production commences. This decision does enable the commercialisation of Australian processing technology, and I congratulate the CSIRO very much on its achievement.

The Australian Magnesium Corporation, as licensee of the technology, is proposing to develop a $1.2 billion magnesium plant at Stanwell. It will create 1,350 jobs in construction and 350 permanent jobs. It will deliver export income of $400 million per annum. In addition, I think it will be the catalyst for the development of some $3½ billion investment in our light metals industry. Of course, as Senator Ian Macdonald would know, this announcement is great news for Central Queensland and reaffirms our strong support for regional development projects. It underlines our enthusiasm for Australia’s light metals industry. Australia is already the world’s biggest producer of bauxite and the largest producer and exporter of alumina. We are the third largest producer of aluminium and the fifth largest exporter of that product. These are great Australian industries. In recognition of their potential, I recently announced the formation and establishment of the Light Metals Industry Action Agenda, drawing together aluminium, magnesium and titanium and the associated research and downstream industries. Magnesium really does have enormous potential as the primary material for the world’s car industry because of its lightness and strength. It is going to play an increasingly important role in the development of more fuel efficient vehicles and contribute to the reduction of greenhouse gases as a result. I think it will therefore be increasingly important to our economic prosperity.

But there is just one enormous threat hanging over the heads of the Australian light metals industry, and the great threat to this industry is the risk of an ALP victory at the next federal election. The ALP has very
few policies, and the ones they do have are mostly all bad—in fact, I cannot think of one that we would want to steal. Indeed, the worst policy they have is their reckless commitment to introduce a domestic emissions trading scheme before there is an international emissions trading scheme in place. The implementation of a policy like that would devastate Australia’s aluminium and magnesium industries and destroy thousands of jobs in those industries. The Allen report to the Victorian government confirmed that this policy would be a disaster for Victoria in particular and could close down that state’s aluminium industry. ABARE has concluded that the Labor policy would impose economic costs in Australia greater than a severe recession. Of course, in attempting to suck up to the greenies with this stupid policy, all Labor would do is destroy thousands of Australian jobs. Our policy is absolutely clear: we will not implement a mandatory emissions trading regime until there is an international scheme in place operating under a ratified Kyoto protocol. The government is on about creating and protecting Australian jobs; Labor policy would destroy Australian jobs.

Australian Taxation Office: Company Audits

Senator COOK (2.43 p.m.)—My question is to Senator Kemp, the Assistant Treasurer. Can the minister confirm that, after it became publicly known that Mr Breckenridge of KPMG had heavied ATO senior management on no less than eight separate occasions to have ATO audit personnel removed, Commissioner Carmody ordered a stocktake of the large business audit cases involving Mr Breckenridge? Can the minister confirm whether that stocktake is still under way? Can the minister also confirm that another two cases involving Mr Breckenridge seeking to have ATO officers removed from audits involving his big business clients have so far been discovered? Are there even more by now, Minister?

Senator KEMP—Thank you, Senator Cook. A very similar question was asked of me yesterday by Senator Sherry, and I am a little surprised that you did not pick up the response I gave to Senator Sherry. I said that I would be seeking a report from the tax office on this matter. When I get a response from the tax office, I will inform the Senate, as I indicate. The answer I gave to this chamber yesterday is the same answer that I give today.

Senator COOK—Madam President, I have a supplementary question. Will you give a guarantee, Minister, that you will provide an answer to the Senate before we rise? Aren’t these 10 cases of alleged interference in the operations of the tax office just another cause for concern, given that Mr Chris Jordan, another senior partner of KPMG, who sits on the Board of Taxation, is in a position to influence changes to tax legislation that may be of specific benefit to KPMG clients? Doesn’t this constitute a serious conflict of interest for Mr Jordan in the light of claims being made against his fellow KPMG partner, Mr Breckenridge?

Senator KEMP—Let me make the point that we are now back to an attempt to traduce the reputation of a very distinguished Australian, as Senator Cook attempted to do yesterday. It is the same sort of sleazy approach that, unfortunately, the Labor Party often adopts to politics. I advise the Senate that, as part of the process of appointment to the board, non-government members have confirmed they have no private interests that would conflict with their responsibilities on the board. The government believes it is important to have private sector representatives on the board since they will be able to contribute a broad range of relevant business, practitioner and broader community knowledge and experience to the development of the tax system. I am sorry that Senator Cook has again chosen to attempt to traduce the reputation of a very distinguished Australian.

West Papua: Independence

Senator BOURNE (2.47 p.m.)—My question is addressed to Senator Hill, representing the Minister for Foreign Affairs. Is the government concerned about reports that the Indonesian government has warned that any renewed declaration of independence in West Papua tomorrow would be regarded as treason and that so-called appropriate action would be taken? Is the minister concerned about reports of the formation in West Papua
by the Indonesian military of militia similar to those they created in East Timor last year? What action has the government taken to express Australia’s concern to the Indonesian government?

Senator HILL—The honourable senator will remember that this matter of violence in Irian Jaya was taken up at the recent Pacific Forum, the communiqué of which expressed deep concerns about recent violence and loss of life in the Indonesian province of Irian Jaya and called on the Indonesian government, the sovereign authority, and secessionist groups to resolve their differences peacefully through dialogue and consultation. That remains the position of the Australian government. We continue to urge restraint by all parties, especially during the December anniversary. We would wish to see the civil and legal rights of all Irianese upheld. I do not know of any specific representation that has been made in the last few days. I will check that with Mr Downer.

Senator BOURNE—I thank the minister for that answer. I have a supplementary question. Given Australia’s concerns about this, and given the fact that 1 December does mark the anniversary of that first declaration of independence in 1961, could the minister make very strong representations to the Minister for Foreign Affairs that now, today, is the time to reiterate our concerns to the Indonesian government? Especially considering the statements they have made which sound to me as if they are contemplating violence, stating that appropriate action will be taken and that any declaration will be considered to be treason, will the minister make very strong representations to the Minister for Foreign Affairs to say something about it now?

Senator HILL—I will pass it on to the minister.

Dairy Industry: Deregulation

Senator O’BRIEN (2.49 p.m.)—My question is to Senator Alston, representing the Minister for Agriculture, Fisheries and Forestry. Can the minister confirm that the Dairy Industry Adjustment Act received royal assent on 3 April this year and related orders were gazetted on 14 April this year? Can the minister explain why, having committed to dairy farmers receiving their dairy adjustment payment by the middle of October this year, around 70 per cent of dairy farmers are yet to receive any payment and by the end of this year around 30 per cent of farmers will still not have received any payment at all?

Senator ALSTON—The government does understand that some dairy farmers are concerned about delays in receiving their entitlements—

Senator Conroy—They want to string you up.

Senator ALSTON—They have not been ringing me up. The government is also concerned about this. I know that you are concerned. Everyone is concerned. We fully appreciate the importance of adjustment assistance payments being made available to farmers as soon as possible. My information is that the Minister for Agriculture, Fisheries and Forestry has had discussions recently with the Dairy Adjustment Authority, and the advice is that some 21,883 out of a total of 29,885 applicants have received a letter of advice of their entitlements. This represents more than $1.206 billion of the expected total payments to farmers of some $1.63 billion. In other words, overwhelmingly they know where they stand.

Senator Forshaw—They do not want to hear that the cheque is in the mail; they want to bank the cheque.

Senator ALSTON—Not quite. The department has provided advice that, by the week ending 26 November, which has already passed, some 10,000 farmers will have received their first payment. So 10,600 farmers should already have received it. Not only is it in the mail, it should have arrived. Farmers who have received their entitlement advice can be reassured that they will be paid provided they have completed a farm business assessment, there are no appeals outstanding and supplied bank account details and relevant declarations have been provided.

Unfortunately, a significant number of applicants have not yet received their notice of decision. This is because they have been re-
quested by the department to correct errors or omissions in their applications or to provide important additional information relating to their claims. This means delays in receiving their first payment while the problems are sorted out. This is regrettable, but it is important that entitlements are carefully and completely finalised—I know Senator O’Brien would agree with that—so that dairy farmers can make their business decisions on how they can adjust to deregulated markets with confidence.

Some claims which involve complex business arrangements—for example, with share farmers—will require careful individual attention by the department. This is because there is significant potential for error or misunderstanding in the granting of entitlements. Those dairy farmers whose claims are in this category are being contacted and the department has been asked to ensure that they are kept informed of progress on their claims.

Senator O’BRIEN—Madam President, I ask a supplementary question. I note that the minister has confirmed the substance of my question, and that is that almost 70 per cent of dairy farmers have not yet received any money yet and that a lot of them will still not have any money at the end of the year. Given that this government had to be dragged kicking and screaming to assist this important rural industry and then tried to blame the states for its own incompetence in failing to properly administer the deregulation of the dairy industry, will the minister now admit that this latest bungle is further proof of the maladministration of the Agriculture portfolio by a series of incompetent National Party ministers?

Senator ALSTON—I suppose it appeals to the rhetoric and invective that the Labor Party seems to specialise in; it does not seem to have much to do with the facts. Senator O’Brien suggested 70 per cent of farmers have not yet received payments. The figures I have are that 10,600 farmers should have received their payments by 26 November, out of a total of less than 30,000. So obviously there is still a way to go but that is largely because there have been understandable delays in relation to the processing of those claims, on the information that has been provided. If your view is that people ought to get the cheque first and then you will worry later about whether they are entitled, I do not think that is the proper approach to take. We do not support it. I have every confidence that Mr Truss, who is an excellent minister, I might say, is very much on top of the issue.

Senator Carr—That is not what you normally say about the National Party.

Senator ALSTON—No. I have said a lot of nice things about Senator Boswell over a period of time. (Time expired)

Extradition Detainees

Senator GREIG (2.54 p.m.)—My question is to the Minister for Justice and Customs, Senator Vanstone. It is in relation to two Mexican extradition detainees at the Port Phillip Maximum Security Prison in Laver-oton, Victoria, both of whom remain untried. Is the minister aware that, as this prison has no segregated facilities for remand prisoners, these men have been housed with some of Victoria’s most dangerous and convicted multiple murderers and rapists for the past two years? Is the minister also aware that the International Covenant on Civil and Political Rights, to which Australia is a signatory, requires segregation of convicted and unconvicted prisoners, and that Victoria is the only Australian state which does not provide that facility? Given that the federal government has the constitutional power to ensure that state governments provide that remand and sentenced prisoners are separated, what is the minister doing to correct that situation in Victoria?

Senator VANSTONE—Senator, as to the specific nub of your question—which, as I understand you, is: why aren’t prisoners who are there because they are awaiting the outcome of extradition proceedings separated in Victoria? Isn’t that possible?—I will make inquiries about that and come back you. But I do ask you to understand this: people who are in detention pending extradition are there because they do not consent to go back and face trial in the country that is seeking their extradition. I do not say that lightheartedly as if it is an easy decision to say, ‘Yes, okay, I’ll
go back and face trial," but Australia itself has experience of wanting people to come back who have got plenty of money and who use every penny they can to frustrate the process in another country to stop themselves coming back to Australia to face trial. Equally, we have people here who are sought by other countries and who try to do the same.

In that context, the degree to which you challenge a decision that you are extraditable is what will keep you in jail. I just want to make it clear that people are there not simply because the government wants to detain them at some sort of leisurely pace; they are there because they are challenging, and refusing to go back to the country that wants them and face trial. As to the detail of your question, I will get back to you as soon as I can.

Senator GREIG—Madam President, I thank the minister for her response. As a supplementary question I would ask: even given the case that you have outlined, the fact remains that the Extradition Act 1988 does not specify that extradition detainees need to be detained in the state in which they were apprehended. Would the Commonwealth consider finding some other place for these detainees to go to, to comply with our international obligations?

Senator VANSTONE—Senator, I have said that I will get back to you. Obviously, I will look at whatever is appropriate. What is happening now may be appropriate; I am not indicating I agree with you that it is not, but I will look at that.

Correctional Facilities: Privatisation

Senator McKIERNAN (2.58 p.m.)—My question is directed to Senator Vanstone, the Minister for Justice and Customs. What are the minister’s views on the privatisation of correctional facilities in the light of the experiences at the Woomera Detention Centre? Is the minister concerned about the adequacy of the mechanisms for accountability and responsibility when an important public function, such as the detention of law breakers, is outsourced and the bottom line becomes profit? Does the minister acknowledge that the secrecy involved in the so-called commercial-in-confidence contracts prevents taxpayers from being able to access information about the way in which correctional facilities are run?

Senator VANSTONE—First of all, I would just make the point, since you referred to Woomera, that it is not a correctional facility and that it is not a facility for which I have responsibility. It is an Immigration facility and your question in respect of Woomera and any concerns there should have been directed to me as representing the minister for immigration. It is an entirely separate aspect, although you may be saying, ‘Look, does the experience in another portfolio in a different sort of category of detention centre altogether lead you to be concerned about the privatisation of prisons?’ so let me come to that.

First of all, the Commonwealth, as you know, does not have any of its own prisons. It uses the state facilities to house Commonwealth prisoners. As to the conditions in those facilities, if you want to make the case that, since prisons have been established, governments have demonstrated a capacity to look after prisoners properly and in accordance with their human rights, I think you will lose that case. Governments around the world—in Australia and elsewhere—do not have an admirable record in their treatment of prisoners. It has been a long and slow process of advancing the treatment of prisoners in jails. I do not think, therefore—and this is my personal view—that anyone is in a position to assert that only governments can do prisons well, because it is not my view that they have ever done them well. I for one am quite interested in seeing whether the private sector can do a better job of providing secure prisons, a better job in relation to the administration of justice and a better job in the treatment of prisoners. Senator, I will get you some information, if you would like—I will see if we can dig around and get some shocking stories about what used to happen to prisoners in the past in prisons run by governments. That, I think, will convince you that—in this area at least, if not in a whole lot of others—nobody can assert that governments will necessarily do a better job.
Senator McKIERNAN—Madam President, I ask a supplementary question. I thank the minister for saying that she will get further information. I asked my question of the minister in her portfolio in light of the experiences of the Woomera detention facility, and I asked it in particular about the commercial-in-confidence which prevents taxpayers from being able to access information. My supplementary question is: has the minister asked her department to look into the circumstances behind the recent decision by the US Department of Justice to remove a juvenile prison in Louisiana from the control of the same company which has the contract to operate the Woomera Detention Centre? Is she aware of reports that 12 former staff of Wakenhut have been charged with sexual assault at a Texas jail?

Senator VANSTONE—The senator knows full well that I am concerned, and have been concerned for a long time, about accountability to parliament and the use of commercial-in-confidence. I took the opportunity to remind Senator Lundy the other day of the means by which a former government—which happened to be of your party, Senator—kept from everybody how much they paid Bill Hunter to do the Working Nation ads. In that event, the task was given in a contract to a company which then subcontracted Mr Hunter so that this parliament could never find out how much Mr Hunter was paid to do those ads. This is the same Mr Hunter that, having done the ads and having been paid for them, did the Labor Party ads for nothing—surprise, surprise! So we were really interested in getting that information, Senator, and the way your government constructed the government contracts meant that it was not available to parliament. There are serious questions about commercial-in-confidence; it should not be used willy-nilly but it must be taken into account. Senator, if you had asked me about Wakenhut earlier, I would have been able to give you an answer because you are asking me questions that relate to both portfolios. I have run out of time; I will table the answer later. (Time expired)

Senator Hill—Madam President, I ask that further questions be placed on the Notice Paper. 3.03 p.m.

ANSWERS TO QUESTIONS WITHOUT NOTICE

Immigration: Detention of Children

Immigration: Detainees

Woomera Detention Centre: Allegations

Senator VANSTONE (South Australia—Minister for Justice and Customs) (3.03 p.m.)—This week I had two questions without notice from Senator Bartlett. More information has been provided by the minister, and I seek leave to incorporate it into Hansard. This week Senator McKiernan also asked me a question, and I seek leave to incorporate the answer into Hansard. I advise Senator McKiernan that I will find a break in proceedings to have a properly prepared answer incorporated later in the day.

Leave granted.

The answers read as follows—

Senator Bartlett asked a number of questions about the hunger strikers at Woomera. I can confirm that, contrary to reports in the media, no detainee that has been on a hunger strike at the Woomera IRPC has been ‘force fed’. I can advise however that, on the basis of advice from a medical practitioner, a total of 11 detainees have been re-hydrated, with fluids provided intravenously. I can now confirm that none of the detainees previously on hunger strike at the Woomera IRPC remain on a hunger strike. The 15 detainees on hunger strike yesterday, resumed eating and drinking on 29 November 2000. I am advised however, that 2 detainees, not involved in the previous action, have today indicated that they have commenced a hunger strike.

The treatment of a person in the Australian community taking this sort of action varies according to their individual circumstances. There are circumstances where a person in the Australian community whose life is at risk, could be given treatment against their will, particularly where there are concerns about whether the person is reasonably capable of giving or withholding consent.

Senator Bartlett asked whether I would consider expanding the Flood Inquiry into a full judicial Inquiry to enable people to testify and provide evidence. I draw Senator Bartlett’s attention to my comments in relation to this suggestion in the House of Representatives yesterday.
In relation to Senator Bartlett’s questions regarding children in detention, I provide the following information:

There are 231 detainees under the age of 18. There are 144 males and 87 females. There are 120 minors who have been in detention for three months or less, comprising 52% of the total number of minors. There are 77 minors who have been in detention for more than three months and less than twelve months, comprising 33% of the total. There are 34 minors who have been in detention for more than twelve months comprising 15% of the total.

It is a matter of law that all unauthorised arrivals, including children, be detained. There are provisions in migration regulations to release children from detention in circumstances where it is considered to be in their best interests. However, the government is also required to be mindful of obligations under the Convention on the Rights of the Child which states that it is not desirable for children to be separated from their parents against their will.

Senator Bartlett asked whether the government would consider proposals to release children into the community. When this matter was raised in consultations in Victoria last week, I indicated that I would ask my department to examine the issue and the complex range of matters such a proposal raises. My department is doing so. I expect that the practices of other countries will form part of that examination.

Senator Vanstone (South Australia - Minister for Justice and Customs) - On 28 November, Madam President, in my capacity representing the Minister for Immigration and Multicultural Affairs, Senator McKiernan asked a question of me.

The answer reads as follows:

Senator McKiernan’s question appears to refer to an allegation that a letter was sent to my department in April.

I advised the House of Representatives on 28 November, 2000 that neither my office nor my department can confirm such a letter was received. There is therefore no contradiction in the statement the officer of my department made to Estimates last week.

As you are aware, I have appointed Mr Philip Flood AO, to conduct an inquiry into procedures in detention centres for reporting and following up on allegations of child abuse. I expect Mr Flood’s inquiry will establish when specific allegations in relation to the 12 year old boy, came to the attention of my department. The answers to the Senator’s questions will be provided through the Flood Inquiry.

ANSWERS TO QUESTIONS ON NOTICE

Questions Nos 2868-2871

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (3.04 p.m.)—Madam President, under the provisions of standing order 74(5), I seek an explanation from the Assistant Treasurer as to why I have not received answers to my questions on notice Nos 2868-2871 within the 30-day limit, as is required by the Senate.

Senator KEMP (Victoria—Assistant Treasurer) (3.04 p.m.)—I did have some warning from Senator Faulkner’s office that this matter was going to be raised. I have checked and I can advise Senator Faulkner that responses to his questions are being prepared. Let me also assure Senator Faulkner that the government does take seriously its responsibilities in relation to providing responses to questions from the Senate. I have to say that the Treasury portfolio has received a significant rise in questions in the last year compared with previous years—that is the advice that I have received. We seek, as I said, to respond as quickly as possible to questions. Sometimes it is not always practical to do so; sometimes these questions are dealt with in other areas of the portfolio. I am aware that Senator Faulkner is very keen to receive responses to these questions. As I said, they are being prepared, and I will ensure that they are tabled as soon as possible.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (3.06 p.m.)—I move:

That the Senate take note of the minister’s response.

I will speak briefly to the explanation that has been provided by the minister in the chamber. I note that the minister has indicated that answers to these questions are being prepared. Well, so they should be prepared! Not only should they have been prepared, they should have been prepared quite some considerable time ago and they should have been tabled in this chamber. On a number of occasions in question time this week, Minister Kemp has indicated to us, amongst
the waffle that he engages in, that he cares about the courtesies of the chamber. That is something he makes reference to day in and day out—I do not know why; he probably does not have anything else to enlighten us with.

It is worth while looking at Senator Kemp’s performance in relation to the basic courtesies of the Senate and, in fact, the need for the accountability of ministers to this chamber and to the parliament, as is required. The truth is that the standing orders of the Senate require that questions on notice should be answered within 30 days of being asked. The questions to which I have drawn attention are now more than two months late. It is 93 days since they were asked.

The normal courtesies of the Senate are such that a minister would write to a senator indicating when an answer cannot be provided within the normal time frame and outlining any legitimate reasons for delay. When that occurs, it is very rare for a minister to be criticised in the chamber as a result. All reasonable senators—such as opposition senators like me—acknowledge that from time to time there are significant burdens on ministers. In this particular case, I think the Senate and the individual senators concerned are entitled to an explanation. We accept that there can be valid reasons for inability to provide an answer, and they might include, as the minister says, a particularly high workload in a government department. This might be the case in Treasury at the moment.

The point I make is that in this case, again, we have seen a minister fail to fulfil his responsibility to the Senate in relation to the Senate standing orders and respond in accordance with the time period that has been established. In the absence of providing the answers to my questions on notice, there have been no courtesies extended to me or the chamber to supply an explanation to me or to my office. In this particular case, this minister has had any number of opportunities to do so, given the level of contact which has existed between my office and his office on these matters. We have had no indication from the minister that there was any problem in this regard.

Again, this is another failure on the part of one of the ministers who sit in this chamber. This is becoming a very unfortunate pattern. Many senators have noted the contempt with which ministers in the Howard government hold the mechanisms of parliamentary accountability. This is yet another example from Senator Kemp, who perhaps is among the worst offenders in the government. There are a number of other questions which I have asked on a serious matter, which are due to be answered tomorrow. I hope I will receive answers to questions Nos 3147 to 3153 within the Senate’s time frame—I flag that issue with the minister now. I hope we have an improved performance. This does not take account of the problem that we have in relation to the adequacy of the answers that we receive from the Assistant Treasurer. Talking about the time taken by the Department of the Treasury to answer very important Senate questions on notice: I asked question No. 2371 of the Minister representing the Treasurer on notice on 20 June, a very important question about the detail of consultants used by the department and all agencies in the portfolio. The best Senator Kemp could do in relation to this was to refer me to details relating to consulting services provided in the recently tabled annual reports.

Senator Carr—Very ordinary.

Senator Faulkner—It is a particularly ordinary performance when of course the annual report was tabled a long time after the question was asked. This is just an excuse for delay. This is a very poor performance from a very poor minister. I think all senators in the chamber acknowledge the inadequacies of Senator Kemp and the embarrassment that he has become. I think Mr Costello should try to get Senator Kemp to lift his game. Hopefully, this will be drawn to the attention of the very good officers who work in the Treasury. I hope that they will be able to keep the briefs coming through to Senator Kemp, as I hope Treasurer Costello will be able to, and that we will see an improved performance from this hopeless minister.

Question resolved in the affirmative.
ANSWERS TO QUESTIONS WITHOUT NOTICE
Vocational Education and Training: Funding

Senator CARR (Victoria) (3.13 p.m.)—

I move:

That the Senate take note of the answer given by the Special Minister of State (Senator Ellison), to a question without notice asked by Senator Carr today, relating to funding for technical and further education.

We asked today whether or not the Minister for Education, Training and Youth Affairs, Dr Kemp, had in fact threatened the states at the last ministerial council meeting on 17 November that, if they did not sign up to his new bodgie agreement, they would lose their money from the Commonwealth next year. It is a position I put at estimates. I was told by the departmental officials, who were, as I understand it, well and truly around that meeting at the time and ought to have known, that they did not hear anything like that being said. I asked the minister at the table, Senator Ellison, who said he would take it on notice and come back to me, and I asked the head of the Australian National Training Authority who said she would prefer not to have to answer such a question. From today’s answer, it is clear that my allegation has been demonstrated to be correct. The minister’s response was to say that he could not comment on the discussions that were under way.

It strikes me that, while the minister talks of guaranteeing funding and certainty of funding—the Commonwealth’s claims made in that regard—when we measure that against the facts and the actual decisions that have been taken by Dr Kemp—to put a resolution to that ministerial council meeting on 17 November that, if they did not sign up to directions and resource allocations for 2001 and the recommendation to ministers ‘in light of decisions to be taken subsequently by ministers on the ANTA agreement’—the clear reference that the minister is making there confirms the fact that the minister has, in fact, threatened the states that, if they do not sign up to his agreement, they will not get any money. It is a similar claim that he made in a second reading speech, in which he said that the moneys put forward, in his view, were ‘subject to finalising a satisfactory amended ANTA agreement’.

That was not the position of the parliament, because this parliament carried a bill on 6 November which appropriated nearly $1 billion. So I ask: on what legal authority does this minister go to the states now and say that, having had the parliament pass this legislation, he is unilaterally going to withdraw moneys allocated to them if they do not agree to what he purports to be a new agreement? Everyone knows in the system that there has to be growth, and that there is growth. Even the Commonwealth department of education, in their report to the ANTA CEO’s committee, in a paper called ‘National Resources: Future demand for vocational education and training’, acknowledged growth, in their opinion, of 2.8 per cent per year. They also said that the growth would lead to a demand on resources of some $26 million per one per cent. We see, of course, the states arguing that the growth will be somewhere around 5.7 per cent. Whichever growth figure it is, we have a situation where this Commonwealth government, under Dr Kemp, for the first time are saying that they will not fund the growth in the system. It is a position that they adopted in the last round of agreements and it is the maintenance of a position that we see in this agreement.

To add insult to injury, we discover that this government is not able to spend the moneys that are actually appropriated. We see, in the case of the vocational education program, that over the last two years $226 million was sent back to consolidated revenue. So while the states are being told that they have to find the money for the growth, knowing full well the consequences that the cost cutting measures that this government has undertaken are having on the quality of the system—as our recent report in this parliament demonstrated—this government says, ‘We’re not only not going to fund money but we are actually going to send money back to the Treasury.’

On top of that, we discover that this government has also underspent the labour mar-
ket programs allocation. There is now $1 billion less spent than there was in 1996 on labour market programs, which were another significant source of funding for TAFE—$1 billion less. We also now discover that they actually underspent that program last year by $270 million. Frankly, this shows a level of incompetence—and is, as far as I am concerned, a measure of this government’s callousness—to say ‘We’re not going to fund growth,’ and not only that, however, but also, ‘We are going to send money back to Treasury because we have not spent it.’ The system is crying out for resources. This government is denying the system of them. (Time expired)

Senator TIERNEY (New South Wales) (3.18 p.m.)—I have a certain feeling of déjà vu, being involved in this debate at this time, because it was less than two weeks ago that Senator Carr got up on exactly the same debate and made the same obscure point on legalistic matters.

Senator Carr—Not too obscure!

Senator TIERNEY—Yes, Senator. To people out there, what you are bringing up is quite obscure and it actually masks what has really happened in this area of vocational education and training over the last 10 years and the fact that this government has been able to achieve remarkable progress in this area. The runs are on the board, Senator. All you have to do is look at the real outcomes. The problem with Senator Carr is that he spends his whole time looking at inputs; he does not look at outputs. His government was great on inputs. They are great on putting a huge amount of money in and not getting much of an outcome. We saw that with the laughingly named Working Nation program, which was putting hundreds of millions of dollars into training people for jobs that did not exist and continually recycling people through the system. In Wollongong, they told Kim Beazley, ‘Mr Beazley, there are no jobs at the end.’ Under Labor, they reckoned that they were the best trained unemployed queue in the world. They were trained—no job. They were retrained—no job. They were retrained again—no job. Under this government, we have created the economic conditions that have created real jobs and, to match those real jobs, we have set up a vocational education and training system that delivers trained people to the work force.

We saw some surveys this morning on the response, particularly in rural and regional Australia, to the New Apprenticeships system. This is getting terrific press out there. People absolutely love the fact that people do get real training. The real numbers are there. The increase in new apprenticeships is quite remarkable over the four years of this government. If you go back to the Labor government, what did they deliver on apprenticeships over their 13 years? A dramatic decline. They set up a traineeship program—and I would not criticise setting up traineeships; they were a very good idea—but what happened under their government? You had a decline in traineeships as well.

We have set up the New Apprenticeships system which, in a flexible way, delivers real outcomes right across the work force—not the old narrow apprenticeship idea of the trades but much broader than that—to reflect the new economy. This has been done and is being delivered in a flexible mode system. Not only do we have the TAFE colleges providing but we also have a range of new providers. Senator Carr is fairly critical of that. He has been critical in estimates and everywhere else, and his mates in Victoria are trying to wind this back and force everything back into TAFE, looking backwards to the failed systems that they had in the past. When you set up a much more competitive and flexible market, you deliver better outcomes and training. That is certainly what this government has done.

Senator Carr—Why is quality falling?

Senator TIERNEY—Senator, let me deal with that point. As I mentioned earlier on, our big focus is on outputs—a matter of getting people out into the work force with training—and yours was on inputs. You complained about what we have done on that. You have complained that you cannot deliver extra training through efficiencies—you have been saying that for about four years. But there is a real change to the number of people trained through that process—it has gone up quite dramatically.
There is currently a series of negotiations going on between the federal and state ministers in education to hammer out the 2001-03 agreement. In real terms, money will go ahead during that time as a baseline. That is $130 million extra above what is in the system. We in this country have really got to focus on training at all levels, not just university training, where a lot of the focus was under your government, but also real training and real jobs for the 70 per cent of school leavers who never get to university. We have set up pathway programs and vocational education and training in schools—something you never really did. We have expanded the provision of, and the number of people going through, the technical systems. We now have, through the RTOs, alternative ways of doing that training. This government is delivering. (Time expired)

Senator CROSSIN (Northern Territory) (3.23 p.m.)—The only thing this government is delivering is pain in the states and territories when it comes to trying to come to grips with what money will be available over the next year or so when it comes to funding their TAFE colleges and their TAFE providers. The relationship between the states and territories and the Commonwealth government in relation to TAFE funding is at an all-time low. Never in my history of dealing with the TAFE sector have I known of a MINCO meeting being put off, put off and put off while the states and territories try to get the Minister for Education, Training and Youth Affairs, Dr Kemp, to understand what is happening in the TAFE system, an understanding he refuses to accept.

Let us have a look at the recent report completed by the Senate Employment, Workplace Relations, Small Business and Education References Committee tabled only last week, Aspiring to excellence. Let us look at what some of these states are saying. The South Australian government states that the rate of efficiency gain in South Australia has slowed down. The Western Australian government states that the rate of efficiency gain in South Australia has slowed down. The Western Australian government has said that there is a limit to the efficiencies that can be made without affecting the quality of training. This government when in office during 1998 to 2000 did not continue the $70 million annually for growth funding in TAFE. It put a stop to it. This government has a policy of growth through efficiencies—read that for, ‘You will do more with little or less money, with not as much money as you have been getting in the past.’ That has been evident by its actions.

After the government abolished the $70 million annual funding from 1998 to 2000, the hours of TAFE training per annum grew by $10.9 million. So they may say they have achieved what they set out to achieve, but in our inquiry we did not hear one scrap of evidence from people that growth through efficiencies was a good thing, that it was benefitting the system. Time after time we heard evidence that there was no growth through efficiencies left, that colleges and TAFE systems had done all that they could possibly do.

We now know that we have a minister who is threatening the states to sign up to the new ANTA agreement, which has another period of growth through efficiencies in it, another period of no growth funding. Otherwise their money for the TAFE system will be threatened, money that this parliament passed only last week, money that this parliament said needs to go to those TAFE systems. But this minister is saying, ‘Sign up on my dotted line, under my terms and conditions, even though I will not accept at all that you have come to the limit of your growth through efficiencies. I want you to keep going and squeeze the system as much as you possibly can. But, sign up to my agreement, or I will not pass on to your TAFE systems the money that is required for the next year.’

We heard through the estimates process last week when we questioned officials from both the department and ANTA that there has been underspending—$126 million in the last 12 months that go to incentives that employers should have got when they signed up new apprentices. Either they are not signing up as many apprentices as this government thought or they are not applying for the funds. And there is underspending in the literacy and the numeracy programs. Further to that we heard that in the previous year there had been another $100 million underspent. So through the estimates process last week we were able to ascertain that $226 million
in the TAFE sector has been underspent in the last two years. At the same time we have our TAFE systems saying to us that they must have more money, they need more money, to be able to cope with the increasing number of hours in TAFE and the number of apprentices that are signing on the dotted line to join TAFE programs.

While we have got the TAFE systems crying out for more money, we have a minister who is prepared to send back $226 million into general revenue rather than allocate it to the TAFE systems. Then, on the other hand, to top it all off, we have the claim that there is going to be growth in the system—growth of about 2.8 per cent a year—and this is not being funded by this government.

(Time expired)

Senator KNOWLES (Western Australia) (3.28 p.m.)—Isn’t it amazing to hear the Labor Party come in here and talk about apprenticeships, talk about training and talk about youth getting into the work force? It is appalling to think that Labor in 13 years of government failed the young people of this country because they said to them, ‘If you are not good enough for university, you are not good enough for anything.’

Senator Crossin—What a load of rubbish!

Senator KNOWLES—There is no point anyone saying that that is a load of rubbish, because the facts stand there for themselves. Labor in government neglected the vocational education and training needs of young Australians. They ran down the apprenticeship scheme. Businesses in Australia just simply would not take on apprentices because they were overregulated and the industrial relations system just made it prohibitive.

It is humbug for them to come in here and say, ‘The coalition’s not doing a good job with apprenticeships.’ What nonsense! At the end of 13 years of Labor government, apprenticeships in this country were at the lowest level they had been for more than three decades—not three years, but three decades. How on earth can honourable senators come in here and say that that is a good record?

That is a disgraceful record for the young people of Australia.

During the Labor recession of the early 1990s, the number of trade apprenticeships dropped to the lowest of the lows. Labor neglected quality training that would lead to real jobs. If anyone should know about this, your own side should know about it. That is why Mr Peter Baldwin—and let us remember that Mr Peter Baldwin was a Labor member of parliament—said:

Accommodating the needs of those not intending to proceed directly onto university education in the final years of school is something that we did not do enough about in government.

That was Mr Peter Baldwin’s assessment, and it is not an uncommon assessment from those in the Labor Party who want to be honest about how poorly it was handled.

By way of contrast, let us look at what has happened under the coalition government. New apprenticeships for the 1999-2000 year were 178,350. In 1995—Labor’s last full calendar year in office—commencements were only 64,500 compared with 178,000 this year. And who wants to stack up the record against each other! The coalition government has established a new national apprenticeship and trainee system that offers nationally recognised qualifications. The Labor Party did not bother to do that—that was not important to them—because, unless they were under the control of the trade union movement, they were not interested. They still are not interested.

Senator Carr—You’re wrong. Whoever wrote your brief for you is wrong.

Senator Crossin interjecting—

Senator KNOWLES—They are still banging their gums over there. They still do not want to listen. They still will not admit that they failed the young people of Australia. The coalition has introduced New Apprenticeships centres—a single point of contact for employers and new apprentices which combines state and Commonwealth services for employers and streamlines the administrative processes required for employers and new apprentices—user choice, school based new apprenticeships and more flexible industrial relations arrangements.
There is $369 million available in financial incentives to support an estimated 140,000 commencements in 2000-01.

Senator Carr—It’s the wrong speech.

Senator Crossin interjecting—

Senator KNOWLES—This yapping canary over here, whose name completely escapes me, has not stopped interjecting since I stood on my feet. Senator Carr said it is the wrong speech. It is the wrong speech because he does not want to know the truth.

Senator Crossin interjecting—

Senator KNOWLES—How about you take a breath!

Senator Crossin interjecting—

Senator KNOWLES—Senator Crossin now says, ‘Why don’t you get the right speech?’ None of them on the other side wants to hear the truth about the apprenticeship scheme. It is okay for them to come in here and say what a lousy scheme this is when they had fewer than 64,000 going into apprenticeships in their last year of government. The coalition has up to 178,000. If that is not a record that stands on its own, why isn’t it? Why won’t they accept it? Why won’t they stop nattering and yapping in here and listen to reality—to the facts of the matter? It is about time the people of Australia had a fair go. The young people need to have a fair go. Stop your elitist claptrap and get on with it. (Time expired)

Senator McLUCAS (Queensland) (3.34 p.m.)—Senator Knowles, thou doth protest too much. In taking note of the answer from Senator Ellison today to the question that Senator Carr put to him about funding for TAFE, it is important that we remember a few facts about the TAFE system in Australia—1.8 million Australians use the TAFE services across Australia, and that figure, as we have heard from the government, is growing. There are 84 TAFE colleges in Australia spread right around the country, especially in regional centres. Those TAFEs in regional centres are truly suffering under the squeeze that has been put on them by this government over the last 4½ to five years.

Since 1996, enrolments have grown—‘dramatically’ it has been described in some cases, and ‘unprecedented’ I read in another article today. The minister agrees with that himself and in fact has boasted to that effect. At the same time, we have had this enormous growth in the TAFE sector but since 1996 there has been no increase in funding for the TAFE sector in real terms. There has been no extra funding from the federal government since that time. Instead, the federal government has opted to adopt a policy of ‘growth through efficiency’. That is just another way of saying, ‘You have to do more with what you’ve got now; if you don’t, we’ll cut some more.’ Finally, at a meeting between the state and territory education ministers on 17 November this year, they said in no uncertain terms to Dr Kemp, ‘We’ve had enough. Our systems can’t bear any more cuts to the services that we provide young people who are looking for training so that they can be employed in the work force.’

I understand that Dr Kemp bullied the state and territory ministers, including the coalition ministers of South Australia and Western Australia, to sign off on what he calls ‘his new arrangements’. To their credit, state and territory ministers have not caved in—they have stood by their services in their state and territories. They have not agreed to use funds allocated for capital works to fund growth. All strength to them for pursuing a sensible management policy. It is not sensible to shift money out of capital funds and put it into recurrent expenditure. That has to be one of the fundamentals of good governance.

Following that, in estimates last week we had excellent questioning from Senator Carr and Senator Crossin. I take this opportunity to thank them for their excellent representation on behalf of TAFE students and teachers in this country. We found out that $220 million is going to be returned to consolidated revenue. This is 10 per cent of the funding available to the TAFE sector. TAFE is under threat. It is crying out for support. Yet the government have sent $220 million back to consolidated revenue. It is extraordinary. They do not have to go to Treasury and argue a case. They do not have to run an argument that says that we have a service that is in need. The money is sitting there, and it is
fairly simple and easy to transfer those funds to the area where it is required. But I suggest to you that Dr Kemp has no desire to support those students and teachers in the TAFE sector. He much prefers to follow his ideology, which—to go back to the earlier comment—is growth through efficiency. Let me go to the importance of TAFE and what it means in Australia. Paul Braddy, the Minister for Employment, Training and Industrial Relations in Queensland, said:

Vocational education and training is a national concern and a national responsibility. It is the basis for our international performance—as fundamental to our national intellectual infrastructure as roads are to our physical infrastructure.

Mr Braddy quite rightly makes the point that this government is quite happy to invest in roads infrastructure—and that is good. But why won’t the government invest in our young people, in their education and in their pathway to gaining employment in our community?

Question resolved in the affirmative.

COMMITEES

Community Affairs References Committee

Report: Government Response

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts) (3.39 p.m.)—I present the government’s response to the report of the Community Affairs References Committee entitled Access to medical records, and I seek leave to incorporate the document in Hansard.

Leave granted.

The document read as follows—

COMMONWEALTH GOVERNMENT RESPONSE to the REPORT of the SENATE COMMUNITY AFFAIRS REFERENCE COMMITTEE, JUNE 1997 on ACCESS TO MEDICAL RECORDS COMMITTEE RECOMMENDATIONS:

Recommendation 1

“The Committee notes the limited constitutional heads of power for the Commonwealth to legislate in this area. Accordingly, the Committee recommends that this legal problem needs to be addressed without delay. Such consideration would identify the most appropriate means of enacting national legislation to make access to medical and other health records a real right.”

Recommendation 2

“The Committee recommends that medical and other health records that are the subject of legislation should be described in the broadest possible way to include consultation notes, medical history, test results, letters of referral, records of consultation between doctors and other health providers, observations and opinions about the individual, details of treatment, and any other material relevant to the individual held in a health record, including electronic and video records.”

Recommendation 3

“The Committee recommends that the framing of comprehensive national legislation enshrining the right of access to medical and other health records in the public and private sectors commence without delay.”

Recommendation 4

“The Committee recommends that any access to medical and other health records legislation should be capable of imposing penalties and sanctions on medical and health care providers who fail to comply with the provisions of the legislation.”

Recommendation 5

“The Committee recommends that the Federal Privacy Commissioner investigates the privacy implications of record keeping in the private sector, including the obligations of the ‘record-keeper’, retention, storage, transfer and destruction of medical and health records. This investigation to be conducted without delay as an essential adjunct to the drafting of access to medical and other health records legislation.”

Recommendation 6

“The Committee recommends that the Commonwealth moves expeditiously to draft legislation for national access to medical and other health records legislation through the creation of extended privacy legislation to cover the private health sector, to avoid conflicting State and Territory access to medical and other health records legislation.”

Recommendation 7

“The Committee recommends that industry regulations be drafted for inclusion in extended privacy legislation to cover the private health sector.”

Recommendation 8

“The Committee recommends that research be conducted on the potential for interference to medical and other health records in the advent of
Recommendation 9
“The Committee recommends, in line with a recommendation made by the Federal Privacy Commissioner, that a phase-in period should apply to allow providers and consumers to become familiar with the legally-binding scheme, before any party faces enforceable sanctions or is charged under the provisions of the scheme.”

Recommendation 10
“The Committee recommends that the Federal Privacy Commissioner should have power to investigate and conciliate complaints and seek enforceable assurances against repetition of breaches of a health privacy code, the Privacy Act, and national legislation granting access to medical and other health records. Where a breach is found to have occurred, the Federal Court should be able to award compensation, issue restraining orders and impose penalties for serious breaches of privacy obligations.”

Recommendation 11
“The Committee recommends that access to medical and other health records legislation should be prospective in its operation, except so far as matters of fact are concerned, when an individual will have a right of access to these, whenever the record was prepared.”

Recommendation 12
“The Committee recommends that subject to Recommendation 15, concerning general exemptions, that no further exemptions should apply. In all circumstances, the contents of medical or other health records should be explained to a patient by a professional who understands the patient’s clinical details.”

Recommendation 13
“The Committee recommends that reasons for exemptions and refusal to grant access to medical or other health records should be stated to the applicant, and that exemptions should be fully supported with evidence which should be provided to the applicant.”

Recommendation 14
“The Committee recommends that an appeal body should be established, that the appeal body should be independent, and that suitably qualified people should be appointed to the appeal body.”

Recommendation 15
“The Committee recommends that exemptions to access to medical or other health records be restricted to circumstances where a medical practitioner or health service provider believed that allowing access would be likely to cause serious harm to the mental or physical well being of the patient, or to a third party, or to the privacy of a third party. Such claims would require supportive evidence.”

Recommendation 16
“The Committee recommends that if a patient wished to challenge a refusal to grant access to a medical or other health record, then an appeal process through an independent appeal body could be available and handled within a stipulated period.”

Recommendation 17
“The Committee recommends that the Commonwealth initiates immediate discussions between all stakeholders in the States and Territories to enable the drafting and passage of national legislation to ensure access to medical records for all individuals across the public and private health sector.”

Government Response
The Government recognises the importance of patient access to medical records held by medical practitioners in the private sector and, accordingly, has given careful consideration to the Committee's recommendations. The Privacy Amendment (Private Sector) Bill, introduced into Parliament in April 2000, will for the first time allow individuals the right of access to their personal information, including medical records held in the private sector in all states and territories. Where a consumer is not satisfied with the way that an organisation is handling his or her personal information, he or she will have the right to complain to either an industry code adjudicator or the Federal Privacy Commissioner. While most small businesses (with an annual turnover of less than $3 million) will be exempt from this legislation, those which provide a health service and hold health information will be covered.

This legislation, based on the National Principles for the Fair Handling of Personal Information that have been developed by the Federal Privacy Commissioner in consultation with stakeholder groups, is designed to ensure that personal information, including health information, is handled appropriately in the private sector. In recognition of the highly sensitive nature of personal health information, the Attorney-General asked the Pri-
privacy Commissioner to consult widely in 1999 with key stakeholders and make recommendations about what changes, if any were needed to the National Principles to provide appropriate coverage of personal health information held in the private sector. This consultation process has provided valuable input to ensuring that this legislation will provide adequate privacy protection for health information.

The National Principles are intended to provide a framework for handling personal information. The Government recognises that there will be additional work required in assisting stakeholders in the practical application of the legislation in everyday situations, particularly relating to the issue of access to medical records. Accordingly, the Federal Privacy Commissioner intends to develop guidelines on this in close consultation with the Department of Health and Aged Care, the Attorney-General’s Department, health consumer groups and health professionals.

Australian Health Ministers have also agreed to the establishment of a joint Commonwealth/State/Territory health information privacy working group with a view to developing nation-wide, consistent, health-specific, privacy provisions to achieve harmonisation across the public and private sectors. This is likely to take the form of a national ‘health code’ developed in consultation with key stakeholders and established under the Federal Privacy Act. States and Territories would develop complementary legislation to cover their public sectors. The development of such a code will assist in addressing consumer and provider concerns regarding the appropriate handling of sensitive health information in the context of emerging e-health initiatives, such as electronic health records and telehealth.

**DOCUMENTS**

**Auditor-General’s Reports**

Reports Nos 18 and 20 of 2000-01

The DEPUTY PRESIDENT—In accordance with the provisions of the Auditor-General Act 1997, I present the following reports of the Auditor-General: Report No. 18 of 2000-01—Performance Audit—Reform of Service Delivery of Business Assistance Programs: Department of Industry, Science and Resources; and Report No. 20 of 2000-01—Performance Audit—Second Tranche Sale of Telstra Shares.

**Bringing Them Home: Progress Report**

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts) (3.40 p.m.)—I table a progress report on Commonwealth initiatives in response to the Bringing them home report.

**Senator CROSSIN** (Northern Territory) (3.40 p.m.)—by leave—I move:

That the Senate take note of the report.

I stand to take note of the progress report provided this afternoon by the Commonwealth in relation to their initiatives in response to the Bringing them home report. Seeing this report has just been tabled, I do this without having had an opportunity to have an in-depth look at what the progress report contains. As the parliament tabled the report from the Senate Legal and Constitutional References Committee inquiry into the recommendations of the Bringing them home report regarding the stolen generation, I think it is appropriate to at least make some preliminary comments today in relation to the report.

We heard during the inquiry that, after the Bringing them home report was tabled in this parliament, one of the recommendations was to fund a unit within the Human Rights and Equal Opportunity Commission to monitor the implementation of the recommendations and to report to COAG. With a change of government occurring in 1996, between the handing down of that report and the coalition government taking office and the presentation of the Bringing them home report regarding the stolen generation, I think it is appropriate to at least make some preliminary comments today in relation to the report.

We had continual representation from witnesses throughout the inquiry about how inefficient the use of MCATSIA, the Ministerial Council of Aboriginal and Torres Strait Islander Affairs, to be the body that would monitor the implementation of these recommendations.

We had continual representation from witnesses throughout the inquiry about how inefficient the use of MCATSIA as the reporting body has been. Many witnesses who are particularly close to the issue of the stolen generation, or Aboriginal organisations that have had funds allocated to them from this Commonwealth government, had no knowledge of MCATSIA or its role. HREOC in its submission told us that MCATSIA’s lack of structure in relation to the rate of implemen-
tation and there being no requirement to provide data to an independent body on the implementations of the recommendations were major concerns. In fact, MCATSIA has produced only one monitoring report in 1998 and 1999. It has undertaken to produce jurisdictional reports on an annual basis, but that has yet to come to fruition. Their first report is not user friendly and, in fact, lacks detail. Witnesses complained that they had not been consulted by the mainstream indigenous organisations about how the $64 million was to be spent. At the inquiry the Garden Point Association in the Northern Territory said:

The $64 million went to existing Aboriginal services. No service provider who has received the Bringing them home money has contacted our association—that is, an Aboriginal association which predominantly has members of the stolen generation attached to it—and asked for our views on policy or service delivery which best suit us.

Stolen generation people have complained that funds have gone to mainstream agencies and none of the money is being directly spent on them. So it will be interesting to see if this progress report from the Commonwealth actually makes any comment about where those funds are now going.

There is no central body to disseminate up-to-date and accurate information. One assumes that this is coming from ATSIC and refers only to the Link Up services, the language and cultural maintenance and other elements of that money allocation. It will be interesting to see if this progress report from the Commonwealth actually makes any comment about where those funds are now going.

There is a major question mark over the targeting of reparation funding, including funding for reunion. We know that there has been no Link Up service established in Western Australia, although one would hope this progress report will shed some light on when that will be established. The report also raises the issue of whether the funding provided would have been an integral part of established services and was simply only redirected or relabelled. Many people giving evidence to us simply suggested that that was the case. We also had concerns from some of the stolen generation organisations that they were not involved in decisions about the appropriate funding agencies for the service. The partnerships forums for coordinating the implementation of the Bringing them home report recommendations do not appear to include any of the stolen generation organisations.

We also heard that money has been allocated for indigenous counsellors through, of course, OATSIH, which was to be part of the Link Up service provided to the stolen generation people. There has been no input into the allocation of these people, their qualifications or the selection of these people from members of the stolen generation community. OATSIH’s methodology for deciding where these positions would be is seriously questioned. They defined the target population as everyone between 20 and 75, and this assumes that everyone between these ages was affected—although that is not defined by them. The method for allocating counselling positions also ignored that the Bringing them home report identified communities which, as a result of forcible removal of children, suffered cultural and community disintegration—not communities generally. There were problems identified with not appointing indigenous counsellors, because counsellors from a non-indigenous background need to know and understand the cultural sensitivities of indigenous people when they approach members of the stolen generation to offer that counselling.

We note on page 50 of our report, in relation to parenting and family support, that 50 per cent of this funding has gone to adolescent parenting programs. These people might
be the descendants of stolen generation people, but the money should have gone to people who, as older parents, are still having problems as result of their experiences. The family tracing and reunion money, for example, which was an extension of Link Up, as I said, has not been targeted specifically to meet the special needs of stolen generation people. Link Up money was not perceived to provide much in the way of a reunion service. A KPMG report states:

The quality of services funded to provide family tracing and reunion is mostly low to medium in terms of its effect.

We heard evidence from people associated with Link Up services around this country who were able to tell us that they are still wanting money so that they can be connected by computer hook-up. For example, there are no Link Up services being provided in Western Australia and those services being provided are mainly in the centres and major towns—in Perth, for example, as opposed to being located in the Kimberleys. There are Link Up services in Darwin and Alice Springs, but there is some money regarding the allocation of those services to the stolen generation group.

It will be interesting to read of the progress by the Commonwealth in response to the initiatives of the Bringing them home report, but one of the things that came out of today’s tabling of the report Healing: a legacy of generations is that this government is treading water when it comes to the stolen generation people. This government basically said in its press conference this morning that holding a summit of people to work out where the problems are and what should be done about them, whether or not the $63 million it has allocated was adequate and whether it was going to the people who most need that money was all too hard: who would you ask and how could you possibly come to the bottom of the issues after two days? A reparations tribunal is all too hard as well. ‘How could you assess individual cases when there are so many on the books?’ the government says. The government has thrown its hands in the air in relation to moving this agenda forward. One would have to wonder, as result of the report today from the Senate committee or even as a result of this progress report by government, if anything is going to change after today for the people from the stolen generation. There are no new initiatives being announced by this government today about these people. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

COMMITTEES
Public Works Committee
Reports

Senator CALVERT (Tasmania) (3.51 p.m.)—On behalf of the Parliamentary Standing Committee on Public Works, I present the following reports: No. 11 of 2000—Construction of mixed residential dwellings at Block 87, Section 24, Stirling, ACT; No. 12 of 2000—ABC Perth accommodation project, East Perth, Western Australia; and No. 13 of 2000—Reserve Bank of Australia Head Office building works. I move:

That the Senate take note of the reports.

I seek leave to incorporate a tabling statement in Hansard.

Leave granted.

The statement read as follows—

On behalf of the Parliament’s Standing Committee on Public Works I present the Committee’s 11th, 12th and 13th reports for 2000. They concern:

• the construction of residential dwellings by the Defence Housing Authority in Stirling, ACT;
• new accommodation for the Australian Broadcasting Corporation in Perth; and
• the refurbishment of the Reserve Bank of Australia Head Office in Martin Place, Sydney.

I also wish to inform the Parliament about matters relating to the Committee’s 10th Report.

Defence Housing Authority - Stirling, ACT

The first report is on the construction of mixed residential dwellings at block 87, section 24, Stirling, ACT. The Committee has recommended that the proposed development proceed.

The proposed development, estimated to cost $11.5 million, will comprise 50 detached and semi-detached dwellings.

The project is needed:
to partially meet overall Defence needs for additional Defence Housing Authority dwellings in Canberra; and

• to meet the imminent expansion of the Australian Defence College. Defence intends to collocate its three single Service Command and Staff Colleges at the Australian Defence College.

While the Committee supports the proposed development, the Inquiry raised a number of process-related issues that need to be addressed.

The Inquiry highlighted a number of deficiencies in the liaison process between the Department of Defence and the Defence Housing Authority, particularly in relation to the Australian Defence College.

The Committee has recommended that, at the earliest opportunity, the Department of Defence make DHA a party to all discussions, which may impact on Australian Defence Force personnel housing requirements.

The Committee received evidence challenging the sincerity and adequacy of the consultation process engaged in by the Defence Housing Authority.

The Committee is strongly of the view that it is essential for all Commonwealth agencies sponsoring public works to consult with the wider community.

Such involvement gives legitimacy to a proposed public work.

In relation to the Stirling project, I simply note that it would have been better if DHA’s community consultation process been more transparent.

Carey Street (Darwin)

Members may recall that the Committee in its 10th Report did not approve the development by the Defence Housing Authority of 90 apartments in Darwin. The Committee recommended that the Defence Housing Authority report to the Committee when it has complied with all the recommendations contained in its report.

The Committee has received a response from the Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence on its recommendations, and advice as to Defence Housing Authority planned actions. The Committee has resolved that:

• DHA proceed with the issue and evaluation of tenders and obtain an updated market appraisal;

• the Committee accept DHA’s response in respect to recommendation 6; and

• the construction of the proposed work not proceed until the Committee’s recommendations (with the exception of recommendation 6) have been met.

I will report again to members in relation to this matter.

The Committee welcomes DHA’s responses to its recommendations and trusts that, in relation to future projects, the Inquiry will serve to assist DHA achieve improved levels of transparency and accountability.

ABC (Perth)

The second report I have tabled relates to the development of new accommodation for the Australian Broadcasting Corporation in Perth.

The proposed development is estimated to cost $25.7 million. It will replace the ABC’s existing facilities, which it has occupied for more than 40 years.

The Committee found existing facilities to be:

• poorly configured;

• inflexible; and

• outmoded.

In many instances, sub-standard buildings result in dysfunctional, inflexible and potentially dangerous facilities.

The Committee is of the view that the new facilities will allow for improved operational efficiencies and enhance the ABC’s capabilities.

The Committee has concluded that the project should proceed. Moreover, we see that the construction of the proposed facilities represents value for money. The facilities offer the potential to provide long term benefits to:

• the ABC; and

• its current and potential clients.

The ABC’s existing facilities not only accommodate the ABC, but also the West Australian Symphony Orchestra, more commonly referred to as WASO.

Unfortunately, the site for the new development does not make include accommodation for WASO.

The future location of the Orchestra proved to be the most contentious issue of the Inquiry.
While the Committee was of the view that it would be physically possible for the ABC to include accommodation for WASO in the proposed development, it found this would significantly impact on the way the site functioned as an ABC facility. Also, the ABC would suffer a significant financial penalty for WASO to have been considered in the final preferred development option.

The Committee examined this matter in some detail. We found that there had been ad hoc consultation by the ABC prior to formally advising WASO that it intended to sell the current premises and relocate.

We also found a lack of credibility in the rationale for the level of assistance that the ABC had factored into project cost estimates and financial analysis to assist with the fit-out of alternative WASO accommodation.

The Committee welcomed advice from the Western Australian Government that there is a compelling argument for a tripartite arrangement whereby the University of Western Australia, the Federal Government and the Western Australian Government to contribute to the relocation of WASO.

The Committee is of the view that the treatment of the Tasmanian Symphony Orchestra represents a precedent in relation to the level of funding for the relocation of ABC orchestras generally.

Accordingly, the Committee has recommended:

1. That the Western Australian Symphony Orchestra receive from the Australian Broadcasting Corporation relocation funding commensurate with that received by the Tasmanian Symphony Orchestra; and

2. That Federal, State and relevant local governments consider funding options for the permanent housing of the Western Australian Symphony Orchestra in the proposed Music Access Centre, in an arrangement with the University of Western Australia, on land to be provided by the University of Western Australia.

Reserve Bank of Australian – Martin Place, Sydney

The third report I have tabled relates to a proposed work at the Head Office building of the Reserve Bank of Australia at 65 Martin Place in Sydney.

The Reserve Bank wishes to re-configure its Head Office building and free-up 7,000 square metres of under-utilised floor space for commercial lease. This equates to six floors of standard commercial office space. The project is the result of a steady decline in staff located at the Head Office since the early 1980s, which is due to the use of improved technology and organisational changes.

The cost of the project is estimated at $21.5 million. Revenue generated from tenants will be approximately $3.5 million a year. Resulting profits will return to consolidated revenue.

The Committee welcomes the commitment of the Reserve Bank to this entrepreneurial project. The Committee looks forward to examining other building proposals that display similar initiative.

Mr Deputy Speaker, the Public Works Committee has consistently paid attention to heritage and environmental issues. They must continue to be given priority of concern in any works proposal submitted to the Committee — they can never be an afterthought.

Features of cultural and historical significance attached to major public buildings should be, as far as practicable, preserved and bequeathed to future generations.

The Reserve Bank’s building forms a part of the Martin Place ‘heritage precinct’ that is included on the Register of the National Estate. The Committee also understands that the building is described on the Central Sydney Heritage Local Environmental Plan as being ‘... of historical importance for its ability to exemplify a post war cultural shift within the banking industry’.

Some of the features of interest raised by the National Trust of Australia and the City of Sydney are:

- a squash court;
- the Banks’ staff cafeteria; and
- a shooting range.

While sympathetic to the preservation of heritage items, the Committee was not convinced how features, such as the Bank’s squash court, warranted preservation. However, the Committee has recommended that before work proceeds, the Reserve Bank photographs and carefully documents all relevant features.

Question resolved in the affirmative.

Procedure Committee

Membership

The DEPUTY PRESIDENT—The President has received a letter from a party leader seeking a variation to the membership of a committee.

Motion (by Senator Ian Campbell)—by leave—agreed to:
That Senator Heffernan be discharged from and Senator Ian Campbell be appointed to the Procedure Committee.

VETERANS' AFFAIRS LEGISLATION AMENDMENT (BUDGET MEASURES) BILL 2000

Consideration of House of Representatives Message

Consideration resumed.

Senator ABETZ (Tasmania—Parliamentary Secretary to the Minister for Defence) (3.54 p.m.)—I will conclude my comments in support of the government’s proposition that I began before the suspension of sitting for lunch. I understand that the War Widows Guild and Legacy support the government’s stance on this issue. Notables within the RSL movement, such as Bruce Ruxton, Rusty Priest and Major General Peter Phillips, also support the government’s view that the Veterans’ Entitlements Act should remain the preserve of veterans who served in the Australian Defence Force or who were under the direct control of, and subject to, Defence Force discipline. We are taking a principled stance that is supported by several veterans communities. June Healy, President of the War Widows Guild—Senator Schacht—A very respected figure.

Senator ABETZ—Yes. June Healy, who has insight into the Australian Democrat view on this matter, supports the government’s position. I invite the Labor Party—I remind Labor members that they did not make this change during their 13 years in government—and the Australian Democrats to realise and accept that their stance will block and potentially delay entitlements to 1,600 Australians who served in the Far Eastern Strategic Reserve and who we believe are deserving of those entitlements. Such entitlements were not forthcoming under the previous government.

Although the opposition’s new-found support for extending veterans’ entitlements to people involved in the Vietnam and far eastern operations is laudable, it has tried to jump on the bandwagon a bit late. It is now trying to extend our proposals in a way that is not consistent with the definition of a ‘veteran’ in the Veterans’ Entitlements Act—a definition that has not occasioned any concern or disagreement between the parties in this chamber for a considerable time.

If there is a hold-up in passing this legislation, it will delay the provision of assistance to the children of numerous Vietnam veterans, who we are very anxious to support. Health studies have shown that there is a need for support in this area, and we have committed substantial moneys to providing that necessary assistance. If there are any issues to be dealt with and resolved for the benefit of those involved in the civilian medical teams—half of whom are doctors—that should be done through Comcare or some other appropriate mechanism. To that end, the minister has agreed to meet representatives of the nurses and civilian medical teams and Comcare to see whether some resolution can be reached through a whole-of-government approach if that is deemed appropriate.

Senator SCHACHT (South Australia) (3.58 p.m.)—I appreciate the parliamentary secretary’s remarks. He raised several points, most of which are not new and I would normally not respond to them. However, he said that a number of people who represent various organisations in the veterans community, such as the RSL, the War Widows Guild and Legacy, have approached the government to indicate their support for its position. I am sure the parliamentary secretary will not be surprised to learn that I have also received telephone calls from respected figures in the veterans community expressing views in support of the government’s approach. As I said before lunch, I have also received correspondence from other respected sections of the veterans community that support the opposition’s proposal. The parliamentary secretary has given some brief details of the minister’s willingness to enter into discussions with the nurses federation, which is representing those nurses who are seeking entitlements. The minister has also offered to see what can be done under Comcare at a national level.

When that was also raised with me in the last few hours by members of the RSL, they were quite supportive of that. I told them that
what they were proposing would require amendments to the Comcare act, and one of the beefs of the nurses about the Comcare act is that the benefits run out when they turn 65. If you get compensation for a disability, an illness, et cetera, it is only until you are 65. We all know that with the Veterans’ Entitlement Act it runs out when you die, which is a substantial difference for people at the age when they need real assistance. That is a significant difference in what is available under each act. I have not spoken to the Nursing Federation today, but I would imagine if they have that meeting with the minister the nurses would like to get a commitment from the government to amend the Comcare act to remove that restriction that these people cannot get a benefit past 65 years of age. Parliamentary Secretary, you say that do not want to extend the Veterans’ Entitlement Act here because it is a wedge and it opens up a precedent. I am sure that the minister in charge of the Comcare act, who I think is Mr Reith—is that correct?

Senator Abetz—I think so.

Senator SCHACHT—In view of Mr Reith’s recent track record on handling workers, I am not exactly confident that he would agree to amend the Comcare act to remove the age restriction for these civilian surgical teams to continue to get benefit past the age of 65—and that is what it will require, as I understand: an amendment to that act, or a regulation. I think that is a pretty important thing to get clear.

The other thing the nurses raise is that under the Veterans’ Entitlement Act, once you are designated and found to have the disability, that is it for the rest of your life; it is accepted—whereas under the Comcare act, you have to keep going back, about every 18 months or even less, to be tested to show that you still have the complaint. I would think that the nurses would argue you would need an amendment to the Comcare act so they didn’t have to keep going back every so often to be retested and re-evaluated. In view of the fact that the illnesses they are suffering from are similar to what other Vietnam veterans are suffering from, they would like those benefits not cut off at 65, and they would like not to have to be consistently re-viewed and under the threat that the benefit might be taken from them. As one pointed out to me, this threat increases the potential for post-traumatic stress disorder because of the anxiety created by every so often having to have another test and the potential that you could lose your benefit.

I welcome the fact that the minister is willing to talk to the nurses in particular, but I make the point that I think the benefits the nurses want would require amendments to the Comcare act. Another minister is involved, Mr Reith, and I think he would argue, ‘I am not going to open up further extension because other people will climb in on the back of the nurses and claim that extension for others’—a legitimate argument to put, but it does not help the nurses. We note the minister’s attitude. We say to the parliamentary secretary: if my colleagues the Democrats again vote with us today to send the bill back to the House of Representatives, then the minister could hold his talks tomorrow or early next week before the Senate adjourns. If he reaches some agreement with the nurses that they are happy with, then the opposition would review our attitude. I would have to get a clear indication from the nurses that they are happy, then the opposition would review our attitude. I would have to get a clear indication from the nurses that they were happy. I again emphasise, in conclusion, that the reason the opposition is supporting this is because the government’s own independent review recommended it, not because we want to play politics. I appreciate the remarks of the parliamentary secretary. I encourage the minister to have those talks. But until the outcome of those talks is known and any progress is made we cannot do other than—

Senator Abetz—You will deny 1,600 veterans.

Senator SCHACHT—You can’t help yourself! You just cannot help yourself! If you want to play blackmail, then you are blackmailing the nurses; you are blackmailing us. I do not want to use that language. I want to get an outcome that is fair. I do not want to make this a party political issue because the veterans do not want it that way, but if you keep making remarks that—

Senator Ian Campbell—but you have just said if we pay the nurses you will pass this bill. That is what you are saying.
Senator SCHACHT—Because the recommendation of your own review recommended it—that’s why—not because we dug it up out of Labor Party policy. It was because your own review, in black and white, said—

Senator Abetz—You couldn’t have; you’ve got no policies.

Senator SCHACHT—I have to say in one sense I like you very much. You never feel sorry for giving Senator Abetz a hit round the head—metaphorically, not literally—because you know he will never, ever have the good grace to even give the slightest piece of goodwill in any negotiation. That is why I like dealing with you, Senator Abetz: I do not have to worry at all about offending anyone else by getting into ripping abuse with parliamentary secretary Senator Abetz, because everyone knows that is exactly what he is like.

Senator Ian Campbell—Let’s have the vote.

Senator SCHACHT—Yes, I agree with Senator Campbell on this occasion. Let’s have the vote.

Question resolved in the negative.

Resolution reported; report adopted.

FINANCIAL SECTOR LEGISLATION AMENDMENT BILL (No. 1) 2000

Consideration of House of Representatives Message

Message received from the House of Representatives agreeing to amendments Nos 7 and 10 made by the Senate, disagreeing to amendments Nos 1 to 6 and 8 and 9, and making an amendment in place of amendment No. 3.

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

House of Representatives message—

schedule of the amendments made by the senate to which the house of representatives has disagreed

(1) Dem [Sheet 1990]

Page 3 (after line 10), after clause 5, add:

6 Review of operation of strict liability offence regime

(1) The Minister must, on or before the second anniversary of the commencement of Schedule 3, cause a report on the operation of the amendments to the Superannuation Industry (Supervision) Act 1993 contained in Part 2 of Schedule 3 to be laid before each House of the Parliament.

(2) A report under subsection (1) must examine the appropriateness of imposing strict liability in relation to the relevant offences under the Superannuation Industry (Supervision) Act 1993.

(2) Opp (1) [Sheet 1938]

Schedule 1, page 4 (after line 3), before item 1, insert:

1A After subsection 9(3A)

Insert:

(3B) Before granting a body corporate an authority to carry on banking business in Australia, APRA must be satisfied that the directors of the body corporate are fit and proper persons to carry on banking business. If APRA is unable to satisfy itself that the directors of the body corporate are fit and proper persons to carry on banking business then it must refuse the application.

1B After section 9A

Insert:

9AA APRA may disqualify individuals

(1) APRA may disqualify an individual from being a director of a body corporate with a section 9 authority if it is satisfied that the person is not a fit and proper person to carry on banking business.

(2) A disqualification takes effect on the day on which it is made.

(3) APRA may revoke a disqualification on application by the disqualified individual or on its own initiative. A revocation takes effect on the day on which it is made.

(4) APRA must give the individual written notice of a disqualification, a revocation of a disqualification or a refusal to revoke a disqualification.

(5) APRA must cause particulars of a notice given under subsection (4) to be published in the Gazette as soon as practicable.
(4) Opp (2) [Sheet 1938]
Schedule 2, item 8, page 12 (lines 4 and 5), omit subsection 67(2), substitute:
(2) The terms and conditions of appointment (including as to remuneration) are to be determined by the Bank, provided that such terms and conditions shall be no less favourable than those which may exist in terms of any certified agreement applicable to this group of employees.

(5) Opp (1) [Sheet 1940 Revised]
Schedule 3, item 46, page 25 (line 25) to page 26 (line 1), omit the item, substitute:
46 Subsection 36(2)
Repeal the subsection, substitute:
(2) The trustee is guilty of an offence if the trustee contravenes subsection (1). Maximum penalty: 50 penalty units.
(2A) The trustee is guilty of an offence if the trustee contravenes subsection (1). This is an offence of strict liability. Maximum penalty: 25 penalty units.
Note 1: Chapter 2 of the Criminal Code sets out the general principles of criminal responsibility.
Note 2: For strict liability, see section 6.1 of the Criminal Code.

(6) Opp (2) [Sheet 1940 Revised]
Schedule 3, item 47, page 26 (lines 2 to 9), omit the item, substitute:
47 Subsection 36A(7)
Repeal the subsection, substitute:
(7) A person is guilty of an offence if the person contravenes this section. Maximum penalty: 50 penalty units.
(7A) A person is guilty of an offence if the person contravenes this section. This is an offence of strict liability. Maximum penalty: 25 penalty units.
Note 1: Chapter 2 of the Criminal Code sets out the general principles of criminal responsibility.
Note 2: For strict liability, see section 6.1 of the Criminal Code.

(8) Opp (3) [Sheet 1940 Revised]
Schedule 3, item 63, page 32 (lines 10 to 17), omit the item, substitute:
63 Subsection 254(4)
Repeal the subsection, substitute:
(4) The trustee is guilty of an offence if the trustee contravenes subsection (1). Maximum penalty: 50 penalty units.
(5) The trustee is guilty of an offence if the trustee contravenes subsection (1). This is an offence of strict liability. Maximum penalty: 25 penalty units.
Note 1: Chapter 2 of the Criminal Code sets out the general principles of criminal responsibility.
Note 2: For strict liability, see section 6.1 of the Criminal Code.

(9) Opp (4) [Sheet 1940 Revised]
Schedule 3, item 76, page 37 (lines 4 to 11), omit the item, substitute:
76 Subsection 347A(6)
Repeal the subsection, substitute:
(6) The trustee is guilty of an offence if the trustee contravenes subsection (5). Maximum penalty: 50 penalty units.
Note: Chapter 2 of the Criminal Code sets out the general principles of criminal responsibility.

schedule of the amendment made by the senate to which the house of representatives has disagreed but made an amendment in place thereof

(3) Dem [Sheet 1957 Revised]
Schedule 1, page 6 (after line 3), after item 16A, insert:
16B After subsection 63(2)
Insert:
(2A) The Treasurer must not make a decision whether to consent to an ADI entering into an arrangement or agreement, or effecting a reconstruction (the proposal), unless the Treasurer has first:
(a) caused for public submissions on the proposal to be called for through a process of national advertising; and
(b) given the public a reasonable period in which to make submissions on the proposal.

16C After subsection 63(3)
(3A) In making a decision whether to consent to an arrangement, agreement or reconstruction, the Treasurer must take the national interest into account.

(3B) The Treasurer must cause copies of any submissions received under subsection (2A) in relation to the proposal to be laid before each House of the Parliament within 5 sitting days of that House after making a decision whether to consent to an arrangement, agreement or reconstruction.

amendment made by the house of representatives in place of senate amendment no. 3

Schedule 1, page 6 (after line 3), after item 16A insert:

16B After subsection 63(3)

Insert:

“(3A) In making a decision whether to consent to an arrangement, agreement or reconstruction, the Treasurer must take the national interest into account.”

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts) (4.09 p.m.)—I move:

That the committee does not insist on amendments Nos 1 to 4 to which the House of Representatives has disagreed, insists on amendments Nos 5, 6, 8 and 9 and agrees to the amendment made by the House of Representatives in place of amendment No. 3.

We have had an informed debate on this bill recently. The positions of the parties are well known. The government are keen to see the financial sector legislation put in place. We have agreed to what we regarded as undesirable amendments for the reasons I have already stated in the previous debate, and I will not restate those. I just say that the government’s preferred position on penalties would have sent a very clear message to the industry. We believe that in this instance the government have made it very clear that we stand for a very strong consumer protection regime. We believe that in these circumstances these amendments will reduce the very clear message the government are trying to send to people for not complying strictly with the legislation. That is undesirable, but we regard this legislation as an improvement on the status quo. The government do agree that a Senate committee should consider the operation of the strict liability offences which are introduced by this bill so there is some formal consideration of them by the Senate. I make a clear commitment here that the government will facilitate such a consideration by the relevant Senate committee of the strict liability offences. I therefore recommend that the committee support my motion.

Senator CONROY (Victoria) (4.11 p.m.)—I would like to thank all of those who have been involved in the discussions—the minister’s office, the parliamentary secretary, the Democrats and their officers—for their assistance. While we are disappointed that not all of our amendments will go forward, we believe it is a reasonable package, and the bill overall has our support—although it could be improved, it is not worth while blocking it. The government have unfortunately not taken up all of our amendments on the fit and proper test, which we were very committed to, but we know there was good debate in this chamber and we welcomed that debate. We have received a letter which has been read in the other place. We are happy with the commitment that the minister and APRA are working to resolve the differences that have existed on that. We look forward to seeing that legislation in the first half of next year. So we do not insist that this be proceeded with, as indicated in the parliamentary secretary’s motion.

On the national interest test, I would like to say a few words. The Democrats moved an amendment to FSLAB (No. 1) which had two parts: the introduction of a national interest test into the Banking Act 1959, and the introduction of consultation procedures for mergers. The government have accepted the national interest test amendment in the House of Representatives but rejected the consultation amendment. The amendment would have introduced a national interest test into the Banking Act. There is still need for debate on what should constitute a national interest test. There was broad agreement
from trade unions and consumers at the inquiry into this bill that there is a need for public debate on how a national interest test should be defined.

Labor members are of the view that the Treasurer should immediately establish a forum to bring consumer groups, trade unions, pensioner groups and other stakeholders together with banking industry representatives to discuss the issues that the Treasurer could consider when consenting to a merger of an ADI. Labor understands that the government have concerns with regard to the proposed consultation procedures, and the Democrat amendment establishes that, when considering an application to approve a merger of an ADI, the Treasurer must first call for written public submissions and allow a reasonable period for submissions to be made. Labor understands that the government are concerned that the consultation process where two ADIs propose to merge may result in a run on a weaker, more vulnerable ADI. Labor concedes that there can at times be a conflict between the desire to consult and the desire to ensure prudential soundness. While we concede this, we do not think this means that the issue of consultation should be ignored.

It is clear that there is a need for improved consultation processes when the Treasurer agrees to the merger of an ADI. There is a need for the Treasurer to consider the views of community groups, consumer groups and trade unions when consenting to the merger of an ADI, particularly when the merger involves one of the major four banks. Having rejected the Democrat amendment for prudential reasons, it is now up to the government to come up with an alternative consultative arrangement that both meets the needs of the community and satisfies prudential considerations. It is not good enough just to say, ‘No, we are not interested.’ But we accept there is goodwill from the government on this, and we understand that there will be some work done on that.

Senator Ian Campbell—Mr Costello will always consult with the trade unions on these things.

Senator CONROY—We know he is famous for his moderate views on the trade unions, Senator Campbell. He has often consulted them—usually through a closed door. We would hope that the Treasurer is a little more prepared than normal to do that, in his new spirit of engaging the community. In his new wanderings around the bush I am sure he bumped into a few trade unionists and a few rural constituents who were concerned about banks and bank mergers. I am sure that if he talked to them he would have found that there is concern in this area. We are encouraged that the government is prepared to consider this.

We have agreed that we would support the Senate committee review into the operation of strict fault liability and we welcome the government accepting the amendments supported by us and the Democrats. We are not as concerned as the government that this is sending the wrong message. As Senator Campbell has said, this represents an improved position, a stronger position. But we accept, as always, the need for consultation, so we welcome the Senate committee review. On the RBA amendment, which was defeated in the House of Representatives, as Senator Campbell has indicated, we are not insisting on that amendment. I thank all those who have been involved. We will be supporting the government’s motion.

Senator RIDGEWAY (New South Wales) (4.17 p.m.)—I do not want to delay the passage of the bill but I want to make a few comments on each of the amendments to which the House of Representatives has disagreed. Amendment No. 1 is the Australian Democrats amendment which would require the minister to report on the operation of the strict liability regime which is introduced by the bill. The government’s answer to the amendment is that the annual report of relevant agencies will include comments about the use of strict penalties. The government’s answer to the amendment is that the annual report of relevant agencies will include comments about the use of strict penalties. The Democrats do not feel that that process goes far enough. Senator Allison during her speech on the second reading gave all the details on why. The Democrats are concerned about the increasing prevalence of the
use of strict penalties. The record needs to show that the concern we have is that we want to ensure that the rights of individuals are not being diminished for the sake of administrative ease, and that is what that amendment was all about. It is not about superannuation and it is not about causing any unnecessary expenditure by the government; it is simply about examining the impact of a strict liability regime on the rights of the Australian public. We do not think that the amendment imposes an onerous or necessarily even an expensive burden on the government.

Moving to amendment No. 2—I will return to amendment No. 1—I understand from Senator Conroy that the government and the Labor Party have reached agreement on the introduction of a fit and proper test at some stage in the first half of next year. From the Democrat perspective, we are pleased with that and happy not to insist on amendment No. 2. I also understand that the Labor Party have conceded that they will not insist on amendment No. 4. I have my own suspicions that the amendment was probably an ambit claim on the part of the ALP, but the government informed us that the amendment was a not negotiable amendment and that the bill would not have passed if the Senate insisted on it, so we understand that one.

Amendments Nos 5, 6 and 8 deal with the penalty regimes. I have already expressed the Democrats’ overriding concern about strict liability offences. With that in mind, we prefer to adopt a cautious approach to the use of that type of offence. I will not go into the technical details, but essentially we will not be insisting on those.

The last amendment to which the House has disagreed is amendment No. 9. The Democrats can see the concern of the government on that particular amendment by leaving the penalty for failure to provide statistical information. We think that it is essentially based on a fault which will largely remove the ability of the regulator to enforce the provision because the proving of a fault itself is so difficult. I want to make it clear that the Democrats have offered a compromise position on this amendment: that the offence be made into a two-tier offence in precisely the same way as under amendments Nos 5, 6 and 8. That would have resulted in there being a penalty of 50 units if fault could be proved. I outlined that in an exchange of letters with the Minister for Financial Services and Regulation earlier this week.

The House of Representatives also disagreed to amendment No. 3, an amendment moved by me. That amendment would have required two things. First, it mandated that the Treasurer take into account the national interest when deciding whether to consent to an ADI entering into an arrangement or agreement that affected a reconstruction. Second, it would have required the Treasurer to call for public submissions and give a reasonable period for the making of those submissions. The House has seen fit to substitute for the Democrat amendment an amendment effectively accepting the requirement to consider the national interest but rejecting the requirement to call for public submissions. I will not go into the details, but I am informed that the ALP have agreed that the Democrat amendment will not be insisted on. I have to say I am a little disappointed with that. It appears that this is truly a case of a policy measure that was loudly called for by the Australian Consumers Association and the Finance Sector Union during the committee hearings, and I do not think it is sufficient that it simply be thrown out because of a small number of complications that could arise rather than just modifying the provision to take into account those complications.

So we feel pretty strongly about that particular amendment, because we think the public should be entitled to at least have their views about bank mergers and acquisitions sought and considered and that that should be legislated as a legislative entitlement. We acknowledge of course the shortcomings of the amendment in its current form and for that reason we will not pursue a division on the question of agreeing to the amendment made by the House of Representatives in place of the amendment put forward by the Senate. However, we understand that there will be a further financial sector legislation amendment bill, to be produced in the first
half of next year, and we will vigorously pursue the amendment there when that bill is presented. In conclusion, I want to request that the question before the chamber be divided in respect of amendment (1) because the Democrats will be seeking a division on that amendment.

The CHAIRMAN—The question is that the Senate not insist on amendment (1) to which the House of Representatives has disagreed.

Question resolved in the affirmative.

The CHAIRMAN—The question is that the Senate not insist on amendments (2), (3) and (4), insists on amendments (5), (6), (8) and (9), and agrees to the amendment made by the House in place of amendment (3).

Question resolved in the affirmative.

Resolution reported; report adopted.

PRIVACY AMENDMENT (PRIVATE SECTOR) BILL 2000

In Committee

Consideration resumed.

Senator LUNDY (Australian Capital Territory) (4.25 p.m.)—I will take this opportunity to finalise the comments which I began to make in my contribution to the second reading debate on this bill. When time ran out yesterday I was referring directly to a report by the Senate Select Committee on Information Technologies entitled Cookie Monsters? Privacy in the information society. Its reference was the profound impact that technologies like the Internet and very powerful data warehouses and data mining software have had on the protection of privacy of citizens and consumers in the information age. I got up to recommendation (3) so I will continue now with recommendation (4) in referencing them. Recommendation (4) of this committee is

The Committee recommends that information collected through the use of new technologies such as cookies and web bugs, which may indirectly identify consumers, be regulated by the Privacy Act 1988. In order to ensure this outcome, the Attorney-General could amend the definition of ‘personal information’ in the Privacy Act 1988 or, alternatively, the Federal Privacy Commissioner could issue guidelines to specify that the information is ‘personal information’ for the purposes of the Privacy Act 1988.

The report goes on to extrapolate quite specifically on that issue. It is certainly a worthy issue because for the first time technologies like the Internet introduce new ways in which people’s privacy can in fact be invaded.

Recommendation (5) is:

The Committee recommends that the Attorney-General report on whether the privacy regime established by the Privacy Amendment (Private Sector) Bill 2000 will be approved by the European Commission. If, in its current version, the Bill would fail to meet the Commission’s standards, the Attorney-General should table in the Parliament a report outlining the necessary changes so that approval could be secured.

I know my colleagues have already mentioned this issue. It is an incredibly sensitive one and I have followed with some interest the debate that has occurred between both the US and the European Union, culminating in the safe harbour agreement. Despite a bit of a shadow still being cast over the final fate of that agreement, there is no doubt that, in the midst of that particular raging debate, Australia has a critical role to play in how it affects trade relations with Australia and the European Union but also through the influence Australia can have on that international debate as it is occurring between those two major trading partners.

Where Australia falls down on this issue of privacy, across the whole spectrum of issues that have been raised throughout this debate, is being perused with a great deal of interest by other international participants in the debate. I like to think that Australia can lead by example in presenting a genuinely firm and fair coregulatory regime that upgrades the standards of privacy in line with the principles of the human rights of citizens and indeed the rights of consumers. I am sure my Senate colleagues will be familiar with this as a great strength of the European Union.

I come to the next recommendation of this report:

Recommendation 6

The Committee recommends that the exemption for small business in the Privacy Amendment
(Private Sector) Bill 2000 be amended so that small businesses that accept payment for goods and services over the Internet are excluded from the small business exemption.

This is a drilled-down amendment to an issue that Labor has given very strong expression to its concerns about. Looking specifically at the Internet, there is an opportunity for companies, large and small, to participate in electronic commerce. This is an area where Australia really prides itself on being a leader. We hear a lot of rhetoric from coalition ministers about Australia’s strengths in this area. The statistics do not quite follow that up, but there is no doubt that we should, as a parliament, take every opportunity to strengthen the privacy regime so that consumers can feel confident in using the Internet. This recommendation is really designed to establish some best practice processes that show clear leadership to small businesses, either existing businesses that are contemplating an online presence for sales or services or new start-up businesses that see themselves as operating primarily through the Internet to build their relationships with the consumers of their particular product or service. This is quite a specifically targeted recommendation, designed to create an environment where Australia can become an exemplar of security and privacy of the information that passes through the e-commerce environment.

Another thing that is worth mentioning is the digital divide. We often talk about the digital divide, the gap between the information haves and have-nots—most commonly described as those who have Internet connections and those who do not. But a significant factor to this digital divide, beyond socioeconomic factors and how wealthy you are, is concern about privacy and security. Recommendations about this—and certainly the amendments moved by Labor—go straight to the heart of trying to deal with some of these issues of security and privacy on the Internet to try to encourage the breaking down of the digital divide and to allow more people to participate with confidence in electronic commerce and all that the Internet has to offer.

The report continues:

**Recommendation 7**

The Committee recommends that the Federal Privacy Commissioner be given the power to conduct random privacy audits of private sector organisations that are subject to the National Privacy Principles, in order to monitor their compliance with the Principles.

This is a strong recommendation, and it is really motivated by a general concern about the lack of powers of the Privacy Commissioner—again, this is something my colleagues have addressed specifically. What is a genuine coregulatory regime without strong sanctions and strong powers for those who are put in place within the administration to enforce the laws that we are contemplating in this place today? The issue of the powers of the Privacy Commissioner is absolutely critical to the successful operation of the bill, of enforcement and indeed of the promotion and education of anyone who is caught within the application of the bill.

This power to conduct random privacy audits is quite a crucial one. It recognises that there are resource constraints on the Privacy Commissioner, because it is not suggesting that there is a resource there for a privacy audit to be conducted on every private sector organisation in the country. This power would give the Privacy Commissioner the capacity to take the initiative and conduct these audits perhaps in response to complaints and perhaps solely as a decision of the Privacy Commissioner, as a worthy endeavour to educate both the private sector company involved, the industry sector and, most importantly, the citizens as consumers.

All of these recommendations arise from a lengthy report resulting from a number of public hearings held in Canberra, Melbourne and Sydney. As I said, the inquiry was not held in direct reference to the privacy bill, but the timing has allowed these issues to be addressed and contemplated and the report to be presented in November this year.

I would like to touch upon a couple of other issues raised by several leading academic and industry contributors to this debate. These include some of the underlying philosophies or approaches in this bill which I would like to flag as potential areas where we may need to strengthen this legislation in
the future. The first relates to the national privacy principles and how they relate back to the OECD guidelines, which were established back in the 1970s. The privacy principles that we have adopted relate back to them. Three contributors to the inquiry—Mr Timothy Dixon from the Australian Privacy Charter Council; Dr Roger Clarke, the Principal of Xamax Consultancy; and Mr John Gaudin, a research officer with the New South Wales Privacy Committee—all addressed the issue of the relevancy of the OECD principles and how they relate to what we are experiencing in the information age. I would like to read quotes from the report that have been drawn from each of those witnesses because I think they can give it better expression than I could do in paraphrasing them. The report says:

Mr Timothy Dixon, Secretary, Australian Privacy Charter Council, stated that although it is a strong point of the NPPs that they are general and technology-neutral, their datedness poses problems in the light of new technologies and their impact on privacy:

That is the strength of the proposal that is before parliament at the moment. It is a set of general principles. They are really 20-year-old principles, the old OECD 1980 data protection guidelines, but they do provide a good starting point. Most issues that you come across can be addressed through those general principles. However, because you have new services and things being developed that we have not anticipated in the past, the detail of how those principles apply will need to be worked through in more detail. That is why we make the suggestion in the submission that the Privacy Commissioner could take the role of preparing a code of conduct applying to online transactions.

Dr Roger Clarke, Principal, Xamax Consultancy, argued that the OECD principles have been superseded by new technologies, and that there is an urgent need for an update:

It is commonly assumed that the OECD guidelines are the standard to which laws aspire. I need to draw attention to the fact that the OECD guidelines were codified around 1980, but what they codified were laws that had been passed in the period 1970-75, and those laws had been addressed at information technology of the late 1960s. To the extent that a new piece of legislation right now fulfilled the needs or aspirations of the OECD guidelines, we would be 30 years, or a little more, behind. The OECD guidelines, which implement so-called ‘fair information practices’, as it is usually called, are a completely inadequate approach at the turn of the 21st century. Nonetheless, we are still behind, specifically in the private sector, and in most public sectors in the Australian states and territories, and we badly need to catch up to 1970 to start with.

The report goes on. I will briefly quote Mr Gaudin:

I do believe that the OECD principles are a product of their time and reflect assumptions about the future development of information technology which we can now see to be limited. I also believe that the ideal of technological neutrality can be taken only so far, so as to encompass a variety of technical applications while orienting itself more specifically to the overall framework in which these can be delivered. It is still valid to promote guidelines which are not specific to particular technologies but which adapt to the social and technical environment produced by an accumulation of technical changes.

It is important to have made those points quoting directly from those who provided evidence. I acknowledge the significant contribution of those and many others who provided evidence to the committee. It really goes to the heart of some of the underlying flaws which may in fact emerge from this legislation over time—that is, if they are in fact a product of their time, in technological terms, back in the late 1960s and in the 1970s, then we have a long way to go before we grasp the fuller implications in terms of the law for privacy in the 21st century.

In closing, reiterate my earlier plea that privacy in the 21st century is not an issue about the relationship between consumer and corporation. That is part of the issue, but our laws should not be constrained by determining it on the basis of that relationship. The issue of privacy extends beyond that to between citizen and government and, indeed, way beyond that to the issue of being a human right in itself. All of these challenges require us to look specifically at the laws and make sure that we do not inadvertently place constraints around the application of privacy laws in Australia. This is an opportunity to take on the challenges of the social issues arising from the information age, from an era
where the Internet is providing an incredible array of both opportunities for and indeed threats to how people manage their personal identity at a time when that is more often than not likely to become a digital thing.

(Time expired)

Senator BOLKUS (South Australia) (4.41 p.m.)—by leave—I move opposition amendments (1), (2), (6), (7) and (29):

(1) Clause 2, page 1 (lines 17 to 22), omit sub-clause (1), substitute:

Subject to this section, this Act commences on 1 July 2001.

(2) Clause 3, page 2 (after line 20), at the end of paragraph (b), add:

; and (iv) provides individuals with mechanisms by which they can obtain appropriate redress for interferences with privacy; and

(v) provides the Privacy Commissioner with the means to monitor and prevent the systematic abuse of privacy by organisations.

(6) Schedule 1, page 9 (after line 15), after item 22, insert:

22AA Subsection 6(1) (definition of personal information)

Repeal the definition of personal information, substitute:

personal information means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual:

(a) whose identity is apparent from the information or opinion; or

(b) who can be identified, directly or indirectly, by reference to the information or opinion.

(7) Schedule 1, page 11 (after line 29), after item 33, insert:

33A Subsection 6(1)

Insert:

tenancy information means information or an opinion about an individual collected in connection with the provision of residential accommodation to the individual that is also personal information.

(29) Schedule 1, item 139, page 80 (after line 29) at the end of the item, add:

11 Special protection for children

11.1 An organisation which:

(a) operates a commercial service which is directed at children; or

(b) operates a commercial service directed at a general audience but for which there is a reasonable expectation that personal information will be collected from children must:

(c) provide parents with notice of the information collection practices of the organisation;

(d) obtain parental consent before collecting, using or disclosing personal information about a child, which consent may be revoked by a parent at any time;

(e) obtain new consent from parents when the information collection practices of the organisation change in a material way;

(f) allow parents to access and correct personal information collected from their children;

(g) delete information collected from children at the request of parents;

(h) not require a child to provide more information than is reasonably necessary to participate in the service offered by the organisation; and

(i) ensure that personal information collected from children is maintained with confidentiality, security and integrity.

11.2 In this clause:

child means a person aged 13 or under.

The thrust of these amendments is primarily to ensure some applicability of the legislation earlier than that anticipated in the government’s legislation. Essentially, the government says that the legislation will take effect from either 1 July 2001 or one year after the passage of the legislation. We believe that the earlier date, 1 July 2001, is preferable and we believe that the community have had enough time to make an assessment of this legislation and what would be required under it. Also, they have had time to look at the amendments that have been floated. We think it has taken too long for the government to come up with the leg-
islation in the first place and, as a consequence, amendment (1) brings the regime into effect from 1 July 2001.

Amendment (2) includes, as additional objectives, providing individuals with mechanisms by which they can obtain appropriate redress for interferences with privacy. We think the government’s legislation fails in terms of providing such appropriate redress mechanisms. It also provides the Privacy Commissioner with the means to monitor and prevent the systematic abuse of privacy by organisations. We think that is extremely important and we recommend that to the Senate.

Amendment (6) modifies the definition of personal information. Currently, there is doubt as to the definition and whether the definition of personal information would include information on individuals which might be revealed by cookies or web bugs, which are being used increasingly by companies doing business on the Internet to reveal their customer spending habits, to build up profits for marketing and other services. As I said in the debate yesterday, all sorts of organisations are insisting on the use of cookies and web bugs. The key to this amendment is to ensure that personal information would include information about an individual who can be indirectly identified by reference to information ascertained from an examination of those cookies or web bugs. We believe the current definition, proposed in the legislation by the government, was conceived in an age when technology did not permit this kind of information to be stored, developed and exploited. Our new definition draws on the European definition which, although still technology neutral, is, we believe, more technology savvy.

Amendment (7) goes to another perennial issue which arises when issues of privacy and data collection are addressed—that is, the question of tenants and tenancy. Opposition amendment (7) inserts a definition of ‘tenancy information’. Tenancy databases have aroused a considerable degree of community concern and we believe they should be addressed specifically in this legislation. We hold the view that, because information on those databases, where incorrect, has the capacity to seriously harm an individual’s capacity to access one of the most basic human needs—housing—they should be addressed seriously.

This issue is always around. With the previous legislation in 1997-98 in respect to the private sector databases, one of the issues that caused the government enormous difficulty at the time was how to handle tenancy information. We came down then on the side of the rights of tenants to be protected and to ensure that they were not unfairly denied access to housing. We think this legislation fails in that respect and, as a consequence, we are moving amendment No. 7.

Finally, the bill contains no special treatment in respect to information collected from children—another issue of major concern and one which will be of ever increasing concern unless we address it now. Research by the US Federal Trade Commission revealed that some 89 per cent of 212 commercial children’s web sites collected personal information from children but only 24 per cent posted privacy policies and only one per cent required parental consent for the collection or disclosure of that information. We have here, in a sense, technological child abuse: using kids and their access to technology as a means by which the companies can actually access and collate the personal information not just of the children, in most circumstances, but also of their parents. Something needs to be done to put parents back in charge of their children’s personal information. Opposition amendment No. 29 will give families the tools to control who collects personal information from their kids, to dictate how that information is used and—most importantly—to determine whether it is shared with third parties. I recommend these amendments to the Senate.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (4.46 p.m.)—I indicated yesterday in my second reading debate remarks that the Democrats strongly supported the intention of amendment No. 29 in relation to protections for children. We also place on record our support for the commencement date—that is, the Labor amendment that brings forward the implementation of this
legislation. As indicated yesterday by the Democrats and the opposition, this debate has been on and off since 1996. We believe it is time to ensure that the legislation is passed and implemented, sooner rather than later. I am conscious, however, of the fact that some businesses have indicated concerns regarding the implementation of the legislation but, on balance, we believe it is possible and feasible for the legislation to be up and running from that new commencement date.

In relation to the definition of ‘personal information’, including the redefinition of ‘personal information’ to include information collected in relation to the Internet, so ensuring that web bugs and cookies are covered by the bill, that is certainly a savvy technology update with which the Democrats concur. All of these amendments the Democrats will be supporting.

Senator VANSTONE (South Australia—Minister for Justice and Customs) (4.48 p.m.)—The government will not be supporting these amendments, and the reasons for that have been outlined primarily and fairly clearly in the other place. The 12-month lead time is required for business to get ready for the operation of the legislation. We believe the second amendment is simply unnecessary. We have dealt with arguments in relation to the definition of ‘personal information’. It is currently contained in the Privacy Act and it has worked well for 12 years—it is just fundamental.

As to opposition amendment No. 7 in relation to the definition of ‘tenancy information’, the bill does provide the Attorney with the power to proscribe particular acts or practices of small businesses that should be brought within the ambit of the bill. We believe that is the appropriate mechanism to be used to address the issue of tenancy databases in the event that, after the bill comes into effect, there is evidence that such action is necessary.

Out of this collection of amendments being dealt with, the one that is tempting—because the issue obviously has merit—is the desire to protect the privacy of children. The government acknowledge that the notion of children’s privacy obviously has merit, but we believe that there has not been sufficient consultation to get this particular amendment right. If you believe something is important, it should be important enough to get it right in the first place.

Let me give one example: on a preliminary examination of the amendment, the government indicates that the proposed provisions might interact with state or territory legislation concerning children’s services—for example, legislation dealing with mandatory reporting of child abuse. There would need to be significant consultation with other governments to consider the extent and effect of such interaction before the government could accept the amendment. Clearly, we could not accept it at the moment. But, subject to the necessary consultation occurring, this could be looked at next year. That has merit; we just do not think it is ready yet.

Amendments agreed to.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (4.50 p.m.)—by leave—I move Democrat amendments Nos 1 to 4 together:

1. Schedule 1, page 6 (after line 5), after item 11, insert:

   11A Subsection 6(1)
   Insert:
   DNA sample includes:
   (a) a human tissue sample from which DNA is intended to be extracted; or
   (b) DNA extracted from such a tissue sample and other molecules (such as ribonucleic acids and polypeptides) from which DNA may be derived; but does not include a tissue sample that is taken:
   (c) as a biopsy or an autopsy specimen, or as a clinical specimen solely for the purpose of conducting an immediate clinical or diagnostic test that is not a DNA test; or
   (d) as a blood sample solely for the purpose of storage and distribution by a blood bank.

2. Schedule 1, page 7 (after line 22), after item 13, insert:

   13A Subsection 6(1)
   Insert:
family member, in relation to a person, means another person who is related by blood to that person.

(3) Schedule 1, page 7 (after line 25), after item 14, insert:

14A Subsection 6(1)

Insert:

genetic information, in relation to a person or a family member of that person, means:

(a) information from a DNA sample about genotype; or
(b) information from mutation analysis; or
(c) information about nucleotide and polypeptide sequences; or
(d) information about genes or gene products.

(4) Schedule 1, item 16, page 8 (line 13), at the end of the definition of health information, add:

; and, except where the contrary intention appears, includes genetic information.

The amendments that I am moving on behalf of the Democrats seek to implement a guarantee of privacy protection for Australians' genetic information. Again, I referred to this issue in my second reading debate contribution. In fact, I have probably said a lot on this issue over the past few years, but I see today as a unique opportunity for us to give, in the context of this legislation, some guarantee to Australians that their genetic information is safe. This debate—a bit like the extension of privacy laws to the private sector—is long overdue. We have long recognised the need for special protection for this unique and sensitive personal information.

We acknowledge that genetic information is different from other types of health information. Unlike other health information, it has much wider implications. It is not just a matter of someone knowing your medical history—for example, your psychiatric history; although that is concerning enough. Genetic information has implications for biological family members—for example, your children, nieces and nephews, grandparents, brothers, sisters, parents, et cetera. It affects everyone who is biologically related to you, your future health and the health of your children. It has all those implications. If someone such as a health insurance company or an employer has access to your genetic information, they can now in many cases predict—and certainly in the future they will increasingly be able to predict—possible future health problems that may arise, or draw conclusions about you. They could draw conclusions about your particular suitability for a job, for example.

Our first amendment provides a definition of a DNA sample. The second amendment relates to the definition of family member—obviously, making that key connection in relation to biology and a biological relative. Someone who is related to you by blood is the relevant definition in this context. The third amendment relates to the definition of genetic information and the final amendment adds genetic information to the definition of health information. I cannot emphasise enough that, as most witnesses before the Senate inquiry into this legislation attested, there is a difference between that sensitive and unique genetic information of an individual and other types of more general health information pertaining to an individual.

Certainly the Democrats have been keen to see this debate gain momentum—not necessarily along the lines that we have seen this year. Certainly we welcome the inquiry announced by the Attorney-General, and I acknowledge his role in that process. But I guess of more concern is the fact that we now have documented case studies specifically in relation to discrimination on the basis of people's genetic information. Obviously, those issues of genetic privacy and discrimination are inextricably linked. What the Democrats are seeking today is a first step in what should be a comprehensive legislative debate on this issue. We are urging the chamber to adopt these amendments. I hope the government will support these amendments. In the last couple of months I think there has been a willingness on the part of the government to examine this issue in some detail and to make recommendations for changes to the law. Hopefully, one day we will have a specific piece of legislation that deals with genetic information both in terms of privacy and discrimination specifi-
But at the moment this should be part of a comprehensive, national and enforceable privacy regime. I hope we can do that today. It will represent the first comprehensive step towards ensuring Australians’ genetic information is protected.

**Senator BOLKUS** (South Australia) (4.54 p.m.)—The opposition supports generally the spirit of the Democrat amendments, amendments which, as Senator Stott-Despoja spelt out, seek to ensure that genetic information is dealt with from a privacy perspective with the same rigour as medical and health information. On a number of occasions we have raised concerns about the government’s lack of action in ensuring that the legislative changes addressing the ethical and legal aspects of gene technology keep up with the rapid rate of scientific advances. When the issue of genetic testing and life insurance was raised in August this year, the government did what it always does—it announced an inquiry into the area by the Australian Health Ethics Committee and the Australian Law Reform Commission. The Attorney-General always seems to seek inquiries whenever an issue comes up. He is never ready to take any action even though the issue has been around for quite a long time.

Not only that; three months have passed since the announcement and yet we have not seen the terms of reference for this inquiry. The government obviously does not see this as an important issue. While we support the spirit of the Democrat amendments, we believe there has not been sufficient time to allow for close consideration of the wording. We are talking here about a complex area. We believe that protecting the privacy of individuals is paramount, but we do have concerns that there may be some poorly drafted amendments here and as a consequence there might be some unintentional effects. At this stage we will support the amendments, but we do so on the basis that between now and when the debate returns to the Senate, as it obviously will, we will work closely with the Democrats—and, hopefully, the government as well—to ensure that the amendments that are finally passed clearly achieve the aim of privacy protection without placing undue or unnecessary constraints on the research and development community. So we are supporting the amendments at this stage and giving notice that we are prepared to work closely to ensure that no unintentional consequences survive at the end of the process.

**Senator VANSTONE** (South Australia—Minister for Justice and Customs) (4.56 p.m.)—The government does not support the Democrat amendments. Senator Bolkus is disparaging of the Attorney-General’s inquiry, I think unfairly.

Senator Bolkus interjecting—

**Senator VANSTONE**—Senator, you are the one who indicated to me that you wanted to do this quickly. You have had your chance to have your say. If you want to speak again, you are welcome to, but I just ask you to extend the same courtesy to me that I extended to you. We believe that, until we have the benefit of the results of the inquiry, it would be premature to accept the amendments.

**Senator BOLKUS** (South Australia) (4.57 p.m.)—We do not find that answer good enough. As I said, the Attorney-General has taken three months to settle on and circulate the terms of reference. He will be on the Federal Court before the terms of reference are actually made available. We just do not think that that is the way to run government.

**Senator STOTT DESPOJA** (South Australia—Deputy Leader of the Australian Democrats) (4.58 p.m.)—I thank the ALP for their support and the minister for that brief explanation. I too am not only curious to see the terms of reference for the inquiry but await anxiously the outcome of that inquiry with interest. Senator Bolkus, I am more than happy to consider any amendments or changes to the definitions. These definitions have been around since March 1988. A lot of these definitions and the issue of family members et cetera were canvassed in my private member’s bill, the Genetic Privacy and Non-discrimination Bill 1998, which went through a Senate Legal and Constitutional Committee inquiry. One area that did not receive great criticism is the definitions. These definitions have been looked at by legislators and community groups and the
definitions have been looked at by some of the best geneticists and researchers in Australia. If there is work required by either the government or other parties, I am more than happy to consider those changes. But I would be very surprised if you could find a better definition of DNA in relation to genetics anywhere else, because these have been worked on for a number of years.

So I look forward to the terms of reference for that inquiry and the outcome, but do not see that these amendments today preclude further discussion or legislative change on these issues in the future. It would be a great sign for Australians if we were to say today, ‘We do care about protecting your genetic privacy. Even if this is considered an interim measure, then let’s do it, because it is high time.’ The last couple of months have indicated that it is an issue of concern for Australians. I thank the ALP for their support. I think this is a great opportunity today. I am sorry the government has not taken advantage of it.

Amendments agreed to.

Senator BOLKUS (South Australia) (5.00 p.m.)—by leave—I move:

(3) Schedule 1, item 12, page 6 (lines 6 to 26), omit the item, substitute:

12 Subsection 6(1)
Insert:

employee record, in relation to an employee, means a record of personal information relating to the employment of the employee other than an exempt employee record. Examples of personal information relating to the employment of the employee are health information about the employee and personal information about all or any of the following:

(a) the terms and conditions of employment of the employee;
(b) the employee’s personal and emergency contact details;
(c) the employee’s salary or wages;
(d) the employee’s membership of a professional or trade association;
(e) the employee’s trade union membership;

(f) the employee’s recreation, long service, sick, personal, maternity, paternity or other leave;
(g) the employee’s taxation, banking or superannuation affairs.

(4) Schedule 1, page 7 (after line 22), after item 13, insert:

13A Subsection 6(1)
Insert:

exempt employee record, in relation to an employee, means a record of personal information relating to the employment of the employee and relating to all or any of the following:

(a) the engagement, training, disciplining or resignation of the employee;
(b) the termination of the employment of the employee; or
(c) the employee’s performance or conduct.

(14) Schedule 1, item 42, page 24 (line 30), omit “Employee records”, substitute “Exempt employee records”.

(15) Schedule 1, item 42, page 25 (line 3), omit “employee record”, substitute “exempt employee record”.

These amendments implement the unanimous recommendations of the House of Representatives Legal and Constitutional Affairs References Committee—recommendations which, once again, were rejected by the government. We are referring to employee records, as currently defined in the bill. As the bill proposes, such records will be exempt from the protection of the national privacy principles.

The committee recommended that the definition of ’employee record’ be amended and a new definition of ’exempt employee record’ be inserted. These amendments will give employee records the protection of the NPPs but will leave exempt employee records outside the scheme or the act. An exempt employee record in relation to an employee means a record of personal information relating to the employment of the employee in:

(a) the engagement, training, disciplining or resignation of the employee;
(b) the termination of the employment of the employee; or
(c) the employee’s performance or conduct.
We accept that it would be preferable not to extend the full protection of the privacy principles to these special records of the employer, so we are trying to strike a balance. In doing so, we accept the unanimous recommendations of Senator Vanstone’s colleagues and mine on the House of Representatives committee. I commend these amendments to the Senate.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (5.01 p.m.)—The Democrats will support these key amendments for the reasons outlined in our contribution to at least one committee inquiry, and certainly we are conscious of the recommendations made by the House of Representatives inquiry. We support the new definition of employee record so certain records are subject to the protections of the NPPs. I do have an amendment that is designed to insert genetic information as part of the ALP amendment No. 3. Perhaps the minister could elaborate on the announcement made by the Attorney-General and the Minister for Employment, Workplace Relations and Small Business yesterday. I am wondering what the government intends to achieve as a consequence of that particular review.

I note that, as part of the press statement, there was criticism of the opposition’s amendments on the grounds that they would be too restrictive—that there should be a broader exemption. I wonder what rationale or employer records they were referring to. Basically, the exemption is for the employer records that are considered outside the scheme—those records pertaining to the engagement, training, disciplining, resignation and termination of the employment of the employee, and the employee’s performance or conduct. I wonder why the government still believes that there should be a broader exemption than that.

Senator VANSTONE (South Australia—Minister for Justice and Customs) (5.03 p.m.)—By dint of repetition, I understand that you are just wondering about a couple of these things. I think the press release you refer to has to speak for itself. If those ministers have anything further to add, I am sure they will. I can only refer you to that. The government do not support these amendments. The amendments will change the structure of the employee records exemption and narrow it. The government do not consider it necessary or appropriate to impose additional administrative and financial burdens on Australian employers without giving proper consideration to the need for any such controls, and that is why the government has announced the review that you refer to. We oppose the amendments. I do not have anything further to add to the press release.

The TEMPORARY CHAIRMAN (Senator Chapman)—The question is that the amendments moved by Senator Bolkus be agreed to.

Amendment (by Senator Stott Despoja) agreed to:

(1) Definition of employee record, after “health information about the employee”, insert “(including genetic information or information about DNA samples)”.

Amendments, as amended, agreed to.

Senator BOLKUS (South Australia) (5.04 p.m.)—I move:

(5) Schedule 1, page 8 (after line 26), after item 17, insert:

17A Subsection 6(1)

Insert:

journalism means the practice of collecting, preparing for dissemination or disseminating the following material for the purpose of making it available to the public:

(a) material having the character of news, current affairs or a documentary;

(b) material consisting of commentary or opinion on, or analysis of, news, current affairs or a documentary.

In the House of Representatives, the government passed an amendment to delete the definition of journalism from the bill. In our view, that is unsatisfactory. We believe that reverting to a plain English definition of journalism will create great uncertainty as to which acts are covered and which acts are not. Our preference is to retain the previous definition of journalism but to confine it to a
more narrow base than the definition which appears in the current bill.

By omitting the reference to the very broad concept of information as we propose, our amendment is narrower and more accurately reflects the common view of what journalism is. Our chief concern is that the previous definition was too broad, provided too great a scope for journalism exemption to be abused by unscrupulous operators—none of whom, of course, are in the press gallery—who should not rightfully obtain the benefit of the exemption. We believe that there should be a definition, but not as broad as the last one. Leaving it to the common usage of the term ‘journalism’ is also too fudgy and too wide. I commend this amendment to the Senate.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (5.06 p.m.)—While I understand what the Labor Party is aiming to achieve, I think the consequences of that amendment are not necessarily all good. We will not be supporting the amendment before the chair. We are certainly sympathetic to the claims that any narrowed definition of journalism is problematic. We believe that there are grounds for the inclusion of information in the opposition’s definition. I realise too that there are some media entities who have claimed that this constitutes an attack on the freedom of the press. I do not think that is the intention of the ALP amendment. I think it does reflect the concern that has been expressed by a number of organisations and groups that many of the original definitions have been too broad. While I understand those concerns, I do not think that the ALP amendment necessarily achieves the right aims. I think we will err on the side of caution—on the side of a broader definition in relation to the media—to ensure that new technologies and new types of media and journalism are not inhibited. Senator Bolkus, I am certainly aware of the irony of all that. Here we are defending greater freedoms for the media to attack people like us even more, but I do not believe the definition that would result as a consequence of your amendment is one that we necessarily want for a whole range of reasons.

Senator VANSTONE (South Australia—Minister for Justice and Customs) (5.07 p.m.)—I am pleased that the Democrats are not supporting this amendment. The government is concerned to ensure that the activities of bona fide media organisations and journalists in informing the public are not hampered. We believe that the word ‘journalism’ needed to be removed so that the commonly understood meaning of the term is relied on. If this amendment is passed, we believe it will have a significant impact on legitimate media activities. Fairfax Holdings, for example, has stated:
The amendment would define journalism so narrowly as to fail to cover most of the material we publish on any given day in the Sydney Morning Herald, the Age, and the Australian Financial Review. Enactment of such an amendment would greatly harm media throughout Australia, and we oppose the amendment.

Amendment not agreed to.

Senator BOLKUS (South Australia) (5.09 p.m.)—by leave—I move opposition amendments Nos 8 to 13:

(8) Schedule 1, item 36, page 14 (line 20), omit “In this Act”, substitute “Subject to subsections (1A) and (1B), in this Act”.

(9) Schedule 1, item 36, page 15 (after line 6), after subsection (1), insert:

(1A) Notwithstanding subsection (1), a small business operator is deemed to be an organisation with respect to its actions and practices in relation to:

(a) an employee record it holds; and

(b) tenancy information it holds.

(1B) Notwithstanding subsection (1), a small business operator is deemed to be an organisation if it accepts online payment for goods or services.

(10) Schedule 1, item 36, page 18 (lines 3 and 4), omit paragraph (c), substitute:

(c) discloses personal information about another individual to anyone else other than:

(i) with the consent of the other individual; or

(ii) as required or authorised by or under legislation.

(11) Schedule 1, item 36, page 18 (lines 23 to 29), omit subsection (7).
These amendments deal with the treatment of personal information held by small business. Amendments 8 and 9 implement, once again, the unanimous recommendations of the House of Representatives Legal and Constitutional Affairs Committee, which once again have been rejected by the government. The committee recommended that a new subclause be inserted in the Privacy Amendment (Private Sector) Bill 2000 to ensure that the small business exemption does not extend to acts or practices of a small business operator in relation to an employee record. It also recommended that the national privacy principles apply to tenancy databases from the date of the commencement of the bill and that the government ensure that the tenancy databases do not gain the benefit of the small business exemption. These amendments also address privacy concerns in relation to information collected through the use of Internet technologies. It is worth noting that, at the moment, only five per cent of Australian Internet users are prepared to buy goods and services online, and privacy fears are the greatest impediment to greater uptake of Internet technologies. Our amendments will ensure that people dealing with online operators can be confident that their privacy will be protected regardless of the size of the web site operator. The small business exemption could provide a backdoor way out for some operators.

Amendments 10 and 11 seek to ensure that the disclosure of information by a small business, except with the consent of the individual concerned, would bring a small business within the scope of the act. We think that privacy principle is important to apply here. Under Labor’s amendments it would be permissible for a small business to obtain and store the credit card details of a consumer without strict compliance to the NPP. However, the decision to pass on those details to another organisation without the consent of the individual would bring that business out of the exemption. I must also express concern at this particular point that consent in this situation where there is power and balance between business and consumer quite often can be a meaningless concept, but we think the amendment is an important direction to business to ensure that they play at least by the spirit, if not the letter, of the law. Under the current formulation, a small business will lose the benefit of the small business exemption only when it discloses information for benefit, service or advantage. Amendments 10 and 11 tighten this to ensure that any disclosure without consent, or otherwise not in accordance with the law, will bring the business outside the exemption.

Amendments 12 and 13—the last two in this batch—deal with the opt-in mechanism for small business. The bill includes an opt-in mechanism but also provides for an opt-out mechanism for those businesses that later choose to reassert their exempt status. These particular provisions have the capacity to make a mockery of the legislation. We believe they are unsatisfactory because they allow for businesses to opt out of coverage of the act when it no longer suits them to continue to protect the privacy of information which has been collected by those businesses under the opt-in provisions. Our amendments will see that small businesses cannot opt out of the act to make use of information that has been collected by those businesses under the opt-in provisions. Our amendments will ensure that small business has elected to be bound by the act, that choice will be irrevocable. We believe this will prevent the possible improper use of personal information. They are important amendments which tackle a clause in the government’s bill which could, in fact, provide for a situation which makes a mockery of the regime of protection. We commend these amendments to the Senate.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (5.13 p.m.)—The Australian Democrats will be supporting the Labor
amendments. We outlined in our committee report and in our second reading contribution that we are keen to tighten the provisions in relation to small business. We have expressed a number of times our concerns about the wide ranging nature of the exemptions that are available for small business. As Senator Bolkus has mentioned, these amendments are based on the House of Representatives recommendations, with which we agree. We also support references to information collected through the use of Internet technologies. Clearly, we have to address the concerns and, I think, increasing fears of consumers in relation to the protection of their online information and, indeed, transactions. We certainly support the provision of an opt-in mechanism for those businesses that wish to comply with the NPPs and the notion that they should maintain their involvement once they have chosen to comply with the privacy principles. Good privacy is good business, and I think you will find that a lot of small and larger businesses around Australia recognise that fact. We commend the opposition on these amendments and we will be supporting them.

Amendments agreed to.

The TEMPORARY CHAIRMAN (Senator Crowley)—I have listed Democrat amendments (5) and (6). It is recommended that we put (6) first. The question before the chair is that schedule 1, item 42 section 7(c) stand as printed.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (5.15 p.m.)—This is a key issue in this debate. In my party we all feel very strongly about this particular issue. It is one of the issues we identified as necessary early on when this legislation was first talked about. Since the legislation has been through the Senate committee for discussion and debate, it has become clear that there is no real justification for the exemption in relation to political parties.

The Australian Democrats strongly oppose this exemption. We believe that members of parliament should be subject to the same legal responsibilities as any other citizen, unless they have particularly compelling reasons of public policy that might apply. We have heard no compelling reasons either from the government or, indeed, through the Senate committee process as to why that exemption should apply. Obviously this legislation—once it becomes an act—is going to be subject to a review process. If we discover in the next two years or so that it is necessary for political parties to be exempt in some way, whether it is a qualified exemption or a broad-ranging exemption as currently proposed by the bill, that can be debated during that review process.

I asked a number of questions on this issue in the committee, and the committee certainly received many written and oral submissions supporting the point that political representatives should not be exempt, including indications from the office of the federal Privacy Commissioner, the Australian Privacy Charter Council, the Australian Consumers Association, the Australian Privacy Foundation, Privacy New South Wales, and the Communications Law Centre—some of the key, peak intellectual and consumer bodies dealing with the privacy debate, many of whom have been involved in the discussion of the NPPs for a number years. They have not only a thorough understanding of what is required in domestic law but also a comprehensive understanding of international law and various other treaties. I think their advice is well founded and that we should acknowledge that advice. The Privacy Commissioner stated to the committee:

... if we are to have a community that fully respects the principles of privacy in the political institutions that support them then these institutions themselves must adopt the principles and practices that they seek to require of others. I firmly believe that political organisations should follow the same practices and principles as required of the wider community.

I think that says it all. As legislators how can we expect the community, businesses et cetera to comply with the national privacy principles and the privacy legislation both in a public and privacy sector sense when we are not prepared to adhere to those very principles ourselves? While we accept the need for exemptions, I said very clearly in my second reading contribution that this is a human rights issue but that the right to privacy is not an absolute right. There are cases for ex-
emptions but you have to balance those cases, balance the need for those exemptions. In drafting this legislation, instead of targeting those particular issues that need resolution and then solving them, the government seems to have exempted many sectors of the community from the jurisdiction of this bill. That answer will not ensure that we have comprehensive national and enforceable privacy standards in Australia. The exemption of political parties will leave a bitter taste in the mouth of most Australians.

I think most Australians would find it not only incomprehensible as to why political parties or political organisations would be exempt from this legislation but also quite hypocritical, given that we are expecting them to adhere to this particular piece of legislation and to the national privacy principles. The Democrats have not seen a case made out by the government for this exemption, and I strongly urge the Labor Party to consider the amendment before it. On behalf of the Democrats, I strongly urge that the Labor Party consider removing this exemption to ensure that all political parties and organisations are responsible to the national privacy principles. We note, too—and this was evident through the committee process—that countries with comparable privacy laws such as the UK, Hong Kong, Canada and New Zealand do not have similar provisions. They do not have a similar exemption in their privacy laws. In light of this information and the concerns that we have identified through the committee stage, which are concerns that have been articulate presented by a number of community and other representative groups, the Democrats will not support this exemption. We hope that others in the chamber will support our amendment.

Senator BOLKUS (South Australia) (5.20 p.m.)—We believe that the government has struck the right balance with its legislation in respect to this particular provision. The bill does contain exceptions in relation to political activities. Registered political parties are fully exempt, as they are excluded from the definition of organisations in the bill. The bill also exempts from the coverage the acts and practices of members of parliament, their contractors and volunteers in connection with elections, referenda and participation in other aspects of the political process. We appreciate that a balance needs to be found between privacy and important public interest, including the proper functioning of our system of democracy. The exemption as it currently stands in the government’s proposal is a confined one. It is confined to an identified class of people participating in the political process. The High Court, for instance, has recognised as a fundamental right the freedom of political communication. I know that only too well because I was at the receiving end of that decision. It is acknowledged as one of the few rights acknowledged by the High Court as supported by our Constitution. We think that the current exemptions support that freedom, preserves the operation of the electoral and political process in Australia and, for that reason, we will not be supporting the Democrat amendment.

Senator VANSTONE (South Australia—Minister for Justice and Customs) (5.22 p.m.)—We are grateful that the opposition does not intend to support the Australian Democrat amendment. Privacy is not an absolute right, as I am sure Senator Stott Despoja understands. Not too long ago, men who beat their wives would claim that what happened in the home was private and not a matter for the law or anyone else. Fortunately, women have clearly established that the commission of a criminal act—such as beating up one’s partner—in the privacy of one’s own home offers no legal protection. That is one area where people used to try to claim privacy as protection, but society has agreed that privacy is not absolute—there is always a balance to be struck. Freedom of political communication is vital to any effective democracy. If we do not have a free flow of communication, democracy cannot work. That is the short form of why we believe the exemption is appropriate.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (5.23 p.m.)—I thank the minister and Senator Bolkus for explaining their reasons for opposing the amendment. I acknowledge that the law is a movable feast: it changes to keep up with the times and hope-
fully to reflect modern views and values. I understand the logic behind Senator Vanstone’s argument and the example that she gave. There were outrageous provisions in law in the past designed to protect certain people’s interests and rights, and privacy was often used to substantiate or justify that position.

Senator Vanstone referred to the notion that what goes on in a person’s home is private. However, in this case the government and the ALP are saying that what happens in political parties and organisations is private business and that the people who supply information to political parties and political representatives have no right to know how that information—even if they provided it and it concerns their personal details—will be collected, used or stored or even whether it is correct. They are the basic and fundamental privacy principles on which this legislation is based.

I think that, while most Australians would acknowledge the need for exemptions in law and the fact that privacy is not an absolute right—for many of the reasons advanced by several senators in this discussion, most recently by Senator Vanstone—they would find it extraordinary that exemptions are being extended to political parties. A range of exemptions is justified—there is no real debate about that, although opinions may differ as to the extent of those exemptions. I do not think anyone denies categorically that there are circumstances in which people or organisations should be exempt from the act. However, when departmental figures show that 94 per cent or 95 per cent of businesses may be exempt from the legislation, it is a concern. Information from the Internet Industry Association has revealed that roughly the same number of online businesses will be exempt from the legislation. It then becomes a debate about not simply the principle but the extent of the exemption.

We have not heard any real justification for the exemption pertaining to political parties and organisations. I think the Australian public will find it hard to fathom as well. There is some rationale behind the legal case that Senator Vanstone outlined regarding what happens in the privacy of people’s homes. However, we believe that saying what happens in political parties is secret political business for their eyes only is scandalous—and I think most Australians will agree.

Question put:
That schedule 1, item 42, section 7C stand as printed.

The committee divided. [5.30 p.m.]
(The Chairman—Senator S.M. West)

Ayes………… 41
Noes………… 10
Majority……… 31

AYES


NOES


Question so resolved in the affirmative.

The CHAIRMAN—Senator Stott Despoja, are you going to proceed with amendment No. 5?

Senator Stott Despoja—I withdraw that amendment.

Senator BOLKUS (South Australia) (5.35 p.m.)—Amendment No. 16 also picks up a recommendation of the House of Representatives committee. The committee recommended that a new provision be inserted to provide that clause 7C of the legislation not
allow a political party or political representative to sell or disclose personal information collected by the political party or political representative in the course of their duties to anyone not covered by the exemption. Political parties, by virtue of their access to the Commonwealth electoral roll, are in a special position of trust with respect to the private information of Australians. While the electoral consequence of a proven misuse of or a profiteering from personal information by a political party would be potentially disastrous and this alone provides good reason for political parties to respect privacy highly, we think it is appropriate to amend the bill to provide a strict prohibition on the sale or inappropriate use of personal information by a political party or a political representative. There is no doubt that the extent to which databases can organise a foundation for future development through access to the electoral roll can form a very dangerous basis for invasion of people’s privacy. As a consequence, we move this amendment and we commend it to the Senate. I move:

(16) Schedule 1, item 42, page 27 (after line 22), at the end of section 7C, add:

(7) Nothing in this section permits a political representative, a contractor or a subcontractor to sell or disclose personal information collected or held by the political representative, contractor or subcontractor to any entity that does not have the benefit of this exemption.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (5.36 p.m.)—The Democrats are disappointed that the schedule will stand as printed and that our attempt to remove that exemption for political parties failed. We will be supporting this amendment as a next-best solution. We are mindful of the recommendations of the House of Representatives committee and we will be supporting the amendment before the chair.

Amendment agreed to.

Senator BOLKUS (South Australia) (5.38 p.m.)—by leave—I move opposition amendments Nos 17, 18 and 26 to 28 together:

(17) Schedule 1, item 52, page 31 (line 25), at the end of subsection 13B(i), add:

; provided that:

c) such collection or disclosure would not exceed the reasonable expectations of the community; and

d) the organisation which initially collected the information has complied with National Privacy Principle 1.

(18) Schedule 1, item 54, page 35 (lines 16 to 18), omit subsection (3), substitute:

(3) National Privacy Principles 2, 6 and 11 apply in relation to personal information held by an organisation regardless of whether the organisation holds the personal information as a result of collection occurring before or after the commencement of this section, provided that, in respect of personal information collected before the commencement of this section, an organisation is not required to comply with those Principles where such compliance would place an unreasonable administrative burden on the organisation or cause the organisation unreasonable expense.

(26) Schedule 1, item 139, page 75 (line 11), after “individual,”, insert “other than health information.”.

(27) Schedule 1, item 139, page 75 (lines 14 to 18), omit paragraphs (a) and (b), substitute:

(a) providing access would pose a serious and imminent threat to the life or health of any individual; or

(28) Schedule 1, item 139, page 76 (after line 14), after subclause 6.1, insert:

6.1A Subject to subclauses 6.1B and 6.1C, if an organisation holds health information about an individual, it must provide the individual with access to the information on request by the individual, except to the extent that:

(a) the provision of the information would constitute a significant risk to the life or health of

(i) the individual; or

(ii) any other person; or

(b) the provision of the information would contravene

(i) a law of the Commonwealth or of a State or Territory;

(ii) an order of a court of competent jurisdiction; or
the information consists of or includes material or information concerning an individual given in confidence to the person who was responsible for receiving or recording the information, by a person other than
(i) the individual;
(ii) a guardian of the individual; or
(iii) a health service provider in the course of, or otherwise in relation to, the provider’s treatment of the individual,
and, in addition, health information may not be disclosed if
(d) the individual notifies the person responsible for the information to the effect that the individual does not wish the information to be disclosed and the person responsible for the information marks the information or record accordingly; or
(e) the individual
(i) becomes a legally incompetent person; or
(ii) dies.
6.1C Health information about an individual that contains matters of opinion is subject to the provisions of subclause 6.1A if the information was collected on or after the date of the commencement of this Act.
Amendment No. 17 deals with the circumstances in which an organisation may transfer information between related body corporates. We are concerned by the wide definition of organisations within which information can be freely disclosed. The effective extension of organisations to include ‘entities related’ as defined under the Corporations Law makes the umbrella impossibly large for effective protection of consumers rights—citizens rights—to opt out of information sharing. Our amendment will introduce an explicit test of how consumers expect that information provided by them to companies will be treated. This would confine the exchange of information between related body corporates to an extent which is, we believe, more acceptable to consumers. Importantly, it will be possible for businesses to manage those consumer expectations by disclosing up front at the collection stage how the company proposes to share information between its various related entities.

The amendment also implements, once again, a recommendation of the committee that the bill be amended to ensure that disclosure between related body corporates should not be permissible where the collection of that information did not comply with the national privacy principle relating to collection. We understand that the government have expressed concern about the use of the expression ‘reasonable expectations of the community’. If that is the case, they have had enough time to come up with an alternative expression which satisfies the two criteria. With the resources available to them, had they been serious to do so, they would have done so.

Firstly, we believe that the bill should recognise that the personal information of consumers ought not to be transferred carte blanche between related body corporates unless a company has clearly communicated at the point of collection its information sharing practices to the public and has identified the other businesses within its corporate structure which it wishes to provide the personal information to. Secondly, we think it is important that the Privacy Commissioner, in determining whether a breach has occurred, is not required to make a judgment about the state of mind or expectations held by a particular consumer. We believe that the test should be an objective one.

Amendment No. 18 is directed at the treatment by the bill of existing information. We believe that the legislation as proposed by the government is, in a major sense, half-baked. It does not provide adequate privacy protection for information held in databases which have already been compiled and which will continue to be compiled up until the commencement of the bill, some seven months after it passes into law. The bill specifically provides that privacy principle 2, which relates to the use and disclosure of
The bill also provides that principle 6, which relates to access and correction of personal information, will also not apply to existing databases. Accordingly, as a consequence of what the government is proposing, any Australian citizen who suffers damage as a result of inaccurate information currently held on them will be unable to correct that information. Inaccurate information held on a database regarding someone’s financial affairs could significantly impede that person’s ability to find housing, to get food or to obtain finance for business ventures. We are really talking here about some pernicious dangers that will flow from an inaccurate database and a database that is not held accountable. The treatment of existing data, as I said, is fundamentally unfair. The amendments that we are moving will prevent the inappropriate use and disclosure of existing information by applying national privacy principles 2 and 6 to data collection prior to the commencement of this act.

There will be a limited exemption allowed for companies which are unable to comply with the principles because the data is held by them in a way which would cause unreasonable administrative burden or expense. I must say, in this context, that in the days of high tech and fast moving technology, I would not expect that any fair assessment of a case by a particular company would lead us to the conclusion that an administrative burden or expense would be incurred. They always say it will; they always claim that government regulation will impose enormous amounts of expense and bureaucracy or whatever.

In fact, when I was proposing the legislation in 1987, I was confronted with a consultant’s report prepared by the credit reference agency at the time which warned me and the rest of the Australian community that the legislation would mean a cost of some $6 billion to the Australian economy. It is a figure that they came up with. They brought it to me, believing they actually had a great report, and they paid thousands of dollars for it. They warned me, and the government at the time that, basically, the Australian economy would collapse because of the privacy legislation of 1988. Well, it was all bunkum. It has not collapsed—it was a try-on by that sector. Once again, we should be aware that this is a sector that does not want regulation, but it is a sector that needs it. It is a sector that needs it not just for the protection of individuals and citizens in this country but also to ensure that trade between Australia and other parts of the world is as open as possible to ensure that we do benefit from such trade. It will not be so open if countries do not have any confidence in our regime of privacy protection.

Some businesses do hold large stores of information and archive in non-digital format. That might be difficult to access, and the more difficult information is to access there is correspondingly less scope for misuse of such information. But we believe the decision as to whether compliance with the principles is administratively unreasonable in respect of existing data should be a matter for the Privacy Commissioner to decide, based on evidence as to the way in which that information is stored.

I move to amendments Nos 26, 27 and 28. These amendments implement once again the report of the House of Reps committee in relation to the treatment of health information in the bill. In moving these amendments, I wish to draw attention to the fact that the regime for privacy in the private sector put forward in the bill is, we believe, woefully inadequate to protect our personal health files in the age of the Internet. The information recorded about a person in a doctor’s surgery or a hospital is, we believe, far more private than that gathered in a supermarket or a bank, yet the bill does very little to recognise the special character of health information. Because health crosses over the public and private divide, it is clear that more work needs to be done to ensure that privacy protections are adequate. The House committee clearly did not have time within the scope of its limited inquiry into the bill to open up the entire health issue. However, it did make recommendations with respect to access to medical records. The committee recommended that the bill be amended to include access standards for medical records as set
out in the ACT Health Records (Privacy and Access) Act of 1997, that is, a patient should have a right of access to his or her medical records unless, first, the provision of the information would constitute a significant risk to the life or health of any person; secondly, the provision of the information would contravene a law of the Commonwealth, state or territory or an order of a court of competent jurisdiction; or, thirdly, the record is subject to an obligation of confidentiality. We believe those principles should be adopted, and we believe our amendments do that.

I commend the amendments to the Senate. The amendments essentially do the job that the government has now had four years to do, and that is to address some pretty critical issues. By stalling, by delaying, by having review after review, what this government has done is in a sense to allow the horse to bolt, the horse in one form being Kerry Packer. We believe that the legislation does not go far enough in addressing existing databases. I go back to that point. We should accept this regime proposed by the opposition to give consumers and citizens a degree of privacy that is necessary.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (5.47 p.m.)—The Democrats will be supporting amendments Nos 17 and 18 together with Nos 26 to 28. I also indicate, just to save time, that those in-between amendments, Nos 19, 25, 30 and 31, moved by the ALP we will also be supporting.

In relation to the related bodies corporate, the Democrats share the Labor Party’s concerns in relation to the wide definition of organisations that will be able to transfer, exchange or share information. We are also aware of concerns that have been expressed not simply by government but by some organisations about the use of the term ‘reasonable expectations of the community’. But I do endorse Senator Bolkus’s comment in that, if the government had concerns, I wonder whether they would be prepared to propose another form of words that would encapsulate the intent of this amendment. The need for customers to know exactly what companies may receive their information and the notion that their information can be shared across companies is a fundamental one that we want secured in the legislation. We know that the issue of existing databases has caused some rumbles. We believe that existing databases should be subject to the NPPs, but we do recognise that there may be some companies that are genuinely concerned about ensuring that these principles are complied with and concerned about the retrospective nature of that, or perhaps some of the compliance costs or organisational issues associated with that. But the amendments recognise a need for certain exemptions in the case of companies who cannot comply for various legitimate reasons. There is a role for the Privacy Commissioner in determining whether or not compliance with the NPPs is administratively difficult. On balance, we believe that consumers have a right to have privacy protection for information held in databases that have already been compiled. Databases like Acxiom will not be covered under the legislation as it stands, and that is of concern to my party and I think the broader community.

In relation to the health privacy amendments, the Democrats will also be supporting those. I have amendments relating to that issue later, but in relation to amendments Nos 19 to 31, which I realise we are not dealing with now, I put on record to save time that we will be supporting them. We support a bit of a boost in the powers of the Privacy Commissioner and certainly the stick in the legislation relating to serious breaches and penalties for serious breaches.

Senator VANSTONE (South Australia—Minister for Justice and Customs) (5.50 p.m.)—I indicate that the government will not be supporting the opposition amendments. I just cannot fathom the difficulties in deciding with any clarity and great confidence what reasonable expectations of the community are. The committee has a different view on a whole range of things. Five people in a room probably do not have a cup of tea the same way, let alone have the same views of these matters. In relation to the other matter, let me make the point that after the bill takes effect organisations that hold existing databases will need to comply when they update information, including those re-
lating to collection, access, use and disclosure, and that is relevant because a database is only as useful as its currency and freshness. Once it is out of date, it is completely useless. I think speakers have not taken that fact into account.

Amendments agreed to.

The TEMPORARY CHAIRMAN (Senator Crowley)—The next matter before the chair is that schedule 2, items 1 and 2, stand as printed. I understand that is how we start this part of the deliberations. Senator Bolkus, you are able to speak to the other amendments, but we will have to put them separately.

Senator BOLKUS (South Australia) (5.52 p.m.)—As for amendments (19) to (25), (30) and (31), I will be seeking leave to move them together. The bill would allow industry bodies to contract out of the privacy protection system by developing self-regulatory codes. Once the Privacy Commissioner has approved such a code, the industry will then be wholly responsible for applying its interpretation of the code to all complaints which fall within its scope.

The regime proposed by the government has enormous gaps in it. The Privacy Commissioner has no powers to review decisions made under the code. The Privacy Commissioner has no powers to audit compliance with a code. The Privacy Commissioner will have no powers to review decisions made under the code. The Privacy Commissioner has no powers to direct code adjudicators on how they should go about the task of resolving complaints made under a code. One of the few things that the Privacy Commissioner can do is read the annual report prepared by each industry code adjudicator and, based on the very limited information which is required to be provided, make a decision whether or not to continue to approve the industry code. We just think that is not good enough. We think the government’s legislation is fundamentally flawed. Those sorts of gaps cannot be allowed to continue in any self-respecting regime.

Our amendment (19) boosts the requirement necessary for the approval of an industry specific code to provide additional information to the Privacy Commissioner on the operation of such a code. Amendments (20) and (23) substantially increase the powers of the Privacy Commissioner. We believe that the key role of the Privacy Commissioner in supervising the developing private sector privacy jurisdiction has been undersold by the government. We believe that the Privacy Commissioner should exercise a supervisory role over industry complaint bodies set up to administer approved industry codes.

Yes, Attorney-General, we think that role is critically important. No matter how many press statements you put out claiming Labor wants heavy-handed privacy regimes, we say to you and to the government that what Labor wants is a balanced regime which does provide for protection. If this does not occur, there is a risk that codes will be applied differentially across different industry sectors. This will not only diminish confidence in the protection of privacy; this will also undermine any concept of an effective and defensible regulatory scheme. The Privacy Commissioner should also have appropriate powers of audit and inspection to properly monitor the operation of the industry code.

Our amendments (24) and (25) establish a penalty for serious privacy breaches. There will always be cowboy operators who ignore the rules. The minister might say that presumably Labor does not trust business to get it right. We believe that in this sector, as history has shown over the years, there will always be cowboy operators who ignore the rules and big operators who will cut corners in order to exploit personal information for profit without any regard to privacy. So it is not a matter of trusting business to get it right; it is a matter of working on experience over the years. This bill provides no real deterrent mechanism for those companies which break the rules again and again. Accordingly, there is a risk that companies that exploit such personal information for profit will go unpunished.

As has been the case in so many areas, it is often the actions of the few non-complying businesses which bring the entire system of regulation into disrepute. Given the extensive range of operation of technology—the merging of Internet and other facilities, the collection of data which can be transmitted across borders in record time—any such mi-
nor operator has an enormous capacity to actually have enormously pervasive and wide-ranging effects on privacy protection.

Our amendments introduce a penalty provision to deter grave breaches of privacy. Part 3A of the existing Privacy Act already contains strict penalties for breaches of the consumer credit information provisions of the act. These amendments will create an offence of serious privacy breach to ensure that businesses take seriously their privacy obligations. This will be triggered only in circumstances in which the usual civil remedy ordered by the Privacy Commissioner, and enforceable by the Federal Court, is not sufficient to address the problem. Penalty proceedings, under our proposal, would be only available after the Privacy Commissioner has issued to the non-complying company a breach of notice which specifies the nature of the non-compliance, provides the offending company with a warning of the course of action, and offers the company an opportunity to take appropriate rectification and restorative measures.

In the House of Representatives, the Attorney criticised the way in which the penalty provision was framed and alluded to so-called claimed constitutional difficulties with it. Accordingly, we have reworked the amendment to take his concerns into account. The provision that we will be moving today is based on the existing civil penalty provisions in the government’s own Workplace Relations Act, provisions which allow penalties to be sued for and recovered by a range of interested persons for breach of industrial awards. There can be no doubt now as to the constitutional validity of our amendments.

Our amendments (21), (22), (30) and (31) deal with a mechanism by which decisions of code adjudicators are reviewed. One of the concerns raised by industry groups was that they did not wish to see decisions of industry codes reviewable under the ADJR mechanism currently provided for in the bill. Industry code processes operate in an informal fashion and the burden of being subject to a review which concentrates on matters of formal procedure rather than substance was identified as undesirable. For these reasons these amendments remove the right of ADJR review from decisions of industry code adjudicators and, instead, provide the Privacy Commissioner with a supervisory jurisdiction over the code adjudicators. Where a person is not satisfied with the decision obtained from an industry code adjudicator under an industry code, there will be an automatic right of appeal to the Privacy Commissioner, who will be able to set aside the decision and make a fresh decision. As it is the experience of current industry adjudicators that most complaints are resolved satisfactorily, we do not believe that our amendment is likely to lead to a flood of claims to the Privacy Commissioner from unsatisfied applicants.

Our amendment will also address the concern that having multiple adjudicators applying multiple codes will lead to different interpretations being placed on similar provisions. This is, we believe, not only a win for consumers, because of the enhanced role of the Privacy Commissioner, but also a win for business. It replaces the spectre of review by an unfamiliar and formal body with a review by a body which is committed to working with business to create privacy solutions. I commend these amendments to the Senate.

The TEMPORARY CHAIRMAN (Senator Crowley)—The question is that schedule 2, items 1 and 2, stand as printed.

Question resolved in the negative.

The TEMPORARY CHAIRMAN—Senator Bolkus, you are now to move amendments (19) to (25). Amendment (31) is not necessary now.

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

(19) Schedule 1, item 58, page 39 (line 4), at the end of subsection (3), add:

; and (m) the code requires the adjudicator to maintain a summary of each complaint resolved with or without a determination, finding, declaration, order or direction identifying the nature of the complaint, the code provisions applied in resolving it, the nature of the settlement, and any issues of law which were raised in the complaint; and

(n) the code requires the adjudicator to provide a copy of these summaries
(20) Schedule 1, item 58, page 42 (after line 18), at the end of the item, add:

18BH Review of operation of approved privacy codes
(1) The Commissioner may, if in his or her view the circumstances so warrant:
(a) following receipt of a report referred to in 18BB(3)(i); or
(b) following receipt of the summaries referred to in 18BB(3)(n); or
(c) on his or her own motion; conduct a review of the operation of an approved privacy code.
(2) The circumstances under subsection (1) may include:
(a) the number, nature and outcome of complaints made to an adjudicator; and
(b) the code provisions applied in resolving complaints; and
(c) information received by the Commissioner that indicates that obligations under the code may not have been met by an organisation bound by the code.
(3) In undertaking a review under this subsection, the Commissioner may do all or any of the following:
(a) review the complaints process;
(b) inspect the records of the adjudicator;
(c) review the results of complaints;
(d) interview the adjudicator.

(21) Schedule 1, item 58, page 42 (after line 18), at the end of the item, add:

18BI Review of decisions under an approved privacy code
A person who is aggrieved by a decision made by an adjudicator under an approved privacy code may apply to the Commissioner for a review of the decision.

(22) Schedule 1, item 58, page 42 (after line 18), at the end of the item, add:

18 BJ Powers of the Commissioner in respect of applications for review
On an application for a review under section 18BI, the Commissioner may:
(a) make a determination setting aside a decision under the privacy code, or a part of a decision, with effect from the date of the determination; or
(b) exercise all the powers conferred on the Commissioner to investigate complaints made directly to the Commissioner; or

(23) Schedule 1, item 59, page 42 (after line 32), at the end of the item, add:

(ad) to review the operation of privacy codes under section 18BH;
(ae) to review decisions that an adjudicator may make under an approved privacy code under section 18BI, to set aside those decisions and to make fresh determinations.

(24) Schedule 1, item 99, page 56 (after line 24), at the end of the item, add:

55C Privacy Commissioner may issue breach notice
(1) The Commissioner may issue a breach notice to an organisation which, in the opinion of the Commissioner, has not complied with a determination issued under section 52.
(2) Before issuing a breach notice, the Commissioner must provide the organisation with an opportunity to be heard.
(3) The breach notice must specify:
(a) the nature of the breach; and
(b) the steps which the organisation must take to rectify the breach; and
(c) a reasonable period (of not more than 12 months) in which the organisation must rectify the breach.

(25) Schedule 1, item 99, page 56 (after line 24), at the end of the item, add:

55D Imposition and recovery of penalty
(1) Where an organisation to which a breach notice has been issued fails to comply with the breach notice within the time specified in the breach notice, a penalty may be imposed by the Federal Court.
(2) The maximum penalty that may be imposed under subsection (1) for a failure to comply with a breach notice is $50,000.
(3) A penalty under this section may be sued for and recovered by:
(a) the Commissioner; or
(b) a person who is affected by the serious privacy breach.

(4) A proceeding under this section must be commenced not later than 6 years after the commission of the breach.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (6.00 p.m.)—I move Democrat amendment No. 7:

(7) Schedule 1, item 139, page 79 (lines 24 and 25), omit paragraph (e), substitute:
(e) the collection is necessary for the prosecution or defence in relation to a criminal offence.

This amendment relates to the national privacy principles and seeks to clarify the circumstances in which sensitive information is collected. Currently, clause (e) says:

(e) the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

We seek to omit that and substitute our amendment for it. We believe the current clause is too broad; there are many things that could fall under that definition of ‘legal or equitable claim’ that may not be acceptable in a privacy sense. For instance, a life insurance company could say it was reasonable and equitable for it to find out health information about a client. We do not think that is appropriate. This clause allows for much more than just, say, CrimTrac usage. Another difficult issue that this illustrates is, say, the Wee Waa DNA testing example. Having everyone’s DNA sample tested undermines the presumption of innocent until proven guilty. I put on the record that I am wondering what has happened to the samples in the Wee Waa case. This amendment is essentially a narrowing of clause (e) to ensure that, if that sensitive information is collected, it is done for the specific purposes of the prosecution or defence in relation to a criminal offence.

Senator BOLKUS (South Australia) (6.01 p.m.)—The opposition opposes the Democrat amendment. We believe it has the capacity to jeopardise the fair conduct of legal proceedings by excluding the consideration of important evidence. It is one of the probably unintended consequences of the amendment, and for that reason we will not be supporting it.

Amendment not agreed to.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (6.02 p.m.)—I move Democrat amendment No. 8:

(8) Schedule 1, item 139, page 80 (after line 25), after subclause 10.4, insert:

(10.4A) Without limiting subclause 10.4, an organisation must take all practicable and reasonable steps to permanently de-identify genetic information before disclosing it, having regard to the need for privacy protection of genetic information in relation to an individual to take into account the privacy of that individual’s family members.

(10.4B) Nothing in this clause prevents an organisation from disclosing genetic information with the consent of the subject.

Our final amendment seeks to include genetic information in relation to the de-identification of health information. We want to specifically add reference to genetic information without necessarily limiting the intent of the subclause that currently exists. We wish to ensure that genetic information is included in relation to de-identification. The de-identification matter deals with research provisions for health information, and we want to ensure that all reasonable measures are taken to de-identify genetic information. Once again, the implications are huge if this information should fall into the wrong hands.

We also recognise the public interest aspect and the value of genetic information in research—that is something we have never denied. If written consent is given to the research organisation by the individual for his or her genetic information to be disclosed, then we find that acceptable, as in 10.4B. This is mirrored in the private member’s bill, the Genetic Privacy and Non-discrimination Bill 1998, which is before the parliament and which the Democrats introduced. We recognise the need for de-identification; we just wish to specify that genetic information is included in relation to that.
Senator BOLKUS (South Australia) (6.03 p.m.)—The amendment covers an extremely important area. We believe that this subject needs to be addressed in this legislation. In this case, we are supporting the spirit of this amendment. We believe that there will be time between now and when the bill comes back to the Senate for consideration as to whether there are any unintended consequences. On that basis, we urge the government to engage with us and the Democrats to ensure that the intent of the amendment is clear by the time it comes back, but we are supporting it at this stage in order to ensure that this area does not fall by the wayside and that it is addressed as a serious issue.

Senator VANSTONE (South Australia—Minister for Justice and Customs) (6.04 p.m.)—I take this opportunity to indicate that the government will not be supporting this amendment for reasons that were made clear earlier in this debate and that follow on from earlier discussions here and in the other place. If senators are not insulted by me speaking on an amendment that has already passed, I take this opportunity to mention in relation to opposition amendments Nos 17 and 18, which we have already dealt with, that the Attorney corrected the record in relation to one aspect of the debate on the bill in the House on 8 November. In comparing the application of the national privacy principles to the existing data in the bill to the law that applied when the public sector Privacy Act was introduced in 1988, he said:

... the retrospective aspects of the bill mirror the provisions that applied to the public sector at the time that the public sector provisions of the Privacy Act 1998 were introduced ...

I am advised that the Attorney-General’s Department provided that advice but then re-examined the issue. The Attorney-General’s Department has now advised that the information privacy principles concerning access and correction to personal information applied to pre-existing data as well as information collected after the commencement of the 1988 act. I thought I would put it on the record because I am sure there will be somebody who late at night reads the entire Hansard of this debate—it is an interesting issue.

I did not want them to have to cross-refer to the Hansard of that other place.

Amendment agreed to.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

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

COMMITTEES

Legal and Constitutional Legislation Committee

Membership

The DEPUTY PRESIDENT—Order! The President has received a letter from a party leader seeking a variation to the membership of a committee.

Motion (by Senator Vanstone)—by leave—agreed to:


AUSTRALIAN RESEARCH COUNCIL BILL 2000

Second Reading

Debate resumed from 9 November, on motion by Senator Ian Campbell:

That these bills be now read a second time.

Senator CARR (Victoria) (6.08 p.m.)—The Australian Research Council Bill 2000 establishes the Australian Research Council as what the government calls an ‘independent agency’ within the Education, Training and Youth Affairs portfolio. I will have more to say on the actual nature of the independence that is proposed a little later on. The ARC was previously a council of the National Board of Employment, Education and Training, which was set up by the Labor government in 1998 to provide independent advice to government on key and interrelated issues of education, training, employment
and research. The coalition, in its wisdom, driven as it is by set ideas and narrow ideological principles, has never seen the value of external advice. It dismantled NBEET, throwing away almost a decade of corporate knowledge, before embarking on a path of engaging expensive external consultants to do the same work, much of which it later ignored.

Before the 1996 election, the coalition promised to retain both the Australian Research Council and the Higher Education Council. However, despite the government’s rhetoric, only the ARC has survived, in a very much diminished form. Despite the research white paper’s promise of an ‘independent and responsive’ ARC with an ‘enhanced role in the provision of strategic advice to government regarding research in the university sector’, this bill creates an ARC notably less independent than the ARC, which operated as a council of the National Board of Employment, Education and Training. For example, under this legislation, the ARC cannot initiate advice to the minister; it must wait for a request from the minister. This was not the case previously. As a council of NBEET, the ARC could investigate matters and provide advice on its own motion. When this bill was debated in the House, the minister said:

There is nothing in the bill that prevents the ARC from asking the minister to refer a matter to it for consideration and advice. It is not a matter ... of the ARC waiting there, wanting to investigate something and being unable to do so. If the ARC wants to investigate any matter, it can come to the minister and make a proposal for a reference on that matter. In any reasonable case—and I expect only reasonable cases would come forward—the minister will have the capacity to refer that to the Australian Research Council.

All of this boils down to the proposition that the minister will determine what is reasonable. Quite clearly, what Dr Kemp would regard as reasonable may not appear to be reasonable to many others, and I think vice versa would apply. We all know about his view of the world. It is characterised by an overweening commitment to an extreme right-wing ideology, encompassing strong concepts of small government and the focus on the individual rather than on society as a whole. The opposition sees this reliance on a personal judgment about what is reasonable as a major impediment to the ARC’s independence. Furthermore, there is no explanation from the government about why it needed to make this change. We can only speculate that Dr Kemp wants to turn the ARC into a body which cannot say anything he does not want to hear, I never forget the former Victorian minister Phil Honeywood’s famous comment about Dr Kemp where he compared him to Billy Hughes. He said:

Whenever he didn’t want to hear something, he turned his hearing aid off.

Another sign of the ARC’s reduced independence, rather than the enhanced role that the minister had spoken of, is the specific power to ignore advice from the ARC about funding of research proposals. Dr Kemp said in the House:

Under current legislative arrangements, the minister is obliged neither to seek nor to follow the ARC’s advice in the allocation of funding for research programs.

However, one wonders why the present minister found it desirable to spell out so specifically in the new legislation his power to bypass the ARC in relation to research funding proposals. Did he want to make no mistake about it? I would like to hear more from the government on this issue.

Another area of concern for the opposition relates to the fact that requests for advice from the minister no longer need to be tabled in parliament but only to appear in the ARC’s annual report. This could be 18 months or perhaps as much as two years after the request is made. This is not transparent, nor an accountable approach. I would like information from the government as to why it was thought necessary to make this change.

The Australian Research Council Bill and the related Australian Research Council (Consequential and Transitional Provisions) Bill have been introduced to pave the way for the changes to research funding arrangements outlined in the government’s green and white papers which were released a little while ago. It has been a long and tortuous route. The green paper was released in June 1999, some six or seven months after it was
originally expected. It was another six months before we saw the white paper. Thankfully, some changes had been made which addressed many problems raised by the ALP and others. The white paper restored a version of the publication index as a measure of output, following its proposed abolition in the green paper. The white paper proposes funding formulae using student numbers averaged over two years; the previous proposal was based on annual numbers, which of course can fluctuate significantly. PhD students now have four years to complete their qualification, whereas the green paper recommended 3½ years. The white paper also changed the proposal to include income from consultancies as though it were competitive grant money and recommended the retention of the research infrastructure block grants program. The green paper proposal to abolish this program would have undermined the research infrastructure base, which is already underfunded.

However, the major problem has still not been addressed, and that is that the grand plan provides, in effect, no extra money for university research—not an additional cent. The green paper was greeted almost universally with comments about this fundamental point, and I will give a few examples to demonstrate this matter. Professor John Niland, Vice Chancellor of the University of New South Wales and then President of the Australian Vice Chancellors Committee, said:

This takes us to the heart of the problem with the Green Paper: the preoccupation with moving the pieces of pie around the deck, whereas what is needed is a bigger pie.

ANU Vice Chancellor Deane Terrell said:

The reforms that are canvassed in the Government’s discussion paper are unlikely to achieve the desired impact without significant additional funding.

Professor Deryck Schreuder, Vice Chancellor of the University of Western Australia, said:

Without any further positive response from the Government in relation to new money for research, the capacity of major research institutions such as UWA to play their role in national and international research development will be significantly, if not fatally, affected.

There were plenty of other comments along the same lines. No wonder the minister refused to release the submissions he received on the green paper.

Almost 18 months later there is still no extra money. It is not as if the state of research in Australia is extremely healthy. Business expenditure on research and development has fallen three years in a row since the coalition came to office. In 1998-99, business expenditure on research and development was $3.992 million at current prices, a fall of five per cent on the 1997-98 figures and nine per cent lower than the record levels of 1995-96. Australia’s performance on the business expenditure on research and development is low by international standards. It is way behind the US, Finland, Germany, France, Denmark, Canada and the Czech Republic. Even worse, it is continuing to fall dramatically; from 0.86% of GDP in 1995-96 to just 0.67% in 1998-99. The latest available figures that I have show that countries such as the United States, Japan and Korea are spending three times what Australia spends.

Labor has made a commitment to reach the OECD average on the business expenditure on research and development as a percentage of GDP, which currently stands at 1.27 per cent, by 2010. Australia’s gross expenditure on research and development to GDP ratio is low by OECD standards. Australia is ranked well below leading industrialised countries like Japan, the United States, Germany, the United Kingdom and Korea, as well as Finland, Iceland, Denmark and Austria. The gross expenditure on research and development as a percentage of GDP fell significantly between 1996-97 and 1998-99. It has fallen from 1.65 per cent to 1.49 per cent.

If we look again at the release of the green paper and the white paper on higher education research, we see that there has also been: the commissioning in September last year of the Chief Scientist to conduct a Science Capability Review; the National Innovation Summit, held in Melbourne last February; the Science Capability Review discussion paper, released in August 2000; the final report of the National Innovation Summit Im-
plementation Group, also released last August; and, in November, the final report of the Science Capability Review, entitled *The chance to change*, was released. All of these, I think, make similar sorts of points: the provision of 200 HECS scholarships for students undertaking combined science-education qualifications and 300 for students undertaking science—mathematics, physics and chemistry; over five years, a doubling of funding for the ARC’s competitive grants; doubling the number of Australian postdoctoral fellowships; and expanding funding for university research infrastructure. What we have seen of course is that there is a need to redress all of those issues. The Labor Party has announced initiatives in regard to each of those.

In March this year, we announced that a Beazley Labor government would introduce the teacher excellence scholarships. These scholarships will be offered to high achieving school leavers to study education, with a focus on the areas of current undersupply, particularly in maths, science and information technology. Graduates who remain teaching in these areas will have their HECS debt repaid by the Commonwealth each year as it comes due. A Beazley Labor government will double the number of early career fellowships to keep our best researchers here and to ensure that we do not lose them to competitors overseas. We will also be doubling the number of fellowships for our outstanding researchers and creating a new category of elite fellowships, valued at $200,000 a year for five years. These policies are about encouraging and developing Australian ideas, so that we do not have to pay increasingly higher prices for the ideas of others.

The message about the need to invest in our future in this way is of course the theme of the various reports which the government itself has commissioned. It seems, however, that everyone is listening except the government. Of recent times we have heard whispers and rumours about an upcoming announcement concerning more research funding but in terms of action—something real and concrete—there is absolutely nothing. This government continues to sit on its hands. In fact, the government’s plans for research funding actually reduce the number of Commonwealth funded research places at universities—the so-called gap places.

In some institutions, the gap places—research training places which are HECS liable—represent a large percentage of their research training effort. The University of Western Sydney is set to lose funding for almost 50 per cent of its research places. RMIT, the University of Southern Queensland and Edith Cowan will each lose 46 per cent of their research places. I note that the minister addressed this issue in the House by claiming that the changes the government is putting in place will result in more rather than fewer postgraduate research students completing their degrees. That would be quite an extraordinary statement coming from most people, but I guess one has become used to Dr Kemp’s sorts of claims that black is white, and I suppose I should not be too surprised. The minister claims that this amazing feat—less funding equals more postgraduate research degrees—would be achieved by a higher percentage of completions. He lambasted what he called the current ‘unsatisfactory system’ and claimed that this legislation, when it is put in place, will provide:

...incentives for universities to provide proper research training environments.

The fact is that there is no reliable data about the reasons for non-completion. Given that the majority of non-completers cite personal reasons for not completing their degree, I challenge the minister’s automatic assumption that universities themselves are significantly responsible for completion rates. Anecdotal evidence put to me, backed up by logical argument, indicates that poverty is a major factor in postgraduate research students choosing not to complete their degrees. That is not the sort of message this government would want to hear, so the minister has gone into his usual denial mode about it. I would be interested to hear a meaningful response on this issue from the government when it has its opportunity to sum up this debate. I now move my second reading amendment:

At the end of the motion, add:

“but the Senate condemns the Government for:
Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (6.24 p.m.)—I begin to address the Australian Research Council Bill 2000 and the consequential bill. The bills before us implement some of the reforms proposed in the federal government’s 1999 white paper ‘Knowledge and innovation: a policy statement on research and research training’, which was designed to ‘encourage and develop a strong and vibrant research base’—at least that is the quote. I wonder whether this rhetoric and intent are actually being matched with the appropriate level of resources and funding. In the context of this research, education and training debate relating to the notion of a can-do country, which is the rhetoric employed by the Prime Minister, or a knowledge nation, which is the rhetoric employed by the other side, I have to wonder what direction this nation is heading in when I hear announcements like the one that has just been made in relation to the ABC—that the entire science unit of the ABC has been disbanded. I think it is an absolute outrage. The rhetoric of the can-do and knowledge nation is certainly not being matched by government policy or in the area of government funding.

There are worrying aspects in the bills before us that reflect this tendency to dumb down Australia and the failure to recognise that, if we have got any chance as a technologically savvy and wealthy—in a range of senses—nation, then we are going to have to invest in human capital. That means investing in human capital in the form of education and training, specifically higher education; young people and their job opportunities; and skill based and knowledge economy areas. That means recognising the worth of sustainable employment opportunities. Yet most of the funding decisions we have seen implemented by the government since it came to office reflect the notion that short-term gain is worth it and we are not investing in the long-term future of this country. That was on a slight tangent because, as the science and technology spokesperson for the Democrats, I am completely disheartened by the decision that has now been made in relation to the ABC which means they will have no in-house produced science programming.

At the centre of the reforms to which I referred that have been undertaken and promoted by Dr David Kemp is the restructuring of the Australian Research Council, the ARC, to make it ‘an independent and responsive ARC that is able to play a more strategic role in providing advice on the allocation of funding’. Further to this end, the government proposed a series of reforms at section 2.2 of the white paper to give it:

- an enhanced role in the provision of strategic advice to Government regarding research in the university sector;
- increased responsibility for the administration of research funding programmes for which funds will be appropriated under the new Act;
- a reformed governance and organisation structure reflecting the need to link university research with the innovation system;
- an enhanced capacity to identify and respond to emerging areas of research excellence; and
- an accountability framework emphasising transparency and performance.

These reforms are vital if Australia is to develop a knowledge economy. However, the Democrats believe that these bills in their current form will not necessarily achieve
those objectives, objectives that sound quite valuable and worth while.

I will detail the changes that the Democrats feel need to be made to these bills if these aims are to be achieved. I am not sure I will get much of an opportunity tonight, but I would like to put on the record that it is the view of the Australian Democrats that plans for reforming Australia’s research management remain flawed as a result of the government’s refusal to accept the need for major additional investment, both through direct allocation and incentives to industry in Australia’s research base. In the context of declining research and innovation funding relative to GDP, Australia’s industry and education sectors need more than rhetoric if they are to truly contribute to that innovative effort that our economy needs to remain competitive in value-added industry and international trade. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Sitting suspended from 6.30 p.m. to 7.30 p.m.

GENE TECHNOLOGY BILL 2000
GENE TECHNOLOGY (CONSEQUENTIAL AMENDMENTS) BILL 2000
GENE TECHNOLOGY (LICENCE CHARGES) BILL 2000

In Committee
Consideration resumed from 8 November
GENE TECHNOLOGY BILL 2000
The bill.

Senator HARRADINE (Tasmania) (7.30 p.m.)—I was not able to make a second reading contribution on the Gene Technology Bill 2000, so perhaps I could make a contribution at the beginning of the committee stage, relevant to the committee stage. The Gene Technology Bill 2000 seeks to establish an extensive framework of licensing procedures for all genetically modified organisms except for human organisms. Later I will point out that the legislation in fact does deal with this question. The legislation does establish a definition of genetically modified organisms which includes cloned human beings—that is, human embryos that are the product of somatic cells, the nuclei of which are transferred to an ovum whose nucleus was previously manipulated, extracting the nucleus of that organism.

This bill would enable the regulator to approve of such cloning. The Gene Technology Bill 2000 and its regulations as they now stand do not prohibit the reproduction of embryonic human beings by cloning. I ask anybody in this chamber to stand up after me and give approval to what occurred in Victoria, where a particular institution produced a cloned embryo which was the product of the transfer of the nucleus of a human cell to a genetically modified egg of a pig. This legislation fails to prevent that type of cloning.

We would not have known about it had we not heard from Europe that the institution was seeking a patent. For three years we did not know, and of course we do not know what is happening now, in laboratories in Australia with regard to the cloning of human beings.

My amendments, which presumably will be dealt with tomorrow, will tighten up regulations in the area of human cloning. The amendments would make it a statutory condition under section 40 that licence holders do not produce or attempt to produce an organism with the capacity for development into a human zygote or embryo other than by the union of a genetically unmodified human ovum with a genetically unmodified human sperm. The amendment will also place similar restrictions on certification of facilities under section 83 and the accreditation of organisations under section 91.

Without these amendments the definition of a genetically modified organism, despite the exclusions in the bill and the regulations, would include an organism which is the product of somatic cell nuclear transfer to a human ovum or embryo and an organism formed by manipulating stem cells harvested from a human embryo. I want to point out to the committee that section 10 of the bill defines a genetically modified organism as ‘an organism that has been modified by gene technology’. This would include an embryo formed by transfer of a somatic cell nucleus to an ovum or to an embryo. In that process the ovum is modified by genetic technology.
to form an entity capable of development as an embryo. In the case of Dolly, that embryo developed to adulthood. In the case that I mentioned before of the embryo that was produced by a human somatic cell nuclear transfer to a pig’s egg, the entity or being which then developed as a human embryo would develop was kept for 32 days. The embryo died because it was seeking to attach to a mother and, of course, found it difficult to attach to the glass in that particular institution. By the way, that organisation attempted to get a patent—I do not know whether it has a patent yet—in Europe and in the United States of America. So it is all very well for the government to say—I can hear them say it now—‘That is against the NHMRC guidelines’ and ‘These people would be banned from receiving Commonwealth funds.’ That particular institution is known to be quite capable of getting huge amounts of private money for the purposes of its research.

I have a number of concerns about this legislation—as do a number of senators—but a major concern of mine is that this legislation does not prevent or prohibit the production of embryonic human beings by cloning. I thought I would raise this matter at this stage, but I will, of course, be developing arguments in support of my amendments which have been circulated. It should be understood that the approach to human cloning that I have suggested is consistent with that adopted by the Council of Europe and the parliaments of Canada, Germany, Norway, Slovakia, Sweden, Switzerland, Spain and Denmark and some Australian states. That is the problem. The NHMRC has been asking since 1996 for the states to have legislation with regard to this area to prevent a whole range of cloning of embryonic human beings.

I thank the committee for allowing me the time to make those comments. I am sure nobody in this chamber would get up and support the type of cloning that I referred to. Yet this was done, and there is no doubt at all that it is continuing to be done in various institutions in this country. Without my amendments it will continue to be so. I appeal to honourable senators to consider carefully the documentation that I forwarded to them earlier this week and to consider the need to support my amendments when they are put forward tomorrow.

Senator CROWLEY (South Australia) (7.43 p.m.)—It is very early in this debate on the Gene Technology Bill 2000 and I certainly do not want to arm wrestle or cross swords with Senator Harradine yet. I thought that I should rise and ask a question at this time, Senator Harradine, that I want to be absolutely clear about. My understanding was that this legislation put matters of human embryos outside the purview of this legislation. That would be the first question that I think we need to establish clearly. Secondly, there is the very thorny definition of what is genetic modification, genetic manipulation, genetic engineering or transgenic work. All these words are used loosely and I think fairly imprecisely, which is a point I think we made in the report. But, in particular, my understanding is that genetic manipulation or genetic modification does not refer to working with a whole nucleus of a cell. I think this would be an important thing to establish in the first place. What exactly are we talking about when we talk about genetic manipulation? I am happy to have a clearer definition put into the legislation, but my understanding was that genetic engineering and genetic manipulation referred to the process of manipulating at the gene level, not at the nucleus or cell level.

So, according to my understanding of genetic manipulation, Senator Harradine, I would have thought that what you are talking about would be outside the purview of the regulator—that is, what you are talking about does not strictly enjoy the definition of genetic manipulation. But I certainly believe that, if the minister could make this absolutely clear to us, that would help us a whole lot. That is not to say that some of the points raised by Senator Harradine are not important; I think they are extremely important. I do not know of any wish in this country for human cloning. In fact, I think there is a very large sentiment that we should not proceed to human cloning. That is a separate issue from what is exactly the definition of the genetic manipulations that are covered by this legis-
lation. It was not my understanding that we were talking about the removal of a somatic cell nucleus. I understood that genetic manipulation referred to a much more micro procedure, that is, the actual cutting or crossing or interfering with genes specifically. If I have misunderstood the definition here, I will be very pleased to be advised of that. But I would like to be clear on whether Senator Harradine’s description would come under the definition of genetic engineering or genetic manipulation. It might come under the definition of genetic engineering, but I did not think it came under the definition of genetic manipulation, which I thought this bill was particularly addressing.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (7.46 p.m.)—Madam Chair, just on a procedural note, I am wondering what is happening. I would like to know if we are going to see the opposition amendments, given I have been told by three people now that they have been circulated, but I am not able to get them from the attendant. Perhaps someone could just advise us as to whether or not the committee stage debate is going to commence with an updated running sheet that includes amendments from the Labor Party.

Senator TAMBLING (Northern Territory—Parliamentary Secretary to the Minister for Health and Aged Care) (7.46 p.m.)—Madam Chair, in response to the question raised by Senator Stott Despoja, I appreciate the problem with regard to the distribution of the Labor Party opposition amendments and that they have not yet reached some of the senators—and that is a matter of concern. I can appreciate that particular point. I know that the Manager of Government Business is currently looking at the various arrangements that might apply. As there are a couple of other senators who have points of a general nature, including Senator Boswell, I am hoping that we will be in a position to proceed with some of the other amendments by the government and the Democrats that have been distributed, which would enable us to continue the debate on those issues that are not in the areas on which you say that you have not yet had sufficient consultation. The fact that there are a number of amendments that have been widely distributed means that we could proceed quite appropriately with them. Until we get to that stage after some of the general comments, we could proceed with the Democrats’ and the government amendments that have been circulated.

Senator BROWN (Tasmania) (7.48 p.m.)—Well, could we? This is a bill which is cohesive. What we are being asked to do is to hope that we can proceed with some amendments and that the amendments yet to be seen from the Labor Party are not going to have any bearing on the ones we deal with. This is totally unsatisfactory. We are dealing with a complex piece of legislation which needs to be seen as a whole. We were told that the debate would get under way tonight. I do not believe it can get under way satisfactorily without our seeing the Labor amendments. Moreover, I want to know what the deal is that is being cut between the Labor Party and the coalition. I want to know what the Senate committee is dealing with before we get into the debate proper. I agree with Senator Stott Despoja that it is totally unsatisfactory for the main debate to be taking place outside this committee while we fill in time to allow that to go to completion. The place for that debate between the government and the opposition is in here—and let it take place in here so that we can hear what is going on, so that we can hear the rationale of it and understand the deal that is being cut.

I indicated to Senator Tambling earlier today that I was very keen on being of assistance to see that this complex piece of legislation was dealt with with expedition. It is not satisfactory to be told at this hour of the night when the legislation is before the chamber, ‘We will proceed with a few bits that you are interested in while we continue to work out the major outcome of this debate outside this chamber.’ If the government wants to get the back up of people who are willing to be helpful at this juncture, to expedite the matter and to debate it with deliberation but with a view to getting an early outcome, it is going the wrong way about it.

As far as Senator Harradine’s contribution is concerned, I have a lot of sympathy with
what he had to say. I, too, want to hear from the government the alternative to the amendments that Senator Harradine has put before the committee. Is that simply to wait until some unspecified time, after some unspecified findings further down the line, to deal with the matter? I heard what Senator Crowley had to say and, sure, there is some division between growing crops and what goes on in laboratories. But I have some sympathy with Senator Harradine’s point of view that, if there is no legislation for the government to deal with a matter which is acutely important—not just to Senator Harradine and the committee but to the community as a whole—and in relation to which we know all sorts of things are occurring, you take the opportunity with a piece of legislation like this before the chamber. So I want to hear from the government what the alternative is on that.

At this juncture, I have here a document titled—and I hope the government will listen to this—Why GM foods are a key to successful organic farming & sustainable agriculture. This four-page document, which comes from the University of Queensland Botany Department—sheet 2, version 2, June 2000, an information sheet series—is basically an attack on organic farming. In brief, it says that organic farming cannot possibly be sustainable unless it is at the behest of genetic modification and genetic manipulation. I want to tell the scientists in that department at the Queensland university that they had better look at some definitions, because they are saying that opposites can be brought together with the effect of improving both, and that is not the case. I do not agree with the arguments that are used in here. I think they are precious, to say the best, and there is a component of studied ignorance in it, to say the worst. The statement that new gene technologies are a ‘key’ to sustainable food supply and environmental conservation I could blast out of the water, if I wanted to spend the next hour here. I do not believe that new gene technologies are the key to environmental conservation on our planet. I think a bit of ethical consideration about the way we proceed as a society would be at the forefront of an action plan to achieve environmental sustainability and conservation.

I want to look at page 4. I hope the government will look at this. I will give them a copy and I want an answer on this during this debate. This University of Queensland Botany Department document, which is basically an exposition on why we should have genetically modified organisms in our farmlands and why we should not go in the organic direction, is apparently funded or endorsed by the Australia New Zealand Food Authority, whose logo appears on the back page, and the Office of Gene Technology, whose logo appears right next to it. Under that, we find this statement:

In Australia, the health and environmental safety of food varieties produced using modern gene technologies is carefully checked at several stages of the development and commercialization process by government authorities including diverse scientific, medical and community representatives. Claims about the health or environmental benefits of non-GM foods do not currently receive such rigorous independent verification.

It goes on to list other sheets available:

Why GM foods—are the safest foods in the world
Why GM foods—are important to Australia’s economic future
Why GM foods—benefit agricultural producers and consumers alike
Why GM foods—become public property after brief patent protection
GM foods—choosing increased benefits to consumers

The text is by one Dr Robert G. Birch. Are ANZFA, the Australia New Zealand Food Authority, and the Office of Gene Technology the hosts of this document? Is the imprimatur of those organisations on the text of this document? Did those offices fund this document? If not, what is the explanation from the University of Queensland Botany Department? I will be asking the government for an explanation about this during the course of the debate. I wanted to bring it to the attention of the government tonight. On the face of it, there is a quite outrageous departure from the position of dispassionate server of the community by the Australia New Zealand Food Authority and the Office of Gene Technology. Either that or the Botany Department at the University of Queensland have used their imprimatur falsely. One
way or another, I would like to have the matter clarified.

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (7.56 p.m.)—Senator Brown has indicated that he finds it not in the best interests of this chamber to proceed when during his speech the Australian Labor Party’s amendments were circulated. I think the Democrats have indicated to me privately as well that they think it is inappropriate to proceed in the committee stage process much further because of the circulation of amendments. It is very much in the interests of a sensible, well-informed debate to have amendments circulated as early as possible before a debate commences. Clearly, the latest batch of amendments have only just been circulated.

In the interests of consideration of this matter in the chamber, I want to take some soundings amongst the participants of this debate about what progress can be made tonight. Can the time that the Senate has available to it tonight between now and 10.30 be used in a productive manner to progress some of the debate, to get some people’s views on the record, even if it is about their own amendments, recognising fully that it would be difficult to deal with amendments we have only just received? I think we all have to accept that that is a reality. We do not want to sit here for the next 2½ hours and listen to a quasi second reading debate. I do not think that is a productive use of time.

As the Manager of Government Business in the Senate, I will look at whether it is possible to bring on another bill—and you will have noticed that there are quite a few on the Notice Paper—that could better use the time available to the Senate tonight while parties have time to consider some of these amendments. A series of amendments have been circulated over the last few days and obviously all honourable senators need to consider those. We do recognise the concerns of honourable senators who have not had time, for reasons outside their own control, to consider the amendments. We recognise that we need to move this debate along in a well-organised and well-planned but timely manner. I thank all honourable senators who have communicated with Senator Tambling, the parliamentary secretary, in his attempts to get an agreement to handle this debate in a timely manner, to make sure all the arguments are put on the record, to make sure there is a good discussion of it, to make sure the issues are understood, but ultimately to get to some decisions by way of votes and move through this debate hopefully by close of business tomorrow.

I recognise that that was always going to be hard and it is going to take cooperation. From the government’s point of view, I think, from all of the parties I have spoken to, there will be cooperation. It will take me another 15 or 20 minutes to discuss with the opposition whips, managers and others finding another bill that we can deal with tonight to use the time sensibly. I respectfully suggest that the time between now and then, when I can come back and seek to rearrange government business, be used to make comments about the amendments that are before the chair and to try to make constructive progress in that time. I shall return.

Senator HARRIS (Queensland) (8.00 p.m.)—I must place on record the fact that One Nation’s amendments to this bill have been circulated for approximately four days. A brief overview of the amendments that were circulated by the Labor Party as we commenced speaking reveals that some of them appear to be identical to those of One Nation. However, I, for one, would appreciate some time to evaluate Labor’s amendments.

I turn briefly to the issues of some substance raised by Senator Harradine. Like me, Senator Harradine has already provided his draft in-confidence amendments—I think he did so even before One Nation’s amendments were circulated. I believe we need to indicate in the bill very succinctly and clearly that no experiments relating to human cells and genetic modification should be conducted in any way, shape or form. I believe Senator Harradine’s amendments do that clearly and succinctly and in a way that is being accepted by other countries that are looking at the human genome and at the human rights attached to that process and who share Senator Harradine’s concerns. One
Nation would most certainly appreciate a government motion to rearrange government business.

Senator HARRADINE (Tasmania) (8.03 p.m.)—I will respond to Senator Crowley’s specific question: whether the example I gave fits within the bill’s definition of a ‘genetically modified organism’. A ‘genetically modified organism’ is defined as:

an organism that has been modified by gene technology

In the case to which I referred—that is, the experiment in Victoria—the nucleus of the egg, which contains 99 per cent of the egg’s DNA, is removed and the nucleus of the ordinary body cell, the somatic cell, is substituted. That means that the nucleus of the egg cell is modified, doubling the number of chromosomes, and a new genome is formed comprising 99 per cent body cell DNA, the somatic cell, and one per cent egg mitochondria. In the case of the pig ovum, it became 99 per cent genetically human. That is clearly genetic modification.

I make it clear to the committee that my amendments do not attempt to interfere with what the Australian Health Ethics Committee of the National Health and Medical Research Council describes as ‘current cloning techniques that do not involve human embryos’. My amendments would permit cloning research involving human somatic cells—that is, ordinary adult cells as distinct from germ cells, sperm, ova and embryos. I must reassure everybody that I propose to allow the genuine research to continue, as indicated by the Australian Health Ethics Committee of the National Health and Medical Research Council. I also point out that the bill excludes those human beings who have undergone somatic cell gene therapy. The cloning process does not fit that description because, at the time the transfer takes place, it is an unfertilised ovum—which, of course, is not a human being.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (8.07 p.m.)—It looks like we are moving towards a resolution in relation to how we most productively use the time. I understand that at least two of my other bills will be coming on. So I suppose that is fun for me. I celebrate my fifth year in parliament today, and I think that will be something like six bills in one day.

I am grateful to Senator Harradine for raising some of these pressing issues, because I think they are interesting issues to debate—and that is the ethical, health, social and legal implications of genetic technologies generally. As you know, Madam Deputy Speaker, the Democrats have a long running interest in the biotechnology debate. In fact, today we were very glad to see the changes that took place to the privacy bill. But I will not reflect upon a decision of the Senate, except in a particularly happy and positive way in relation to the need to protect genetic privacy.

Also, the Democrats have campaigned against discrimination on the basis of people’s genetic information. We have also tried on a number of occasions to have issues relating to biotechnology or genetic technology and genetic engineering referred to committees. Obviously the committee report into this bill was the first of a substantial Senate inquiry into the issues—the moral, ethical, legal, social, environmental, et cetera, issues—surrounding this technology. I am curious to debate some of the issues that Senator Harradine has raised. Obviously that may be for a later time, when we address specifically Senator Harradine’s amendments, which I note he did get to us with plenty of time—and I thank him for that. I also acknowledge, Senator Harris, that we have had your amendments for four days.

I think the phrase ‘show me mine and I’ll show you yours’ I have heard a number of times in the last couple of days. Funnily enough, I kept showing, but I did not see much from at least the opposition, who certainly promised that. I understand that negotiations have to take place; all of us understand that in the Senate. But I do acknowledge that, whenever I have entered a debate where my amendments have been tabled,
even with an hour to spare, I have usually been chastised by the minister or the shadow minister on duty.

I have to add for the record that I, like Senator Brown, indicated to the government, or certainly to advisers, that I would be more than happy to facilitate the passage of this legislation in a way that was constructive and, hopefully, used a minimum amount of time. However, I did make clear at that time—and to others I have made the proviso—that that would be provided we were ready to begin the debate, that is, we could have a constructive and comprehensive debate that everyone would agree to do in a minimum period of time, provided we began that debate when people were feeling on top of the amendments. I do not merely mean on top of the amendments; I mean even simply getting the amendments. At one stage I thought, ‘My gosh, my kingdom for a running sheet,’ because we have come into the chamber with a running sheet that certainly does not reflect the numerous amendments we will be dealing with.

The reason that I put this on the record now—apart from the fact that I want to concur with Senator Brown that this is an unsatisfactory process—is the fact that, arguably, this bill is one of the most important pieces of legislation that this chamber is going to be dealing with, in every respect. All those ethical, environmental and other implications to which I have referred are crucial in relation to this debate. And Senator Harradine raises even further issues that are issues that certainly I believe it is high time the parliament debated. I acknowledge, of course, that some of the issues to which Senator Harradine has referred have been dealt with in the context of one committee—that is the House of Representatives committee, the Andrews committee.

I have to say for the record—through you, Chair, to Senator Harradine—that I do think it is pretty outrageous that there was only, I think, one scientist called before that committee. But, having said that, some of the views that I will put forward during the formal debate on your amendment are in relation to that inquiry and also the views of the Council of the the Australian Academy of Science, which I think has put forward quite a good perspective on those issues in relation to the scientific, ethical and regulatory aspects of human cloning. But I look forward to debating that and discussing some of those issues with you and Senator Brown and Senator Crowley.

I am quite happy for us to have a debate about some of the aspects of this bill and to make ‘general’ comments on this bill, as Senator Campbell said, because I actually think this debate is a worthy one; it is a valuable one. I only lament the fact that we did not get the amendments from the Labor Party until now, because I think it would have been good to get into the committee stage. But, having said that, I think there is some value in having a general debate about the bill.

But can I just say again, Chair, on record that we did indicate to the other parties that we were worried; we were concerned that this debate would not be ready by tonight. But nobody heeded our concerns. That is because you are quite happy to go ahead with the so-called peripheral amendments, and they are the amendments put forward by the crossbenches. People were happy to deal with—and the running sheet reflects this—the amendments of Senators Harradine, Harris, Stott Despoja and Brown. You could just get them over and done with quickly, and presumably vote them down in some cases—although I indicate for the record so as not to misrepresent the government’s position that they have indicated they would be willing to talk about some of the amendments we have put forward. But I really do believe that the notion that we should have commenced this debate—and this was put forward when the amendments from the ALP were not tabled—that, ‘Yeah, we should go ahead with the amendments that are already available and follow the running sheet as it is,’ was simply because that is how we are regarded; they are peripheral amendments to this debate.

It is so ironic that those four sets of amendments to which I have referred are actually the amendments that reflect the people and the parties that have done a lot of work on this legislation and have been crucial and integral to this debate. We seem to
be the ones who have cared most about those scientific, legal, environmental, health and other concerns relating to this technology and the implications of this bill. We have worked hard over a number of months—whether looking at the draft legislation or the proposed legislation, or having a comprehensive committee inquiry into the legislation—to try and get the parliament to debate this on a complex and comprehensive level. Yet we were the ones who were being penalised; we are the ones who do not have the same resources and staff and time to spend on analysing the amendments—and yet we still got our amendments together. So, yes, I am pretty angry on my fifth anniversary, Chair, but I suppose I will now go back and prepare for two bills that were listed as coming on after the Gene Technology Bill. I am sure that, while I am doing that, I will get a chance to look through the ALP amendments so that we can possibly return to this piece of legislation tonight, as I think has been proposed.

If this is the way that this parliament believes legislation is best facilitated, then that is sad. I believe this legislation deserves comprehensive analysis and debate. It is one of the most pressing pieces of reform and regulatory framework that this parliament will ever deal with. Probably the crossbenchers or the minor parties have understood that better than anyone, and yet I think our amendments were the first to be regarded as peripheral and easy to discount in order for the Senate to deal with any negotiations or amendments that have been agreed to between the government and the opposition.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts) (8.16 p.m.)—Before I move a formal motion, can I just say in response to Senator Stott Despoja’s comments that the Senate does have a heavy legislative schedule. Very rarely in the four years that I have been the manager has it not had, and the government does almost on a daily basis facilitate the rearrangement of the program to suit the needs of senators, more often than not of opposition senators, Democrat senators and independent senators.

When Senator Harradine, I think for the first time in a 25-year-plus career, went off overseas while the Senate was sitting—almost unheard of for Senator Harradine—he approached the government and asked if we could arrange things so that particular bills or matters that he was very closely interested in could come on. We try as hard as we can to ensure that we meet the needs of senators from all sides, including our own ministers. I am not as lenient with our own as I am with others, as Senator Boswell will tell you, but we do try.

It does mean that you do need to look at the program ahead: if you have bills on the Notice Paper, you need to have your speeches prepared and your amendments prepared. Sometimes parties do not get their amendments prepared in the sort of time that we would all like. I recall coming in here in 1993 to debate the Native Title Act, which became the longest debate in Australian history at the time. I remember former Senator Gareth Evans having no running sheet at the commencement of that debate, and I remember a younger Senator Ian Campbell getting very angry with him, saying it was a disgrace and it was bad practice. I do remember some young Democrat senators at the time saying it would be quite appropriate to go ahead with the debate; there was plenty of stuff to deal with; we could commence with these amendments that were before us. So I think it is unfair to criticise Senator Tambling for suggesting that we make some progress.

The chamber does already have a very well-prepared running sheet prepared by the Table Office, so I think it is unfair to criticise. We all need to work together and cooperate on these big bills and these big packages. As I said earlier, I agree that progress will be faster if we have time to meet outside the chamber and go through some of the amendments and perhaps come back later this day. So I propose to seek now to adjourn consideration of this bill in committee and move on to the Australian Research Council legislation and then the so-called ESOS legislation in the second reading stages to make some progress on some other important bills.

Progress reported.
AUSTRALIAN RESEARCH COUNCIL BILL 2000

AUSTRALIAN RESEARCH COUNCIL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2000

Second Reading

Debate resumed.

The ACTING DEPUTY PRESIDENT (Senator Crowley)—I call Senator Stott Despoja. Congratulations on your fifth year, Senator.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (8.20 p.m.)—Thank you. It has certainly been a big day—probably the kind of day you would expect when commemorating such an event.

Before dinner I was discussing the Australian Research Council Bill 2000 and the Australian Research Council (Consequential and Transitional Provisions) Bill 2000. I put on the record my concerns about the direction in which Australia is heading. People talk about the need for a well-resourced, well-funded research sector, and certainly the government’s white paper reflects that rhetoric, yet we do not see that rhetoric matched with appropriate levels of funding and resources. I think it is quite indicative of the dangers we face as a nation. We have, for example, the entire ABC science unit being disbanded—staff being sacked and resources being lost as a consequence. I spoke about the series of reforms that have been proposed by this government at section 2.2 of the white paper in relation to the ARC, and I will not go over those roles again. When we adjourned for dinner I was talking about the declining funding and resources available for innovative projects and research in Australia. Universities are doing their bit: they have embraced their obligation to find new ways of managing their research. The government, on the other hand, while imposing these funding restraints on universities, has failed to accept its obligation to increase funding across the spectrum of Australia’s research if it is to realise the vision it has articulated in that white paper on research.

I do acknowledge again for the record that the notion of developing a strong and vibrant research base as outlined in the government’s white paper is a concept with which we agree, but the rhetoric needs more action, both in the form of more funding and resources and I think a whole cultural and philosophical change. The fact is that the future of Australia is reliant upon an investment in human capital. It does rely on investing properly in our education and training sectors and it does rely on coming up with sustainable areas of employment, especially for young people, and providing re-skilling and training for those who have borne the brunt of structural change in the workplace at other ages.

The key contention in the government’s white paper on research, that the level of Australia’s research funding compares well with other OECD countries, is flawed. I have said many times in this place that these figures are outdated; yet the government still maintains not only that these figures are correct but that there is demonstrable evidence that in fact we compare favourably with other OECD funding in terms of research. However, the Senate inquiry that recently looked into this legislation exposed the fact that that is quite wrong. The Kemp research white paper’s OECD data—which relates to 1997 or earlier—takes no account of the substantial boost in R&D in the past two years by OECD countries such as the United Kingdom, Japan, Germany, Finland, Canada, South Korea and the United States. Moreover, since the abandonment of the 150 per cent tax rebate for industry R&D in 1996-97, higher education R&D has been falling. In 1996-97 it was 0.318 per cent of GDP, but in 1999-2000 it has declined by 13 per cent to be only 0.276 per cent of GDP.

Australia will only keep pace with other OECD countries and realise sustainable economic dividends through support for a wide range of research by increasing our funding commitment. Recent figures indicate that the mix of public and private funding for our public universities is now the same as that for our private schools, with around 44 per cent of university revenues coming from non-government sources. The Australian
Vice-Chancellors Committee has stated—I have referred to this on the record before:
If we discount the Princeton, the Harvards and the Yales of the US system, the Americans actually have a public university system which is more heavily subsidised by Government than our own, with a significantly lower average cost to students.

I think that is well worth remembering, that we have seen an enormous HECS slug to students and we have seen the entrenchment of the user pays philosophy in our higher education institutions over the past few years. The changes to the threshold at which graduates begin to pay their debts, the percentage that graduates pay in their debts and the introduction of the differential rate for HECS have had quite a deleterious effect on access and equity. It also sends a wrong message to Australians, especially those from lower socioeconomic or other traditionally disadvantaged backgrounds; that is, if you do not have the funds, if you do not have the bank account, you should not necessarily aspire to higher education.

Let us look at the HECS bands for science courses. No-one denies that science and technology is our future. Science and technology is where many of the solutions to today’s and tomorrow’s problems are going to come from. Everyone respects science as an institution, yet we do not see that reflected in government policy. Apart from the fact that we do not debate science policy issues in this chamber very much, we certainly do not see substantial boosts for R&D in relation to science. We certainly do not see incentives for people of all ages, and young people in particular, students in schools, to take up science based courses or careers. I think that is lamentable, and I hope that the Science Meets Parliament Day that occurred recently might have influenced some members of parliament to think more deeply about what we are doing to Australian science, R&D, innovation and technology. They are all buzz words, but they are not matched with a commitment by government. The figures showed that government is using higher education and the fee structure as a way of making money—milking students for government revenue. In 1996-97 Australians paid $250 million in HECS repayments. As a result of the government’s reduction of the HECS repayment threshold to significantly less than average weekly earnings, the HECS slug has been shouldered by just over one million Australians who contributed over $6 billion in HECS to government revenue last year. We have seen a reduction in the rate at which graduates begin to repay their debt as well. With that figure of $6 billion, who believes that education is being treated as an investment by this government? It is actually being treated by the government as a cost.

Ministerial proclamations of increased student numbers also hide the fact that in 1999 the number of full fee paying domestic postgraduate students increased by 15 per cent or that on the first census date in March last year the enrolments in excess of fully funded undergraduate HECS places numbered 37,459. Of course, we all know that these places are not funded by government. They have endorsed an overenrolment strategy that sees a portion of those overenrolment places paid for or resourced. It is sending a message to universities that this is how you can make up the funding shortfall but governments are not compensating them for overenrolments in those institutions.

As stated in our minority report to the inquiry into the bills, the Democrats believe these bills have the potential to undermine the independence of the Australian Research Council, granting excessive power to the minister and providing insufficient transparency and accountability. Accordingly, the Democrats will move to amend the legislation to address our concerns on these matters, increasing accountability for ministerial actions with regard to the ARC by introducing a requirement that particulars for requests for advice be tabled before both houses of the parliament within 15 sitting days of their being made. We are also concerned that the ARC be able to undertake the long-term strategic planning that Australia’s research and innovation efforts require, and that it be quarantined from short-term political pressures as much as possible. We have put on record our concerns in relation to the requirement that the minister consult with the ARC on funding decisions. The Democrats note the intent of section 52(4) of the
Bill, that the minister be satisfied with advice he or she receives on funding matters from the ARC. However, the Democrats endorse concerns presented to the Senate inquiry that the qualification in the clause that the minister is not required to rely on advice presented by the ARC goes further than required.

Evidence was presented to the committee by the Federation of Australian Scientific and Technological Societies as to the desirability of having an independent body responsible for allocating research funding to ensure freedom from intervention on issues appropriately referred to an Institutional Ethics Committee. As FASTS noted in their submission:

FASTS considers the matter of increased Ministerial powers a very serious issue. For the community to retain confidence in Australian research, then the ARC, together with Institutional Ethics Committees, must have, and be seen to have, an independence free from political influence.

It is obviously a disturbing thought not only that this bill is going to increase ministerial power but that we are going to see an end to so-called independent—

The Acting Deputy President (Senator Crowley)—Order! Senator, just one moment. It seems a little noisy or chatty around here. Could conversations quieten down or senators move a little away.

Senator Ian Campbell—We are just discussing the last point that Natasha made.

The Acting Deputy President—Senator Stott Despoja, you have the call.

Senator STOTT DESPOJA—Thank you, Madam Acting Deputy President. It is bad enough that two bills have been brought up that we were not necessarily expecting without having to cope with that. But I like the thought that Senator Campbell was really discussing the last point that I made. Maybe he will be tested on it later.

I will go on to some of the other Democrat concerns with these bills. On the issue of student representation, as you know, the Democrats have long been supporters of increased student representation in the management of the issues and affairs which affect them. As noted by CAPA in its submission, research students perform approximately 60 per cent of the research in universities, and produce approximately 35 per cent of publications. Therefore, I think that they deserve appropriate representation and it should be mandatory that students are represented.

I would like to turn to the Australian Research Council (Consequential and Transitional Provisions) Bill 2000. This bill amends sections 17 and 23 of the Higher Education Funding Amendment Act 1988 to provide funding for the ARC and implement proposals contained in the 1999 white paper to establish two competitive funding schemes: the research training scheme, the RTS; and the institutional grants scheme, the IGS. There is also the issue of the time line for implementation of white paper proposals. In presenting its white paper on postgraduate research, the federal government indicated that the proposals it contains would not be implemented until 2002. The Democrats do not believe that this time line needs to be brought forward, and we will move to delete aspects of the legislation not dealing with the funding of the ARC.

Many of the submissions to the committee argued that current levels of research and research training funding are inadequate to meet the needs of the sector and that making those funds open to competition from private providers would place further pressure on institutions already struggling to meet Australia’s ongoing and future research needs. The bill provides for the transfer of $700 million of funds from operating grants under section 17 of the Higher Education Funding Act to a separate pool of funding under section 23 of that act, opening up eligibility for that funding to institutions and organisations not listed in the schedule to the act. That is a quite concerning proposal. Without a substantial increase in the quantum of funding to compensate for past cuts—and let’s face it: this government has slashed university and research funding—and with the decline in research funding relative to GDP, seven per cent since 1995-96, the possible diversion of funds away from public institutions to private organisation institutions will exacerbate
these pressures. A number of concerns with this model have been presented to the Senate committee, and the Democrats agree with the National Tertiary Education Union that, as these changes are not related to the establishment of the ARC and its ongoing funding, they do not need to be dealt with until these concerns are heard and considered.

The Democrats note the concerns expressed by the University of Melbourne Postgraduate Association regarding the degree to which opening public funding to competition may also undermine existing cooperative research schemes. The Democrats believe that these and other concerns raised in other submissions and in evidence to the committee require further consideration—so we do not want to rush this debate; we do not believe it has to be dealt with now—and that the time line for any introduction of contestability to funding allocations should not be shortened, so that we can actually have the opportunity to consider some of these concerns.

The Democrats also place on record our concerns regarding the implementation of these changes and the fact that they may preempt the final response to the report of the Innovation Summit Implementation Group and the report of the Australian Science Capability Review by the Chief Scientist, Dr Batterham. We believe that the proposed changes to funding in relation to research contained in these bills need to be reconsidered in light of the recommendations of those reports. I will put on the record that the Chief Scientist will be addressing the cabinet tomorrow, I believe. I only hope that he can put in a plea for the ABC in relation to the disbanding of, and the staffing cuts to, its science unit. I also hope that he will make a convincing case, as I have no doubt that he will have done in his reports, to the government for an increased research budget and an increased investment in education at all levels but particularly for higher education and training. Perhaps he could argue too for the reinstatement of the research and development tax rebate of 150 per cent. (Time expired)

Senator ELLISON (Western Australia—Special Minister of State) (8.35 p.m.)—In relation to the second reading amendment moved by Senator Carr, the government will, of course, be opposing this spurious motion. It relates to funding, and one thing about Senator Carr is that he is always consistent and we can always expect this—

Senator Carr—Consistently right, too.

Senator ELLISON—I have never thought of you as being on the Right, but perhaps you have changed. There might be some people in Victoria who would be interested to know that, Senator Carr.

Senator Carr—You have no idea how they are in Victoria.

Senator ELLISON—I think I have a good idea. What we are dealing with here is a bill which does not deal with funding for higher education as such but deals with the question of research. I just want to touch on the second reading amendment first, if I may. That purports to condemn the government for the lack of funding—

Senator Carr—‘Purport’ it doesn’t; it condemns the government.

Senator ELLISON—It ‘purports to’ because it is not really a motion of substance. For the record, I think the Senate and those listening should realise that, for the year 2000, there are just under 366,000 fully funded undergraduate places, which, compared with 1996—Labor’s last year in power—is an increase of four per cent. In fact, for the year 2000 it is estimated that total university revenue will exceed $9 billion. Of course, this comprises a variety of sources of revenue—government funding and fees paid—but at the end of the day we have a situation where there is $9 billion of total revenue available to universities.

In relation to indigenous students, this year we have 8,367, which is an increase of just over 1,200 when compared with figures for 1996. In 1999 we had 109,641 rural students—an increase of just under 4,000 rural students since 1996. There were just over 18,000 disabled students in 1999—an increase of 510 on 1996 levels. What we have is really good news in the higher education sector, a sector where we have seen higher education research and development increase by 13 per cent between the years of 1996 and
1998. The second reading amendment motion is really quite unfounded. It is just a political stunt put forward by the opposition, in particular Senator Carr. That is what I would expect; life would not be normal without having a second reading amendment from Senator Carr in relation to an education bill.

In 1998, $2.6 billion was invested in university research and development, amounting to 29 per cent of Australia’s total research effort. Universities perform most of Australia’s basic research—research which lays the foundation for our ability as a nation to innovate. The Australian Research Council, which we are dealing with in these bills, is an important player in the innovation system. It supports research across all disciplines except for clinical medicine and dentistry, and it is the primary agency for the support of basic research. It is also an important source of advice to government on matters relating to research. These two bills before the Senate are part of the government’s overall strategy to improve Australia’s innovative capacity. They implement a number of measures outlined in the government’s white paper *Knowledge and innovation* and will ensure that Australia continues to fund excellent research. They will strengthen the linkages between universities and other parts of the innovation system, and they will ensure that a quality research training environment is provided within the university sector.

The Australian Research Council Bill 2000 will establish the Australian Research Council as an independent agency within the Education, Training and Youth Affairs portfolio. Unlike the current situation, the ARC will have direct responsibility for the management of its research programs, and funding will be appropriated directly through this bill. This is an improvement on the current situation where it has its funding via the Higher Education Funding Act. The funding regime implemented by this bill guarantees a role for the ARC in the funding process. It acknowledges the importance of peer review in determining excellence by requiring that all grants be assessed according to the processes set down by the ARC’s approved funding rules before they can be approved for funding.

This bill recognises the need for strong linkages between the generators and the users of knowledge, and it introduces a reformed governing structure for the ARC. The new board will represent the interests of academia, industry and the community in the outcomes of research. Ex officio membership of the board by the secretaries of the Department of Education, Training and Youth Affairs and the Department of Industry, Science and Resources will also ensure that the government’s perspective on such matters can also be considered, which is important. A chief executive officer who has a distinguished record in research and research management will be responsible for the day-to-day operation of the ARC. The ARC will also be introducing program managers with excellent track records in research. They will be responsible for overseeing the peer review process, liaising with the research community and identifying emerging developments and innovative approaches to research in their particular fields. These new administrative arrangements will strengthen the ARC’s policy making and program management capacity.

Mindful of the need to increase philanthropic support for Australian research, the legislation will also create the ARC research endowment account. This will allow for the ARC to receive donations and bequests which will be used to support high quality research. At this point, it is really worth while mentioning the role that the private sector plays in its support of research and universities. I saw on one of the buildings at Sydney University the name Rothschild; across the universities that I have visited, I have seen a great deal of evidence of private support and philanthropic work. This is extremely important. It is something that the government has been encouraging, and it has done that with a variety of incentives.

This legislation also introduces a new planning and accountability framework for research. The ARC will be required to develop a strategic plan which sets out not only its goals, priorities and objectives but also performance indicators which will be used to assess such performance.
The measures contained in the Australian Research Council (Consequential and Transitional Provisions) Bill 2000 are aimed at continuing the strong tradition of quality research being provided by universities. Knowledge and innovation introduced two new performance based block funding schemes to support research and research training: the Institutional Grants Scheme and the Research Training Scheme. These amendments to the Higher Education Funding Act 1988 will allow for existing schemes to be consolidated into the new block grants. However, the government is imposing stricter eligibility requirements on this type of funding. Universities will be required to provide an improved research and research training management plan as a condition of funding. Not only does this encourage more strategic direction in universities but it will ensure that universities maintain an environment that is conducive to providing high-skilled research graduates as well as innovative research outputs and outcomes. The reforms contained in these bills are critical components of the government’s vision of a strong, can-do country. Australia’s future success will be dependent on its ability to become a leading knowledge economy. By strengthening the role of the Australian Research Council, the government is ensuring that Australia’s research base will provide a strong foundation for innovation and economic development.

Amendment agreed to.

Senator CARR (Victoria) (8.45 p.m.)—In view of the minister’s fulsome praise of that motion, under standing order 154, I move:

That the resolution relating to the Australian Research Council Bill 2000 be communicated by message to the House of Representatives for concurrence.

Question resolved in the affirmative.

Original question, as amended, resolved in the affirmative.

Bill read a second time.

Ordered that consideration of the bills in committee of the whole be made an order of the day for a later hour.

EDUCATION SERVICES FOR OVERSEAS STUDENTS 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

Second Reading

Debate resumed from 10 and 27 November, on motions by Senators Ian Campbell and Ellison:

That these bills be now read a second time.

Senator CARR (Victoria) (8.47 p.m.)—This legislation is a package of five bills known as the ESOS bills 2000. The major bill is the Education Services for Overseas Students Bill 2000, giving effect to the creation of a significantly strengthened regulatory regime in Australia’s international education industry. There are three minor consequential bills and a related bill dealing with amendments to the Migration Act 1958 and the connected provisions of student visas. Generally, the Labor Party supports these bills. For over two years, Labor has been calling for radical strengthening of the Commonwealth’s powers in the area of international education. It is a pity that it has taken the government so long to act, even though Australia’s international reputation has been damaged by the collapse of several colleges and by example after example of seriously unethical behaviour. In fact, there have been demonstrable examples of failure to deal with criminal behaviour within this industry.

Education is Australia’s fifth most valuable export industry, worth over $4 billion per annum. Overseas students in Australia have increased from around 50,000 in 1990 to well over 150,000 today. The industry has grown by 300 per cent in the last 10 years. All of Australia’s publicly funded universi-
ties and TAFE systems participate in the industry. Fifty per cent of overseas students are enrolled in higher education where international students account for eight per cent of the entire system’s revenue. Australia’s international education industry facilitates and enhances international contact and communications in culture, business and personal relationships. It leads to fringe benefits for Australia in tourism and in other export opportunities and contributes significantly to international understanding. Yet the growth in the industry has not been matched by adequate regulation. This industry is at serious risk. Rapid change in the climate and the context in which the fast growing international education industry operates over the last several years has rendered obsolete and inadequate the current cumbersome regulatory framework, at both the national and the state and territory level.

While in all the speeches I have made on this issue I have been anxious to point out that the overwhelming body of businesses and companies involved in international education do so on an ethical and honest basis, the fact remains that unscrupulous operators have been able to enter the industry unimpeded. Existing highly reputable private providers and publicly funded universities and TAFE colleges have experienced damage to their reputations due to the failure of the regulatory regime as much as to the naivety of those who administer that regime. This has been compounded by dramatic staff cuts in DETYA’s international division. The situation has far-reaching implications. The continued success of the industry depends, above all, on Australia’s reputation for high quality and integrity in educational provision. Further, our economic wellbeing in a more general sense is dependent on our international standing as a highly educated nation with a skilled work force. If our education system becomes known around the world as a site for scams, criminal activity and low quality, then our very economic future is at risk.

Over the last two years, the Labor Party has campaigned to draw attention to the risks and problems facing the industry. Within government, there appears to have been a conflict between the imperative for growth and expansion on the one hand and on the other the need to ensure the continued integrity of Australia’s migration laws and the ongoing quality of educational provision. This has resulted in a failure to maintain a whole of government approach.

I have given many examples in this chamber of the sorts of problems we have been facing. Through the Senate estimates committees and other committees of this parliament, I have been able to draw out the evidence to suggest there are very serious problems facing the industry and undermining the confidence in and integrity of those providers who are trying to do a good job. We have, for instance, differences in priorities and approaches between the major Commonwealth departments involved in the industry—between the Department of Education, Training and Youth Affairs on the one hand, and on the other hand the Department of Immigration and Multicultural Affairs, DIMA. One department has been pushing the unfettered expansion of the industry while the other has been deeply concerned about the industry’s potential and actual use as a cover for migration rorts and scams. Meanwhile, another part of the government, Austrade, has been handing out export incentive grants to companies and colleges already known to other parts of government as being involved in undesirable and shady business practices, and who should have been prosecuted for illegal activity—not rewarded with a Commonwealth export development grant.

Another major area of difficulty for the government has been the legislative chasm between the various levels of government—the states and the Commonwealth. Far too often, the states have taken a lackadaisical attitude to the regulation and monitoring of educational providers in international education. We all understand that, in theory, it is their responsibility but, in practice, they say it is up to the Commonwealth to pursue these issues. The result has been regulatory failure on a grand scale. Nevertheless, the progress on these issues has been demonstrated by the fact that these bills are currently before this chamber. To me, it demonstrates the crucial value of parliamentary processes when a
senator like me is able to pursue these questions and force government to acknowledge its responsibilities. It is important to demonstrate that it is possible to secure change in this country through parliamentary processes—even from opposition. The fact is, the Public Service has had to respond to the serious problems that have been exposed through those parliamentary processes.

Given the nature and seriousness of the allegations that I have been obliged to make—that is, in regard to criminal activity, fraud and the like—the protection of parliament has equally been critical in allowing that discussion to take place. I can give example after example of where there has been a suggestion that legal action would be taken if these complaints were made outside parliament. We are now seeing the product of that, insofar as the government has been obliged to respond and acknowledge the shortcomings of its administration.

As I say, while the majority of educational providers are reputable, the extent to which unfettered criminal activity has been unnoticed by the regulatory agencies has been a shock and a surprise to most people who have been involved in this particular story. Criminals—and I use the term quite deliberately—have been operating with impunity. We have had cases of the disappearance of students on a grand scale. The provider known as the National College of Australia, which collapsed in Sydney in 1998, allegedly had 700 students who just disappeared with it. A year later more than 100 of those students were yet to be accounted for. We have a situation where the Commonwealth departments responsible seem to go on forever trying to claim that they were not issues that were of much concern to them. I am afraid this was following the suicide of the proprietor of that particular college, who apparently spent a good deal of time shredding the records of that college. This college was registered on the CRICOS to take over 2,000 students.

According to the industry body ACPET, another college in Sydney officially had 1,380 students enrolled and only 280 actually attended classes. We are entitled to ask where the rest were. In the cases of Lloyds International College and Excelsior College, there was serious document fraud and the manufacturing of fake records. In the case of Excelsior, one gullible DETYA official apparently accepted the college’s assertion that there had been a bit of a problem but, after counselling, the offending students had turned up and, of course, had turned over a new leaf. In that case, I was obliged to table a complete set of records that indicated that only a handful of students were meeting the DIMA attendance requirements at that college. The college responded by producing an amended set of records—hey presto, out they pop!—for the same period of time showing full attendance for everybody. Both sets of records quite clearly could not be correct. In answer to a question, the Commonwealth department of education told us that these students were at remedial courses and had shown their intentions at the primary course only, and this explained the discrepancy between these two sets of documents. The education department in New South Wales did not see the issue quite so clearly and they suggested that the inspection assessment revealed that the college attendance records were incomplete. Were there any prosecutions? Were any actions taken? It would appear not.

I have another situation with regard to the associated entity known as Lloyds International College. The two partners of the organisation received registered training organisation status back in 1999. They were actually running a program which instructed students on how to get permanent residency in Australia—quite clearly an action which is associated with migration agents. I know of no action being taken with regard to that particular college. Another college known as the National College in Sydney, which was owned by Mr Yang, had an alleged student enrolment of 1,380 students on their books and, as I say, only 280 were in attendance. They had a tuition fee of $400 per student. It does not take you long to work out precisely what amounts of money were involved.

There are other cases where the regulatory regime has broken down. The G-Quest Institute of Advanced Learning was a college in Sydney that was allowed to enrol overseas
students, but it did not physically exist. A student who complained about this to DIMA was referred to DETYA. What was DETYA’s response? ‘We’d better organise a refund on her prepaid fees.’ That is not a satisfactory response to a serious breach of the administrative arrangements. It seems that no-one saw any need to do anything about that complaint. No-one in DETYA seemed to recognise that there was a bigger problem here—the registration of a non-existent college. That was one complaint. What about all the rest? What about all the other examples that have been raised? How was it that a non-existent college was able to recruit students and bring them to this country? Why wasn’t action on these matters taken within government?

Another example is Skywell College, which is one of the most notorious cases. It charges bargain basement tuition fees of $1,200 per semester. It offers students prizes and incentives such as free holidays to encourage them to move from other colleges within the international sector. In Melbourne, it is registered to take 1,000 students in tiny premises—it has two floors in a small building. Opposite Skywell College is the old Taylor’s College—a study group college which also has 1,000 students registered. The difference is that Taylor’s College had 10 floors—one floor devoted entirely to a library—a cafeteria and all the other facilities required to run a reputable college of 1,000 students. Why hasn’t the Commonwealth acted against Skywell? A whole series of examples demonstrate to me a dereliction of duty by the Commonwealth. Of course, we would be told that the existing laws are inadequate. Why wasn’t the Crimes Act ever used? Why weren’t other devices ever brought into play? The full weaponry of the law was available to protect Australia’s international reputation; why were there never any prosecutions under the ESOS Act?

I can point to some of the other correspondence I have received. Within the industry, the view was that, when questions of deregistration were raised in the states or in the Commonwealth, the blatantly dishonest providers could not be prosecuted because of the concern about litigation. In one document I have, it says so. Herein lies another flaw in the ESOS Act. The dishonest private provider operates knowing that DETYA is unlikely to prosecute, that DIMA is unlikely to investigate and that the state’s registering authority is unlikely to deregister. I am sure officials will take umbrage at that suggestion, but it does seem to me there is considerable truth in that assertion. When these issues were first canvassed—the government’s response is highlighted in an answer to a question that I raised in August last year—we were told that the mechanisms governing the registration of courses for overseas students, the CRICOS, were a creature of the ESOS Act and that, for an institution or a course to be placed on CRICOS, the institution has to apply to the relevant state or territory education authority. The state or territory education authority approves or refuses the application and passes the names of the approving institutions to DETYA. The information is then loaded onto DIMA systems for use by DIMA decision makers. So the officers required to decide the student visa applications are not able to look behind either the ESOS Act or CRICOS. It is not legal for DIMA to grant a student visa to an applicant not enrolled in an institution or course of study not registered on CRICOS.

This whole proposition that you could not look behind these registration facilities when everybody else could do so struck me as clearly naive. It certainly was not a view taken by the unethical providers, who were looking behind the legislative framework and were taking the view that they were not likely to be prosecuted by a government that essentially had a laissez-faire attitude to the industry. ‘The market will determine these things’ is the proposition that was put to us. I am sure it was a shock to the government when it was obliged to appreciate just how widespread these concerns were, and how obvious the infringements of our international reputation were as a result of these actions.

These complaints had been made to government for some time. I have evidence here from constituents within the industry who have said that they were not able to get satisfaction when these matters were raised with
government. It was not until these questions were pursued through the Senate that there was any serious movement by this government. These scandals have had an effect on Australia’s international reputation.

The actions taken in these bills are long overdue. The package before us addresses many of the problems in the industry. There are, however, some other issues that we are concerned about. Labor’s minority report on these bills highlights some of our concerns. We agree with the thrust of the government report; however, there are issues that go to the fit and proper person test. If we are serious about removing criminal elements from this industry, we have to be serious about ensuring that this parliament takes up its responsibilities for these matters. We can no longer take the buck-passing. We cannot have the Commonwealth government saying, ‘It’s the states’ responsibility’ and the states saying, ‘It’s really the Commonwealth’s responsibility.’ Action needs to be taken to ensure the integrity of the administrative arrangements. To that end, we will be pressing amendments on those questions.

We are concerned about the operations of the national code, and we are concerned to ensure that the national code that is proposed in these bills is a disallowable instrument. The government has met a number of those requirements. Other actions need to be taken, and I will address those in the committee stage of the bill. Discussions are under way, and I trust that agreement can be reached to ensure a smooth and quick passage of this package of bills.

Senator CROSSIN (Northern Territory) (9.07 p.m.)—The package of bills before us relating to the education services for overseas students goes to our international reputation in the education export industry. The education export industry is Australia’s fifth most valuable export industry, netting over $4 billion per annum in foreign exchange. The success of this industry, like most products that we export overseas, relies on our good name in order for those products to be marketable overseas and is highly dependent on our reputation for quality. While the industry has grown quickly from a small base in the mid-1980s, the regulatory and legisla-
cil for Private Education and Training has attempted repeatedly to draw the government’s attention to this impending disaster. At the end of March this year the Minister for Education, Training and Youth Affairs released a position paper called ‘Strengthening the regulatory framework for the education and training export industry’. In that paper the minister actually admitted that ‘the review had to consider the problems facing the industry’. So there was admission at last, finally, by this federal minister in his own paper that there were, in fact, problems in the industry.

The central bill under consideration this evening, the Education Services for Overseas Students Bill 2000, establishes a new tighter regime that deals with many of the problems that were identified by Labor. Labor senators support the move to improve regulation of education services for overseas students. This regulation is essential to protect the reputation of our education export industry. Even a few instances of bad practice by disreputable providers can seriously damage our international reputation in providing courses for students either overseas or for overseas students here in Australia. But while we generally support the bill in some areas, as Senator Carr has said, we believe it does not go far enough in others and should be strengthened.

The issue of quality regulation with post-compulsory courses lies with the states and territories in Australia. However, providers must also obtain CRICOS listing in order to offer courses to overseas students, which is, in effect, another layer of accreditation. The chief significance of CRICOS registration is that the Commonwealth can unilaterally suspend or cancel registration for breaches of the act of the national code. However, the initial approval is effectively delegated to the states, although the bill does allow the Commonwealth to refuse CRICOS registration in spite of the state accreditation in some circumstances. But this scheme does not adequately deal with the problems of quality assurance in the industry. States and territories, as well as DETYA, have inadequate resources for assessing the credentials of would-be providers and monitoring their activity once accredited. As we saw during the Senate inquiry into the quality of VET, those standards are inconsistent between the states.

I want to take you to some of the *Hansard* of the hearing the education committee held on this bill. I asked a question of representatives from TAFE Directors Australia about evidence we had heard of the loophole that was perceived in the bill in relation to registered businesses and private providers that are actually operating overseas. TAFE colleges supply a provision and sometimes have a base overseas even though they have been registered here in Australia as providers. Evidence put to the committee was that there is no way this bill can actually regulate what is happening under the name of Australian education in not only other countries but also other states. Mr Endean, from TAFE Directors Australia, said:

I think that is correct. Certainly the provisions of this bill address the matter of students studying in Australia; they do not address the matter of students of Australian institutes offshore. That is absolutely correct.

So the providers at the centre of problems experienced in the industry are vocational education providers that are accredited by the Commonwealth as registered training organisations, or RTOs as they are known.

Recently the Commonwealth and the states sought legal advice on the status of the national system known as the Australian Recognition Framework and intended to ensure that national consistency in standards and qualifications in the VET system remained as a whole. This advice, which we have heard in the last couple of weeks, provided by the legal firm Minter Ellison, concluded that the legal underpinnings of this national system were essentially non-existent. This problem extends to RTOs operating in the international education industry. We have yet to hear from this government what they intend to do about this advice and they are yet to convince the opposition that this advice is being given serious consideration. These bills propose a new national code of practice which will replace the voluntary MCEETYA code of practice in international education. This national code
will set out the standards and requirements for both providers and state accrediting authorities and will have legislative force. However, most of its requirements are addressed to providers. It has some provisions dealing with the actions of the approving authorities but it is a far from complete scheme of nationally consistent quality assurance.

During the Senate hearings, there were also a number of concerns expressed to the committee regarding the level of executive power granted under this bill. This power allows the minister for education to establish the national code of practice without requiring agreement from the industry, state or territorial governments or the federal parliament. The minister may amend the code at any time, provided the states are consulted. Consultation is not defined in this bill and agreement is not required with the states for the minister when he takes that action. There are significant weaknesses in the scheme of the bill and the national code concerning quality assurance. The quality assurance rules in the code need to be enhanced in relation to both the standards for education providers and the approval and monitoring actions of the authorities. The code needs to make clear which authorities, the Commonwealth or state, are responsible for which matters.

The bill provides that applicants for CRICOS registration must disclose previous CRICOS suspensions, cancellation or conditional registration. They must also disclose previous offences, but this requirement is limited to offences against the ESOS Act alone. In recent months, the Senate has taken evidence about the actions of certain providers in this industry—and Senator Carr has alluded to some of those in his contribution this evening—which would lead me to the conclusion that offences under the ESOS Act alone are insufficient. Problems that have become evident have been characterised not only by financial failure and collapse but fraud or tax avoidance, visa schemes and scams and offences against the Corporations Law. In addition, some colleges have provided educational services of extremely low quality and standard. The national code makes no reference to the more general credentials of providers and contains no provisions requiring accrediting authorities to check, for example, applicants’ business credentials, their general honesty or their financial viability. When we are trying to protect and regulate an export industry that relies on our international reputation, then such assurances are important and essential.

The aim of the ESOS Act should not only be to protect students from the providers’ business failure, but also, if possible, to preempt any failures. We heard evidence during the inquiry that there should be a broader ‘fit and proper person’ test for applicants for CRICOS registration, going to the credentials of the principals and managers of provider companies and also to those of the actual operators of the education providers. For example, the Australian Vice-Chancellors Committee recommended that the national code should provide for accrediting authorities to investigate the business credentials of new providers, including the principals and directors.

In our minority report, we argue that two measures, at least, are necessary. Firstly, the national code should make it clear that all its rules and requirements apply to the registered provider, even when another actual provider is involved. At present this is explicitly in only two sections—the marketing and student information section and the student recruitment and placement section. This might be taken, by implication, to exclude other sections of the code. Secondly, we say that the ‘fit and proper person’ test referred to in the previous section should be applied to actual providers as well as to the principals of the CRICOS registered companies or individuals. Sanctions should be applicable to actual providers.

I believe that in dealing with this legislation there is a need to look at the offshore activities of providers in this industry. The offshore activities of CRICOS registered providers are significant and include the offerings of courses in overseas countries, marketing and promotion and recruitment. In May 1999, Australian universities offered 581 offshore programs, mostly in Singapore, Malaysia and Hong Kong. These activities are of course just as important to the reputa-
tion of Australia’s education export industry as onshore activities. In the case of Australian universities, these arrangements most commonly involve contractual arrangements with companies or education providers based in foreign countries. These are commonly known in the industry as ‘twinning arrangements’. In some instances, however, the Australian provider establishes its own autonomous campus and operations offshore. The committee was told about the damage done in 1999 when the Business Institute of Victoria, registered in Melbourne and operating in Vanuatu, collapsed, stranding about 200 students as well as staff. In fact, one witness, who was appearing before the committee in a private capacity, had been a staff member of that institute at the time and had suffered immeasurable stress from what happened to her in Vanuatu. She said:

The government has acknowledged that it does not have any jurisdiction over companies that provide these courses outside Australia. But if the fees are coming into Australia and the businesses are registered with CRICOS and so on, it seems a very difficult situation to be in. I think it is a loophole and that all the legislation in the world is not going to do anything.

Government senators interjecting—

Senator CROSSIN—From across the chamber I heard the comment that it is very difficult—and it is a difficult situation. But while there are people like that witness, who was stranded in Vanuatu, and students who are affected by a business college operating under a registration in Australia while operating overseas, we should be concerned and take some action. Bills such as this should at least begin to look at solving the problem and address some of those issues. Mr Schroder, from ACPET, told the inquiry:

I, and a number of professional bodies, have some grave reservations about offshore activities of a so-called twinning nature—whether they are up to quality standards.

This bill does nothing to control these activities, and this is a serious omission. Providers advertising and benefiting from CRICOS registration should be subject to regulation, wherever they are. There are precedents for offshore application of Australian laws. Some key witnesses to the inquiry agreed that regulation of offshore activities would be desirable and this bill would be considerably strengthened by the inclusion of provisions designed to regulate offshore activities of education providers.

This package of bills also proposes the establishment of the tuition assistance scheme. This is to ensure that overseas students who have paid for a course have access to suitable courses or a refund in the event that a provider is unable to provide the course. A contentious issue among parties before the inquiry is the requirement for providers to be members of the proposed assurance fund. The Labor Party believes that, while there would be provision for exemption from fund membership, this should be limited only to universities that are listed on schedule A of the Higher Education Funding Act or publicly funded institutes or colleges of technical and further education that are members of state and territory systems. Private education providers, including non-government schools and the private corporate arms of universities, should not be exempted from the provisions relating to the assurance fund.

Finally, I want to raise the issue of cancelling student visas. Student representatives and others appearing before the committee inquiry expressed the opinion that the provisions in the bill for automatic cancellation of a student visa were too harsh and did not allow a sufficient time frame for students to respond to notices requiring them to present themselves at a DIMA office to explain their circumstances. While the Labor Party is generally supportive of the migration provisions associated with this package of bills, we believe that consideration should be given to extending the time line attached to this provision.

In summary, as our minority report on these bills states, we believe that this bill needs to be amended in a range of areas. There are three main areas: the inclusion of a provision for a mandatory fit and proper person test for providers and the principals of provider companies, covering registered providers and also the actual providers of educational services; the inclusion of a clause with the effect of applying procedures similar to those currently applicable under the
Corporations Law to the service of documents on providers giving notice of suspension of registration; and a longer time period to allow students to respond to notices from the Department of Immigration and Multicultural Affairs regarding pending automatic cancellation of their visas.

The draft national code should be strengthened to improve the existing provisions that go to the issue of quality assurance at both the state and federal levels. The national code should also state explicitly that its provisions relating to providers apply also to the actual deliverer of the services. A further matter of serious concern is the lack of provisions in the bill that relate to the activities of providers overseas. This is a complex issue, and means of regulating offshore activities and educational provisions should be carefully examined with a view to amending the new act at the earliest possible time once these provisions have been taken into account.

In conclusion, in my dealings with matters relating to education services for overseas students, this bill has been a long time in coming. We have had a discussion paper and consultations, and we have now had a Senate inquiry into the effect of these bills. While there are many provisions in the majority report that we agree with and welcome, there are still a number of areas in which we believe this bill needs to be strengthened. It needs to be strengthened in order to make sure that this industry is regulated and maintains a high quality of courses and a high quality of teaching activities so that our international reputation in this very important and valuable export industry is not only maintained but also guaranteed for those future overseas students who want to study under our name at institutions either overseas or in this country. They can then be assured of a quality course and protection from providers that are somewhat questionable. (Time expired)

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (9.27 p.m.)—I rise on behalf of the Democrats to address the Education Services for Overseas Students Bill 2000 and related bills. It is long overdue, through you, Mr Acting Deputy President Calvert, to Senator Crossin. After years of calling for greater regulation of the provision of education services to overseas students, years of extensions of sunset clauses applying to the existing scheme, the Democrats are happy to see this legislation finally brought to this place. However, as noted in the minority report to the committee’s inquiry into this legislation and also noted in my additional comments to that committee report, these bills will require amendment if the regulatory framework we are seeking to introduce is to provide the protection for students and providers that the growing education export market requires.

Two years ago, in a debate on the Education Services for Overseas Students (Registration of Providers and Financial Regulation) Amendment Bill 1998, the Democrats sought to oppose the extension of the sunset clause, recognising that insufficient protection existed for students in the event of a collapse of a private education provider and that there was insufficient regulation of providers operating in and entering the market. Since that time, awareness of the importance of the provision of education services and the importance of education in supporting Australia’s move to a knowledge economy has grown. Sadly, this awareness has not translated into more responsible federal government policy with regard to the funding of public institutions to enable them to meet demand for education at the undergraduate and postgraduate levels and to enable them to continue to meet Australia’s research and innovation needs—some of the issues I just addressed in the ARC bills that were hastily brought on in the last hour.

The federal government is in the habit of promoting Australia’s potential as a world leader in the provision of education to overseas students. However, these claims have been made in a climate of increasing overseas competition, which may not be offshore for much longer. The advent of electronic education with degrees offered and taken over the Internet is already here and our international competitors are already seeking entry to our domestic market, let alone providing increasingly strong competition for
overseas students. Canada and the UK have made significant investments in their education sectors, recognising that infrastructure and quality of education offered are what will attract and retain overseas students.

Sadly, the massive funding cuts imposed by this government have served to undermine Australia’s future competitiveness in this market. As a consequence of these cuts, Australian universities have had to over-enrol undergraduate students, cut courses and charge up-front fees, thus reducing access to education, reducing the number of subjects and courses offered and reducing the completion times for postgraduate degrees—I referred to some of those issues earlier in the context of the research debate.

The number of international students studying in Australia has risen from approximately 48,000 in 1991 to 158,000 in 1999. Australia has traditionally been able to offer quality education to these students and has received in return the benefits of these students’ contributions to teaching and research, and of course the exchange of international perspectives between domestic and international students. The provision of education to international students brings Australia more than $3 billion in revenue per annum in addition to the jobs created within and outside the education sector. I remember that a popular catchcry from a few years ago was the notion that export education created more revenue than wheat sales. When we put it in that context, we realise that it is an extraordinarily large market.

In April 1998, the Australian Council for Private Education and Training appeared before the Senate committee’s inquiry into the ESOS Act and stated that the act was fundamentally flawed. It also warned of the imminent problems within the private education export sector if the proposal to extend the legislation for a further three years was enacted. At that time, the Democrats favoured only a one-year extension of the ESOS Act pending proposed ACPET and government research. As the operator of Australia’s largest tuition assurance scheme under the ESOS Act, ACPET was obviously well positioned to identify any flaws that happened to be in that act. ACPET informed the Senate inquiry that it would undertake research to look into more effective legislative control of Australia’s private export education industry.

However, only six months later in October 1998, the government re-enacted the ESOS Act for a further three years—with the vote of the Labor Party. So what we considered to be an inadequate and flawed piece of legislation was extended with the concur- rence of both the government and the opposition. In many respects, that permitted much of the degradation that has occurred in the export education field. It has also enabled the action of a few dishonest private providers who are operating under that act without prosecution to cast doubts overseas about the quality of Australia’s universities.

Following the 1998 Senate inquiry, ACPET proceeded with the promised research by contracting Hall Chadwick Chartered Accountants and Business Advisers and Systems F1 Pty Ltd. This research cost ACPET in excess of $80,000. It received no government assistance—which I note that ACPET members regard, quite rightly, as perplexing considering the fact that it is a growing export industry that contributes in excess of $300 million annually to the wealth of Australia, and that much again in overseas student expenditure while these students are in Australia. It goes without saying that there are flow-on benefits.

The negative consequences of the ESOS Act began to emerge soon after this time. For the majority of private providers who educate many overseas students honestly, and therefore contribute to Australia’s wealth and international reputation by doing so, the scams that were tolerated under the ESOS Act have been to the undeserved detriment of their reputation. Many have been unable to compete against the low-cost, no-tuition practices of the scammers and have therefore closed. Some have tried to compete but will close unless there is immediate action to protect fair trade that offers teachers proper rates of pay, that gives tuition of the required standard to students and that looks after the welfare of those students. In some instances, students are too ashamed to return home to their parents or too scared to report their
treatment to authorities. They are of concern too. We must consider the fact that people have been unwilling, unable, inhibited or intimidated in relation to reporting these scams. These students have been lured to Australia for low-cost tuition and the promise of high wages to repay unscrupulous overseas agents who offer inflated interest on student loans.

There are extraordinary examples of people who are taking off with thousands—even millions—of dollars as a consequence of some of these loopholes. A Victorian college that offered a non-accredited masters degree in Vanuatu and dubious courses in Melbourne—which the Senate has heard about—collapsed. A Sydney college also collapsed after ACPET expelled it from its tuition assurance scheme on the basis of fraudulent marketing. It collapsed with some hundreds of students missing who apparently never received tuition. Another Sydney college collapsed just before the final examinations of those few students who stayed in its courses.

In 1997 ACPET reported a number of examples of rorts to the then director-general of the relevant New South Wales authority, who neither responded to the ACPET allegations—as far as we know—nor took any action. Subsequent reporting to the various state authorities has been met with responses such as ‘That’s a Commonwealth matter’ or ‘We don’t have the resources to do DIMA’s job’. So even when reporting is taking place—for example, on a state level as in this case in 1997—it is met with the belief that it is a Commonwealth responsibility.

Herein lies another flaw in the current scheme. The dishonest private providers operate knowing that DETYA is unlikely to prosecute. DIMA, on the other hand, is unlikely to investigate and the state registering authority is unlikely to deregister. Essentially, the dishonest provider operates within those loopholes in the ESOS Act, which are caused by the lack of a whole-of-government approach. ACPET has often stepped in and utilised its own resources for the wellbeing and welfare of students to protect not only their educational opportunities but also the reputation of this country.

In light of this sorry history of rorts and abuses under the old ESOS scheme, the Democrats welcome the legislation that is before the parliament as it seeks to address the loopholes that have existed for so long. As I stated before, it is a pity that we did not deal with this matter two years ago instead of extending the scheme, but at least we are finally dealing with it now. However, the Democrats maintain that, in addition to plugging the loopholes, we need a vision for Australia’s export education that entails not just regulatory impost but some kind of cooperative venture between industry and government to ensure the welfare of our students, to build Australia’s export earnings and our respect internationally, and to introduce a professional standard akin to those of other professions. Most professions require the attainment of an educational standard prior to practice and ongoing professional development to sustain membership.

I certainly look forward to this debate. The Senate report is worth reading to get a cursory examination of the debate—certainly a detailed examination of this legislation. But there are many inquiries and reports dating back many years, not to mention a number of submissions that have been provided over the years. I particularly want to put on record and acknowledge the work of Andrew Blake, the Young Democrats National Education Officer, who made a submission to that inquiry. I certainly was proud to see that there was a role for youth wings of political parties in not simply engaging in, I guess, the political rhetoric that we have but also providing a policy submission and thinking about legislation that affects them and their peers.

I am told that, as we discuss the second reading in relation to this legislation, the running sheet for the Gene Technology Bill 2000 is hurriedly being prepared and should be organised and able to be dealt with by 10 o’clock. So that is good news. Otherwise this legislation and the legislation before it could be dealt with as not simply the ESOS and ARC bills but the ‘not the gene technology 2000 bills’. For anyone who has witnessed the debate in this place over the last hour or so—certainly I have, having dealt with four bills in as many hours—I place on record
again the fact that amendments have been circulated to the ESOS legislation and to the ARC bills. I do recognise that, even though we received some of those amendments only today, they were received in good faith. Certainly the Australian Labor Party and the Democrats were not expecting this legislation to come on today, so there is no reason why we should—

Senator Patterson—Neither were we.

Senator STOTT DESPOJA—Through you, Mr Acting Deputy President, to Senator Patterson: nor were you. No, that is true. But one thing we were told to expect, whether we liked it or not, was the Gene Technology Bill 2000. Unfortunately we were not given the Labor amendments, so we could not proceed. But apparently we will be proceeding sometime after 10 o’clock, when that running sheet is hot off the press. I do make reference light-heartedly to that issue, but I want to put on record again my concern about the way that the business of the Senate has been conducted tonight. While I acknowledge that the government has brought on these bills—all the ESOS bills and the ARC bills—in order to give the participants in the gene tech 2000 debate an opportunity to review the ALP amendments, that does not always work if you are in a minor party and you have to debate the bills in the interim.

So I hope that we will have an interesting beginning to the gene tech 2000 debate. I am sorry that we cannot get into the committee stage of the ARC or ESOS bills. But I think that would be an unfair ask on just about anyone in the chamber, probably including the government too. So I acknowledge Senator Patterson’s surprise that these have popped up at this stage of the debate. But I hope that we will see a constructive resolution to the ESOS debate. It is one that is long overdue. I look forward to debating the amendments that have been put forward and hope that government business over the next week is not as haphazard as it has been today.

Senator BARTLETT (Queensland) (9.41 p.m.)—I also rise to make a reasonably brief contribution to the debate on the Education Services for Overseas Students Bill 2000 and related legislation. As some may know, I am the Democrats’ portfolio holder on immigration and multicultural issues. This legislation crosses over those sorts of issues and education issues, which Senator Stott Despoja, who has just spoken, covers so effectively for the Democrats. For that reason I will not speak extensively on the broader components of the bill. However, there are just a couple of aspects that I thought I would touch on briefly, because those issues in relation to immigration and the immigration department—and, indeed, the immigration department is integrally involved in this particular bill—are of significance.

An interesting thing is that, when people think of immigration and the immigration debate, they tend to think of people migrating to Australia, which is an important issue. But a huge part of the work of the immigration department relates to people who are not migrating to Australia; it relates to tourism visas, visitor visas and student visas. I do not know the numbers off the top of my head, but I imagine they would actually be much larger in number than those who are applying for permanent residency. So, in that sense, in most people’s top-of-the-head consciousness, they would not think of those people as migrants or immigration issues, but they are issues that are handled by the immigration department.

Those issues are also relevant to this debate because, in the same way as people who are applying to come here—those who are applying for residency or protection, or those other issues—have a view of Australia and have an engagement with Australia that relates to a very important matter, the same applies to people who are applying in this case for student visas or who have student visas and are in Australia for that purpose. That provides a situation where a person’s place of residence is dependent on the department that they are dealing with and the way that they meet the conditions on their visa. It is always important, as part of the components of the operation of these sorts of things, to keep in mind the importance of ensuring that we do not put up too many unnecessary or inappropriate hurdles for people—not just because it makes life difficult for people, but also because of what it means
in terms of people’s perceptions of Australia: how we relate to, engage with, deal with and treat people from other countries.

As many senators would know, one of the earlier pieces of legislation passed in Australia, when we first became a federation—now nearly 100 years ago—related to immigration issues. The history of immigration law as a whole in Australia is a fascinating study in itself, although it is not a particularly uplifting one, I would have to say. The white Australia policy is a shorthand way of saying that we have a long, ingrained tradition and viewpoint of a hostile attitude towards migrants, towards people outside Australia. Xenophobia is probably a shorthand word to use to describe that. That is not to say that every bill or every measure or every action of government from 1901 to now has been motivated by that. But it is a common thread.

If you look at the legislation, if you look at the restrictions, if you look at the aspects of court judgments and interpretations of the laws, it is a common thread that runs right back to our earliest days—indeed, to pre-Federation. Whilst it is a common line of rhetoric that ‘the whole world is watching and people notice what is happening in Australia and we have to behave properly or the international community will condemn us’, in lots of ways it is easy to think: well, that is just rhetoric and it does not really make a difference. In lots of ways that is true. I am sure the people in the USA or Europe or anywhere else are not thinking every day about what Australia is doing. They are certainly not thinking about what we are doing in this chamber tonight, and I imagine not many people in Australia are, for that matter. But it is also true that it does make a difference. It is hard to measure—it is very incremental—but the cumulative effect of the message we send out to people in terms of how we treat them when we are issuing visas, and when we are enforcing or overseeing their use of those visas, does make a difference. To some extent this has become much clearer to me since I have been in this chamber than before. I have had more opportunity to talk to people from overseas and to groups, commissions and organisations from overseas. They can tell you, and they frequently do, that this is noticed. The things that are done are noticed.

_Senator Patterson interjecting—_

**Senator BARTLETT**—Senator Paterson is enjoying my contribution so much that she wants me to expand on it further. I am glad to hear that!

**Senator Patterson**—I just think the Gene Technology Bill is about ready to come back on.

**Senator BARTLETT**—I am sure that is an indication that the government is taking on board the spirit of the contribution that I am making.

**Senator Carr**—Indeed; you have persuaded us all!

**Senator BARTLETT**—I should move all our amendments now and we will get them all through! To get back to the point I am trying to emphasise: it does make a difference. You can never measure how much a particular action has an effect. I am not in any way suggesting that the eyes of the world are upon us as we speak tonight. I do not even think the eyes of anyone in the chamber are upon me as I speak tonight, let alone anyone else. But the cumulative effect of how things that we pass tonight in this chamber are implemented and administered by the government and how they impact on people and organisations around the world does make a difference. You can add that to all the other issues in relation to engagement with the world—globalisation, economics, trade and all those things people talk about all the time—in terms of how important it is to be able to make connections with people in our region and in other parts of the world for economic reasons, for social understanding, for environmental protection and for all sorts of things. Without trying to overplay the significance of what we are doing, I think when you are talking about people coming to Australia, particularly in areas like education—which is about expanding horizons, expanding knowledge and building links in terms of research, industry and understanding of the environment—it is really important that we not be overzealous and that we try to slowly move away from a
lot of the tradition of Australia over 100 years and more of being too much a fortress Australia, too xenophobic.

The specific example I would point to in the more thematic contribution I have been making is in terms of the aspect of this bill that deals with the automatic cancellation of student visas. Many of the people who have got student visas may be reasonably well off by certain standards, but some of them are not. A lot of them have made significant financial sacrifices to get here. It is not appropriate to try and build a picture that to come to Australia to study as part of a student visa is some sort of junket that people are on. That is an inappropriate concept to build. People make very significant sacrifices, often at great expense, to come to Australia on a student visa. It is obviously significant in terms of being displaced. I am not saying it is an awful experience; I would hope it is a fabulous experience for them to be in Australia and to study and to be able to get more of an understanding of our way of life and our culture. But for many people it is not as though getting a student visa is just like applying for a drivers licence. It is a significant action to apply for study overseas and to relocate overseas.

The committee report into this aspect of the bill, the automatic cancellation of student visas, said:

The committee accepts that the provisions in relation to automatic cancellation of student visas are reasonable. It is impractical to expect DIMA—the Department of Immigration and Multicultural Affairs—to prove that a notice has been received, since students in breach may deliberately avoid postal notices. There are reasonable provisions allowing cancellation to be revoked in bona fide cases.

That was the committee report. The government obviously has a majority on that committee, so that was the government senators’ finding. Even in just that paragraph it raises concerns in terms of the issues that I have been talking about. Sure, I suppose it is possible that some students in breach—people who are trying to rort the system and are just pretending to study—may avoid postal notices deliberately so that they do not get caught out. But what about all those that are not doing it deliberately, that are not rorting and that just do not get the notice? These things happen not infrequently in all sorts of areas. In social security, another area I deal with a lot, it happens not infrequently. People do not get notices. People move around—and more so students, particularly students from overseas who have to change from place to place. The postal notice may go to the wrong place. You have to give people a bit of a break. You cannot assume every single person is always a rorter until proven not a rorter. I think that is an appropriate component.

Senator Patterson—We expect them to tell us where they are.

Senator BARTLETT—People should tell people where they are, but it is how quickly they have to and how accurate the department is. There is departmental error, and that is not a criticism of the department. Every department is made up of human beings, and all human beings—even I, I have to confess, which may shock some people—make errors from time to time—

Senator Carr—No!

Senator Herron—That is going too far!

Senator BARTLETT—I am glad to get a vote of confidence from other senators. If someone wishes me to retract that statement, I am willing to think about it. Human error is something that does occur. It is a matter of balance in all these things but it is also a matter of recognising the impacts of what happens when these issues get worked through, which is basically that people get chucked out of the country. That is a reasonably unfriendly thing to do. I do not say that we should never do it. If people are deliberately breaking their visa requirements and not doing what they said they would do, fine, that is what we have got to do. But it is also appropriate to recognise that it is not a light penalty, it is a pretty significant thing to do. People have gone to a lot of expense and through a lot of upheaval to come over here to study and, if we then chuck them out, that is not a minor thing. We need to make sure that we have fair play involved when we are doing it. That is all I am saying. In saying
that I am not accusing the department or anyone else of not doing it. People like Senator Carr, who I know has been following these issues assiduously, would probably say we are giving them too much of an even break to date, and that may well be true.

Senator Carr—On the contrary, I say ‘Go after the crook providers who are owners of colleges.’

Senator BARTLETT—Indeed. We have not been doing enough, as Senator Carr has been saying for a long time, to go after people who are exploiting things and are given too much of an easy ride. I am not in any way suggesting that we should overplay the other aspect and make it so easy for people that they can keep rorting things. But it is a concern that we do not undercut fair play, natural justice or whatever phrase you wish to use, in relation to things such as cancellation of visas.

Representatives from international student organisations expressed concerns in the committee hearings about the provisions of the bill providing for automatic cancellation of student visas. The department in effect is being allowed to do what no other law enforcement agency is allowed to do. Serving of notices should require a notice to be served. A notice of a cancellation of visa is not a parking ticket; it is a reasonably significant thing. It is special pleading in the extreme to say that a majority of students will seek to deliberately avoid a notice. You are talking about providing people with notice—that is why it is called a notice—so that they have the opportunity to respond to the allegations or the issue that is raised as part of a notice being served. To make it automatic in a way that is so tight that it reduces that opportunity I think is a dangerous thing to do. It is dangerous not just in terms of the impact on those individual people, because it is not a minor thing to chuck people out of the country, but also in terms of the message it sends to the wider global community. I am not suggesting that we have to be a soft touch to make sure we do not upset anybody. We can be as firm and clear as you like, but I think we have to be fair. One of the better things about Australia is that we have that tradition of a fair go. It is interesting to put some of the positive things Australia has done, like the Australian tradition of the fair go, alongside some of the negative traditions I have been speaking about in terms of immigration such as Fortress Australia and White Australia policies. It is important that when we consider these issues we make sure we get a balance. It is an issue of concern to the Democrats both in terms of the individuals who may be affected and in terms of some of those broader principles of multiculturalism and recognition of the importance of engaging positively with the global community. That reinforces the concerns that I have expressed this evening.

Senator PATTERSON (Victoria—Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs and Parliamentary Secretary to the Minister for Foreign Affairs) (9.57 p.m.)—The government is determined to ensure the integrity and quality of the education and training export industry. We know how important it is. The majority of education providers are bona fide and genuine and are offering very high-quality courses. But we know there are some who are less than scrupulous and they have the potential to bring disrepute to all the industry. We have been pursuing reforms for a considerable length of time. Dr David Kemp announced a review of the act last year. This review was necessary because we inherited a plethora of regulatory problems from the previous government. The ESOS Act 1991 does not provide reliable financial assurance for overseas students nor certainty as to the quality of education provided, nor does it give a whole-of-government approach to an industry that relies on the student visa program. As I said, it has enabled a few unscrupulous operators to threaten this important industry. The package of bills before the Senate, the Education Services for Overseas Students Bill 2000 and related bills, addresses these problems and we believe addresses them effectively.

We have got to understand that this is an extremely important export industry for Australia. Senator Crossin most probably slightly overestimated its value, but she indicated that it was a very valuable export industry. It is worth more than $3.7 billion in
revenue to Australia—more than wool and on a par with wheat. It yields benefits to the Australian community of extending our own students’ understanding of the global context in which this country is increasingly operating. It provides positive opportunities for overseas students to experience Australian culture and society and to develop linkages here. But all this depends on our addressing the risks posed to the industry and our overseas reputation by poor quality, mismanaged and/or disreputable providers and non bona fide students. As I said, they are a minority, but their conduct can damage all.

These bills before the house will do the following. The ESOS Act 2000 will replace the ESOS Act 1991. It will ensure more reliable financial and tuition assurance for the students. New assurance fund requirements will place collective responsibility for safeguarding students’ prepaid fees on the industry. There will be a greater certainty that only providers of quality and integrity operate in this industry. A legally enforceable national code will provide nationally consistent standards for the registration and conduct of registered providers.

A secure electronic confirmation of enrolment system will preclude fraud amongst students seeking student visas and will identify students who do not adhere to the conditions of those visas. The electronic system will provide evidence for scrutinising compliance with the new act and student fees and conditions. There will be new offences and vital new Commonwealth powers to investigate and impose sanctions and remove non bona fide operators from the industry. Changes to the formula for the annual registration charge will ensure that the Commonwealth can take on a more proactive role in addressing the problems facing it.

The consultation with industry on these bills has been extended and intense, and many different views have been put to government by various sectors of the industry, who each have their own interests and views as to how the problems should be addressed. But they support the move to clean up the industry and for legislation to provide the Commonwealth with effective powers and sanctions in order to do this. The government have listened to industry’s concerns. We have already addressed many of these through amendments introduced in the House of Representatives. The Senate committee report referred to some matters, such as the keeping of student addresses, and we have amended the bill to clarify that these are to be as supplied by the student. We have listened to the industry as to who they thought should be on the contributions review panel of the assurance fund, and amendments were made accordingly.

I now turn to the migration amendments in this package. The Migration Legislation Amendment (Overseas Students) Bill 2000 contains measures aimed at improving regulation of the education/training export industry and strengthening the integrity of the overseas student program. The first measure provides, in certain circumstances, for the automatic cancellation of student visas by operation of law and a process for the discretionary revocation of an automatic visa cancellation. This is intended to create a more streamlined and effective process for dealing with students who fail to observe their visa conditions by not attending classes or not demonstrating satisfactory academic performance and who do not explain the failure to an Immigration office within 28 days.

I note that the minority report of the Senate Employment, Workplace Relations, Small Business and Education Legislation Committee suggested that consideration should be given to extending this 28-day limit. That was something that exercised my mind when I was working on this bill. Senator Bartlett expressed concern about this. Having talked to the industry about it, I believe that 28 days strikes the correct balance and is a reasonable amount of time for a student who has been sent a notice under section 20 of the ESOS Act to report to a DIMA office.

It is most probable that we will have this debate again in the committee stage, but Senator Bartlett said, ‘What happens if they change address?’ We have put a requirement on the student to notify the provider when they change their address. We have done that particularly because students are peripatetic,
they move around, and one of the problems has been that, when a provider has indicated a student is not complying, the compliance officers cannot find them because they do not know where they are. There has not been a requirement on the student to indicate to the provider where they are. So now they will know where the students are. They ought to know where the students are because there is a requirement within the visa that the student notify the provider. In addition, it is unlikely if a student is on vacation that they will be notified because the student will not be in compliance with the requirements of their course if they are on vacation. The student is not required to leave the country within 28 days. He or she is merely required to report to a DIMA office for the purposes of explaining his or her failure to attend classes or to achieve a satisfactory academic performance.

The government also believes that education providers will not frivolously issue such notices during holiday periods when students may well be out of the country. If a student is away on vacation during recognised vacation periods, as I said, it would be unlikely that an education provider would penalise a student for such an absence. In relation to any other necessary absences, a student can make appropriate arrangements with their education provider so that they are not penalised for such absences. As an additional safeguard, provision has also been made for a student whose student visa has been automatically cancelled to apply for the revocation of that cancellation subject to certain time limits.

I would also like to confirm that, as was noted in the majority report of the committee, steps will be taken to publicise the automatic visa cancellation scheme. I should also add here that, if a student is ill and has a reason why they were not able to respond to DIMA—because they were in hospital—that is taken into consideration and covered. As to the way in which the information will be provided, it is intended to provide education providers and relevant student bodies with appropriate training; to produce an information pack for existing and future students; to place comprehensive information on the World Wide Web; to consult with relevant peak bodies; and to provide a training and consultation process for relevant agencies overseas such as DIMA posts, Australian Education International, Austrade and AusAID.

The second measure empowers Immigration officers to require the production of—and to search for and inspect and, in some cases, seize—relevant records held by education providers. These new powers are to be used where there is reason to believe that the conditions of student visas are not being or have not been complied with. These enhanced search and entry powers will allow the government to monitor more adequately compliance with student visa conditions and thereby strengthen the integrity of the overseas student program. Overall, the entire package of five bills achieves a comprehensive strengthening of a key export industry while at the same time maintaining the integrity which is essential to that industry's future.

We have worked to address the issues that have arisen out of the fact that we inherited a system that really required significant reform. I want to put on the record here that we have been having discussions with the opposition on the amendments that we will see in the committee stage, and I wish to note my appreciation to the Democrats and for Senator Carr, who is taking the bill through on behalf of the Labor Party, for the cooperation we have had in being able to discuss the amendments and work towards achieving a goal of ensuring integrity within the overseas education industry to ensure that we benefit overseas students and that we benefit and maintain the reputation of Australia's overseas education industry.

Question resolved in the affirmative.

Bills read a second time.

Ordered that consideration of the bills in committee of the whole be made an order of the day for the next day of sitting.
In Committee

GENE TECHNOLOGY BILL 2000
Consideration resumed.

Senator TAMBLING (Northern Territory—Parliamentary Secretary to the Minister for Health and Aged Care) (10.08 p.m.)—I table a supplementary explanatory memorandum relating to the government amendments to be moved to these bills. The memorandum was circulated on 30 November 2000.

Senator FORSHAW (New South Wales) (10.08 p.m.)—I should make some comments at the outset in light of the remarks made by various senators when the bill went into the committee stage earlier this evening. We regret that the opposition amendments had not been circulated at the time that the committee stage commenced. We had hoped that that would be the case, but unfortunately it did not occur. We understand the concerns that have been raised by representatives of the Democrats, the Greens and other minor parties in regard to that delay.

The opposition have been endeavouring over quite a number of weeks to finalise a package of amendments to this legislation which would, we believe, substantially improve the legislation. Those who participated in the proceedings of the Senate committee—and I emphasise ‘those who participated’—particularly will recall that there were quite a number of witnesses before the committee who agreed that it was important that legislation be enacted by the parliament to regulate gene technology in the areas intended to be covered by this legislation. There was a lot of discussion during the inquiry of the committee about whether or not the proposed legislation of the government was adequate. Indeed, there was quite a deal of criticism from various groups. In their view, it was not adequate. Anybody who has taken the opportunity to read the quite comprehensive report of the Senate committee would recognise that many suggestions were forthcoming from witnesses before the inquiry as to how they believed the legislation might be improved. Of course, there was also a fair amount of disagreement amongst the witnesses and indeed ultimately amongst the members of the committee—between the opposition and the government, for instance—about the various proposals that were put before the committee.

But I believe that it was overwhelmingly the case that witnesses appearing before the committee were of the view that, at the end of the day, it was important to have legislation enacted. Even though there were issues or areas that might not be ultimately agreed on by the parliament, they believed it was important to have established a regulatory framework, a regulatory body, for gene technology. I can recall a question being put to witnesses along the lines of ‘Do you think it is better to get this regulatory authority established—which would be the first ever in Australia to deal with this quite complex area—even if you do not get everything that you want?’ As I said, overwhelmingly the view was that, yes, we do need to get a gene technology regulatory authority established.

On that basis, the opposition have been endeavouring to get a position whereby we would be putting forward amendments which, firstly, would improve this legislation in the key areas that were canvassed during the discussion on the report and that no doubt will be canvassed over the next day or so and, secondly, would be likely to get the support of the parliament. In that context, we have been endeavouring to persuade the government—which, whilst not necessarily having the numbers in this place, at the end of the day has the numbers in the other place—to agree to our proposals. That has been a fairly long and tortuous process, and I do not think it is necessarily finalised at this point in time.

I heard it said and I acknowledge the fact that other senators feel aggrieved or irritated that they did not have access to our amendments until just after the start of the committee stage. As I said—there are senators in the chamber who were not present when I began these comments—I regret that. I am
not going to accept all of the criticism without at least making the observation that there have been other occasions where the shoe has been on the other foot. I could go through a whole range of occurrences where some people who protest a lot tonight might have a look at their own situation in respect of even the deliberations of the Senate committee on this very bill. Having said all that, let me go to the amendments which we have before us. I believe we now have revised running sheet No. 3.

The CHAIRMAN—Revised running sheet No. 3, but Senator Tambling has some ideas about that.

Senator FORSHAW—If the government wants to enlighten us as to some procedural matters at this stage, I am happy to allow Senator Tambling to do that and then come back to our amendments.

Senator TAMBLING (Northern Territory—Parliamentary Secretary to the Minister for Health and Aged Care) (10.16 p.m.)—Madam Chairman, I was going to propose as a matter of process that, as per the running sheet, the first four sections—that is, those relating to clause 2, clauses 3 and 4, clauses 3 and 10, and clause 4—be dealt with at a later hour and that we commence discussion on clauses 5 and 189.

The CHAIRMAN—Is that the wish of the chamber? Senator Brown, that is your wish?

Senator Brown—Yes, it is.

The CHAIRMAN—If it is the wish of the chamber, we will proceed that way. There being no objection, it is so ordered. The first question is that clause 5 stand as printed.

Senator FORSHAW—That is not what I said.

Senator BROWN—That is how I heard it and that is the outcome. Otherwise, if the ALP were to have a bit of gumption here, they would be joining the real opposition on this matter, which is the Democrats, the Greens and One Nation, and challenging the government. We are moving into an era of genetically manipulated organisms affecting every aspect of life around the planet and not least the food that we eat and the beverages that we drink, the very sustenance of life.

Senator BROWN—Senator McGauran will be explaining that later.

The CHAIRMAN—He should not be, because he is not in his chair!

Senator BROWN—The pressure behind the government, and I think the opposition in this case, is not the public good or what the majority of Australians think; it is the pressure of some multinational corporations like Monsanto and Aventis. Aventis seems to have come to its senses and is deciding at least to back-pedal from the amount of previous investment which it saw itself putting
into GE. Why is it doing that? Because it has read the public reaction, not only in this country but right around the world. We have the opportunity here, with the Democrats, One Nation and Green amendments, to come up with pioneering legislation which is in the interests of Australians, public safety and environmental wellbeing. But we are only going to get a pale shadow of that if we concede to this government. If there were ever a government which has its agenda run by the big end of town, it is the government of Prime Minister Howard. It distresses me quite a deal at this end of the evening to hear the opposition saying, ‘We’re constrained here to put forward amendments which will be accepted by the parliament.’ That means the House of Representatives and the Howard government. What a failure of imagination and responsibility from the opposition on this hugely important matter.

There is one thing I will appeal to the opposition to do, and that is to stand by the Labor Party in Tasmania, which has a different point of view from jurisdictions elsewhere in the country and, at least for the current 12 months, wants a moratorium on the planting of genetically modified crops in that state. Where there are states and regions which do want to opt out of the spread of genetically modified organisms—for a host of reasons, including economic wellbeing—they must be able to do so. If you are going to leave that option open, you have to be very careful that you do not clamp down with national rules which cut across the individual aspirations of regions to be able to remain GMO free. That is what this first Greens amendment is about, and I commend it to the committee.

Senator HARRIS (Queensland) (10.23 p.m.)—I rise to comment on the motion that clause 5 stand as printed. If clause 5 stands as printed, we could have a situation where, unless all states agree to this, we are in jeopardy of the legislation not standing. Even though I have serious concerns about genetically modified organisms as the bill refers to them, I believe it is more apt to refer to them as genetically modified food—because that is what they are. That is part of the deception that is being perpetrated at this moment on the Australian people—the description of this bill does not clearly define the area it relates to.

The government’s bill, as clause 5 stands, does not allow for the bill to come into place until every state has their own legislation under this bill. I believe the Democrats at a later time will be moving an amendment that would have the effect of enabling the act to come into existence so long as a number of states have agreed to it. That is one view of clause 5. Another way of viewing this section of the bill is that it restricts the ability of a state to opt out. If the bill requires national consistency and one state wishes to opt out and remain GMO free, how is the bill going to proceed? The reference to section 128 is merely a consequential amendment to remove a reference to clause 5 in the bill. One Nation will be supporting the Greens amendment so that the subsequent Democrat amendment can allow for fewer than all the states to agree. Also, I believe it has the ability to facilitate a state opting out and remaining GMO free.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (10.28 p.m.)—The concept of an opt-out clause is a valuable concept and it is certainly one that the Democrats have promoted strongly. My understanding is that the changes that have been proposed by the government, and the debates and agreements that have taken place over a number of months, probably give effect to the notion of an opt-out provision. I have some concerns with the effect of the amendment moved by the Australian Greens. The Democrats believe that a successful gene technology regulatory system should allow choice for consumers. There is a very strong argument for a state like Tasmania, for example, to be allowed to opt out and be GE free. Certainly, it has a market and agricultural advantage in that it can be an isolated, unique geographical location and trade on the notion of being GE free and marketing clean, green products. We have always argued that choice for consumers, which we believe is important, would be best facilitated by an opt-out provision for those states with clear interests and concerns in relation to the regulation of agricultural
GMOs. I take on board Senator Harris’s point that we talk about GMOs, but GM food is what in reality a lot of consumers are dealing with. I suspect that we have to acknowledge there is a distinction in terms of where it is on the food chain and at what point we are dealing with it.

Progress reported.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Hogg)—It being 10.30 p.m., I propose the question:

That the Senate do now adjourn.

National Youth Roundtable

Senator LUNDY (Australian Capital Territory) (10.30 p.m.)—Last night in the adjournment debate I presented half of the Year 2000 National Youth Roundtable recommendations to the parliament. Unfortunately, I was unable to put all of these recommendations on the record due to time constraints, so I will pursue that opportunity this evening. I remind my Senate colleagues that the National Youth Roundtable was established by the federal government to create a forum where young Australians could make recommendations to government and have input into youth policy. Despite the members of the year 2000 roundtable submitting their individual reports to the Department of Education, Training and Youth Affairs in October, they are yet to receive a compilation of these reports.

This means that currently there is no record of their efforts. My office has been contacted by members of the roundtable who have been prevented from presenting and pursuing their recommendations outside the parliamentary arena due to the lack of this documentation. During the 1999 program, the outcomes package that contained youth policy initiatives, views, opinions and insights from Youth Roundtable delegates was never made public. I have drawn this to the attention of the government and indeed the wider community in public statements prior to this evening.

Given that Minister Kemp previously defunded AYPAC, the youth peak advisory body, the Youth Roundtable outcomes packages represent vital policy initiatives and research pertaining to young Australians. This serves as my motivation to present all of the Year 2000 National Youth Roundtable recommendations to the parliament. I want to make it very clear that these recommendations are taken from the notes taken by my office during the topic group presentations at Parliament House in October this year as the formal compilation of those recommendations has not been made available by the department.

Last night I got up to the health and well-being topic group and was about to report on recommendations relating to drugs and alcohol abuse. One of the general comments made by young people was that Australian culture in many ways supports a drinking culture, and there is a belief amongst many young people that they can only have a good time if they have been drinking. The recommendation therefore was that Centrelink should also operate as a youth alcohol and drug referral centre, given that for many young people Centrelink is a main point of dependent contact.

With respect to delivering health messages to young people, general comments were that communities and governments need new advertising campaigns to engage young people and to get an important message across—for example, using fridge magnets, stickers and web sites. The recommendation is that funding for youth programs should include mandatory funding for promotional material designed to genuinely reach young people.

With respect to youth suicide, general comments made by this group included that successful prevention requires knowledge of where to get information by young people. There are many reasons for youth suicide. These include relationship problems, feeling unsupported, drugs, alcohol, pressures associated with meeting the costs of living and homelessness. Many young people tell their peers first about their feelings, and they are probably the least equipped to deal with this situation. The recommendation is that education on youth suicide should start in early high school, in the 13- to 14-year age group.

With respect to mental health, the recommendation is that young people should not be detained in adult facilities. The recommen-
dation is that young people need access to mental health care in juvenile justice centres. The rural, regional and remote communities topic group commented that the general feeling is that young people want to stay in the country but would like to experience what the city has to offer; that there are significant problems with the coordination of services between local, state and federal governments; and that service providers come to the community with a specific purpose and therefore do not fully understand the specific needs of the community or build a strong rapport with its members and/or elders. The main points raised by the young people in this topic group included the need for better utilisation and promotion of services, improved support for entrepreneurial pursuits, rural role models to promote messages and greater opportunities to have voice and participation.

I will run through the recommendations. Recommendation 1: young people in rural and remote areas need better access to youth development officers. Recommendation 2: the establishment of mobile teams of service providers who regularly visit communities. Recommendation 3: young people in regional and remote communities need access to information technology. Recommendation 4: the government needs to better promote significant policy changes that affect young people. The main example put forward by the young people was the GST. Young people in regional areas did not get adequate information about the introduction of the GST. Recommendation 5: establish a rural, remote and regional community youth web site, allowing young people to access important information and reduce the sense of isolation. Recommendation 6: Internet cafes should be set up in regional areas, allowing young people to share, develop and retain IT skills. Recommendation 7: tertiary institutions should recognise that leadership skills and work experience contribute to tertiary entrance qualifications as many young people have limited access to educational facilities in regional areas and are therefore at a disadvantage under the current tertiary entrance system. Recommendation 8: the government must address wider social and economic policies to reduce social disadvantage.

With specific regard to employment in regional areas, recommendation 7 was that there should be greater promotion of the New Apprenticeships scheme by businesses, farmers and young people in regional areas. Recommendation 8 was to establish specific local government awards that recognise employers of young people in regional areas. With respect to drug and alcohol abuse in regional areas, recommendation 9 was that there should be government promotion of health messages that are targeted at parents as role models for young people, in addition to targeting young people themselves. With respect to populations in regional areas, recommendation 10 was that regional education programs are needed to support cultural diversity and cohesive communities.

With respect to stereotypes of life in the country, a general comment by roundtable members was that they disagreed with common beliefs held by young people in metropolitan areas that the cost of living is higher in regional areas and that there is nothing for young people to do in rural Australia. Recommendation 11 was that regional and metropolitan exchange programs within Australia should be established. Many young people felt that this would allow young people in regional areas to experience life in the city and therefore satisfy their curiosity without moving their permanent regional base. Recommendation 12 was to establish advertising campaigns to combat stereotypes of young people in regional areas with rural youth ambassadors and role models.

The participants in the community topic group also had a series of recommendations. Recommendation 1 was that governments should provide youth friendly housing at an affordable price. They also said that young people should be involved in renovating and building houses as part of work experience programs. Recommendation 2 was the establishment of a virtual accountant/financial adviser, with a web site being the most convenient medium. Recommendation 3 was to establish a formal and compulsory education program that teaches young people about indigenous culture and the true history of Australia. This was seen as facilitating reconciliation and harmony.
I will now turn to the environment topic group. A general comment was that environmental responsibilities fall on the shoulders of government, the corporate sector and individuals. They had three recommendations: (1) establish a tax on plastic bag consumption in Australia and hypothecate the money to a general environment protection fund; (2) form local environmental committees to conduct practical projects that involve young people in their design and implementation; and (3) the development of a youth environment newspaper to inform young people about environmental issues and where they can get involved in environmental programs.

I would like to make a final quote. Tim Goodwin, a 2000 National Youth Roundtable member, said:

Around it sit a group of people whose diversity and determination ensure that whatever goals they set for themselves, they will be achieved. Medieval Camelot? No modern day Canberra. We are the National Youth Roundtable, 50 young Australians from all walks of life, and each corner of Australia, Indigenous and non-Indigenous, with experiences that have shaped and moulded us. We are not armed with sword and armour, but dreams and visions, not anger and revenge, but passion and purpose.

(Time expired)

Courts: Remand and Bail Conditions

Senator MURRAY (Western Australia) (10.40 p.m.)—In my adjournment speech of 16 August, I expressed concern at the system of remand and conditional bail in Australia. Sources suggest that up to one-third of Australia’s 3,000 prisoners on remand will be acquitted of the offences with which they are now charged. That amounts to 1,000 people wrongfully in custody right now. That is totally unacceptable. The number of remand prisoners in Australian jails has increased both in absolute terms and as a percentage of the total prison population. At present, 14 per cent of our prison population has not been convicted and sentenced in a court of law. Let me repeat that: 14 per cent. Let me also remind you that those sources suggest that one-third of those remand prisoners will be found guilty but will not get custodial sentences. One-third of remand prisoners will be found not guilty and cleared—meaning that nearly one in 10 of our remand and convicted prisoners taken together should not be in jail.

That many remand prisoners are subsequently found innocent should hardly be surprising, given that most bail hearings last only a few minutes. Even exhaustive criminal trials for capital offences produce inaccurate results. In the United States, the Governor of Illinois has announced a moratorium on executions after 13 of the 25 people sentenced to death in that state since 1977 have since had their convictions overturned. New DNA evidence, recanted testimony or insufficient evidence have seen the majority of capital convictions quashed. My point is that if exhaustive criminal processes produce such inaccuracies, how reliable can our cursory bail hearings possibly be? The self-righteous moral indignation that is offered as justification for the treatment of our remand prisoners is surely misplaced when the process by which one becomes a remand prisoner invites such a high error rate.

At my invitation, following the dispatch of my first adjournment speech on this matter, I received a deal of correspondence from various police commissioners, attorneys-general, judges and senior politicians. Much of it was supportive of my remarks. Unhappily, some of it displayed the very cold apathy about and hostility towards accused persons that has permitted the arbitrary remand and jailing of innocent people in the first place. Chief Justice Malcolm of the Supreme Court of Western Australia expressed an admirable concern and interest in this issue. Dignified and apolitical, he offered constructive and informative comments that reflected a genuine interest in the position of remand prisoners. In contrast, one senior judicial officer was highly defensive. He was unprepared to entertain the possibility that there are people in prison who should not be there and who would not be there if the system of remand accorded accused persons an appropriate degree of care in deciding on remand.

I was concerned that some responses I received revealed a fundamental lack of appreciation of the human dimension of remand.
Imagine what it is like to be locked in a cell for an offence that you did not commit, even for a few hours, never mind weeks or years. Imagine then confronting a cold system that is hostile towards you, apathetic about your treatment and implicitly assuming your guilt. In some states you are likely to be confined in a maximum security prison and could be mixing with violent criminals. Meanwhile, your professional and personal life falls apart. Attempts to extricate yourself from this position are stymied by presumptions of law or unnecessary financial bail conditions that you cannot meet, or any number of factors that have nothing to do with your actual guilt or innocence or the risk that you pose to society. You then spend months or years in prison because your government does not regard your speedy trial as a priority. Despite the difficulties of preparing a defence in prison, the charges against you are exposed as groundless at trial. You walk free from court with no apology, no counselling and no compensation.

Any justice system is fallible and has imperfections, but so many of the problems with bail and remand could be remedied if there was a willingness to put to one side the prejudice and the hostility and to deal with the issue as an important one that demands improvements to the system. Most people who read my adjournment speech rightly found it alarming. I was alarmed when I became aware of the routine injustices that are occurring throughout Australia. However, these injustices only become routine when those in power, or with power to change matters, ignore or refuse to acknowledge them. I was dismayed to see the Western Australian Attorney-General, Mr Foss, introducing the Bail Amendment Bill 2000 in the Western Australian parliament earlier this year. Among other things, the bill provides that bail is only to be granted to a person charged with murder if there are exceptional reasons why that person should not be kept in custody. This draconian provision requires exceptional reasons to justify the non-imprisonment of people who have been convicted of no crime—or, to express it better, who have not been convicted of a crime. Obviously murder is a serious offence, and many people accused of murder should be remanded prior to trial. But this almost automatic pre-trial presumption of guilt is a dangerous provision. The seriousness of the offence is something that would be taken into account by our judiciary when ruling on a bail application. Now people accused of murder could be remanded even when the process starts from a presumption in favour of bail. Judges should be left with their discretion.

However, the sweeping Western Australian provision will bring into the penal system people who would not be there if their cases were decided consistently with their civil liberties. What other point would there be to drafting it in such strong terms? If there are reasons for denying bail to an accused person, those reasons should be examined by due process of law. Applying a blanket liability to imprisonment will inevitably lead to injustices in particular cases. Under the proposed legislation, the accused would bear the onus of showing not only that they should not be held in custody but that they have exceptional reasons to justify not being held in custody. This is only a short step away from compulsory arbitrary detention by the state, absent criminal conviction or demonstrated threat to public safety. Many accused persons have strong ties to the community and are committed to proving their innocence. Why should someone with a strong claim that the death in question was accidental, or was in self-defence, or was not by them, be automatically detained when there is no evidence to suggest that he or she will flee or that he or she is a risk to the community? This is hardly an ‘exceptional’ situation in the legal sense—the presumption would prevail in defiance of the merits of the case.

This provision illustrates one way in which the system of remand can promote injustice, but it is certainly not the only way. Various officials involved in the criminal justice system, including two directors of state DPPs, have drawn my attention to significant delays in obtaining trial dates for indictable offences. Remand prisoners are given priority by them, but underfunding has resulted in many innocent, unconvicted people spending unjustifiable additional periods
in detention. Lengthy periods of remand are both expensive and unjust. The cold reality is that governments throughout Australia are simply unprepared to make the humane treatment of accused persons a priority. It is too easy to forget that many of these individuals are innocent people facing charges that they will successfully defend when given the opportunity. So long as they are under suspicion, society regards them with distrust. It is a great regret and a sad reflection on our values that their mistreatment does not attract the outrage it warrants. I have in my previous adjournment speech in August offered a number of policy recommendations to improve the current system. I do not intend to revisit those in detail here, and I refer senators to that earlier speech on this issue. What I do wish to stress is the importance of approaching remand and bail with an appreciation of its human dimension. Apathy about and hostility towards accused persons will only generate an inhumane and unjust system of remand. I remind you of the estimates that a thousand people are in jail right now who will not be convicted of an offence. It is worth remembering that every person in this country is only one unfounded allegation away from entering the bail system.

Centenary of Federation

Senator PAYNE (New South Wales) (10.49 p.m.)—As we find ourselves perilously close to the end of another year, I think it is natural that our attention turns to the year to come and thoughts of what it might hold. Of course, as most of us in this chamber are acutely aware, one of the most significant things to be celebrated next year is the Centenary of Federation on 1 January, marking 100 years since Australia was constituted in its current political structure. What I really want to talk about tonight is that, whilst we may be a relatively young nation in that Western political sense, in geographic and anthropological ways we are in fact a very mature land. That can present seeming contradictions but, in reality, it reflects much of the strength that defines our nation. For example, we are one of the most urbanised populations in the world, but we are also known for our spectacular rugged and isolated environment. I divert momentarily to say how wonderful it is to have a world heritage listing of the Blue Mountains in our state of New South Wales—one of the best representations of our ancient and precious land.

Earlier this year I put on the record some thoughts in regard to the future directions for Australia, particularly in the context then of hosting the Olympic Games and further on to the celebration of the Centenary of Federation. I have been very interested in the way in which these major events would impact on our nation, both physically and in less obvious ways. I made the central point then that our past, our present and our future come together to form an interwoven thread of both character and direction which we can pass to young Australians and that major events such as those I have referred to both have substantial influences on that. But they do not impact on us in isolation; they are part of the ongoing progress and development of Australia. Before we move into the swing of marking the Centenary of Federation, I want to reflect briefly on the traditions and cultures which have contributed to our development and to recognise the importance of those contributions.

In the history of this country, one of the most indelible impacts is from the presence of indigenous Australians on this continent for over 60,000 years. While we celebrate 100 years of federation, the Australian continent itself is some 50 million years old. This is an ancient land. It is home to the remains of the oldest life forms ever discovered—the stromatolites believed to date back to 3.46 billion years ago. It was to this land that Aboriginal people are said to have come 62,000 years ago, across the Timor Strait safely, courtesy of low sea levels during the last Ice Age.

On an island continent, their culture and traditions were able to develop independently from others but in sync with the environment in which they found themselves. So it is not surprising that this culture formed a compellingly strong relationship with nature and places enormous spiritual value on the land, landmarks and living things and in do-
ing so envisions a vital link between the hu-
man, physical and spiritual worlds.

Every Australian has heard the term 'Dreamtime', the process through which in-
digenous people understand the creation of
the world, and most would recognise indige-
nous names and terms for localities based on
their unique features or appearances. It is not
really possible to do justice to the richness
and complexity of indigenous heritage in one
speech, but I do want to recognise the inten-
sity of that culture. It is a culture that contin-
ues to play a fundamental part in the lives of
indigenous Australians and, in turn, is an
important component of the broader make-up
of our country.

In acknowledging this as part of our heri-
tage, it is also appropriate to acknowledge
the harder parts of that history. Many indige-
nous Australians suffered devastation of
community and family at the hands of their
new neighbours. In reflecting on our history
in marking the Centenary of Federation and
in looking towards the future, it is not possi-
ble to ignore the dramatic impact of coloni-
sation on indigenous Australians.

So just as the indigenous Dreamtime did
not develop over a short period, nor did other
aspects of Australian culture suddenly
emerge around the time of Federation. The
Australian sense of inquisitiveness and ex-
ploration had been developing for many
years prior to that. In fact, it seems appropri-
ate that some of the first exploratory efforts
of colonists west of the fledgling New South
Wales colony into the inland were either on
or about the site of what is now Olympic
Park. The newly established colony’s first
expedition of February 1788 probably led
Governor Phillip and his team to the area
which was approximately the athletes’ vil-
lage for the Games. Subsequent expeditions,
albeit made accordingly on the strength of
only ‘a little rum and a small quantity of
bread’—as John White, the Surgeon General,
noted—covered much of the area that is now
Sydney, although at best they are suspected
to have reached Turramurra. It seems small
to us now, but it certainly was not then.

I think it is interesting to consider the
commitment to discovery that motivated
Ludwig Becker, the official artist on the in-
famous and unfortunately ill-fated journey of
Burke and Wills. Becker was responsible for
some of the most important depictions of
natural scenes of animals and indigenous
people. He sometimes had to grind his own
pigments from clays and soil that he found
on the journey. His fate was to die on that
journey some eight months after commenc-
ing, but his record lives on in his depictions
and his art.

Just as the particulars and peculiarities of
the Australian landscape and environment
impacted on indigenous culture, so the envi-
ronment impacted on other Australians as
well. Let us consider, for example, some of
the Australian inventions and innovations,
often brought about by the environmental
imperative, that have influenced the world—
things like refrigeration, snakebite antiven-
e and a range of agricultural machinery
from the Sunshine harvester to the rotary
hoe. Ultimately, through the influence of
their shared environment, indigenous and
non-indigenous Australians began to share,
from their different directions and, I suspect,
whether they recognised it or not, some
commonality of spirit—curiosity, resilience
and respect for the land.

I want to emphasise that the things which
we celebrate in marking the Centenary of
Federation—many of the things which make
our nation both unique and admired—did not
appear just as a result of the formulation of
the Constitution. They had been developing
and emerging over time to formulate some-
thing distinctively Australian. Federation
represented a part of this process of devel-

apment, not a beginning or an end in itself.
Australia and Australians did many things
prior to Federation. We were home to one of
the oldest cultures in human history. We
prospered in a harsh environment and, as
‘modern’ colonies, in relative peace after
British colonisation.

In terms of some of those firsts, in 1855
an infantry battalion from New South
Wales—comprising 522 men, 24 officers and
an artillery battery of 212 men—went to the
Sudan, marking the first time that soldiers
under the auspices of a self-governing Aus-


talian colony had participated in war. In an-
other sort of battle, in 1877 Australia played,
and won, its first test against an English cricket side, a match in which one Charles Bannerman scored 69.6 per cent of his side’s runs from his bat—a test record that still stands. Whilst it is important to recognise the significance of 100 years of Federation, I think it is equally important to recognise it in the context of a longer history and, more importantly, a broader future.

I have been very pleased to see that aspects of the planned celebrations for the Centenary of Federation seek to recognise this depth of history. From the Peoplescape community art project—I understand there are prototypes being tested on the lawns of this very building—which will represent the diversity of our population, to the dawn ceremony at Uluru, which marks the beginning of the centenary year, all Australians are invited and encouraged to participate in the celebrations. There are many nations around the world which will be rightly envious of our economic, social and democratic stability. In marking our Centenary of Federation, we should bear in mind that what is even more exciting than the past 100 years is that we have a capacity to forge our own future, united by not just the Constitution but our unique Australian identity.

World AIDS Day

Senator BARTLETT (Queensland) (10.58 p.m.)—I rise tonight to acknowledge that tomorrow, 1 December, is World AIDS Day. I note the Commonwealth Department of Health and Aged Care national HIV/AIDS strategy from 1999 to 2004, a document called Changes and challenges, which states:

The Partnership approach will continue to define Australia’s response to HIV/AIDS. To be effective, the National HIV/AIDS Strategy will depend on continued cooperation between and within a wide range of sectors of Australian society.

I think ‘the partnership approach’ is an appropriate description because that is the essence of the way we can defeat this disease—partnerships between and within levels of government, the community sector, the health sector and the public at large. Ultimately, we can beat HIV/AIDS in partnerships with each other—individual people making decisions. Most of the time the real crux of AIDS prevention comes down to two people negotiating safe behaviour. That is what will beat this disease—having safe sex, not sharing needles and disposing of used needles correctly. It is about negotiation and practices to prevent the transmission of HIV between people.

On a world scale, Australia has a lot to be proud of as we have been relatively successful in our approach to HIV-AIDS, That is because of our theme of partnerships—even at the government and the parliamentary level. It is notable that, on this issue, the bipartisan approach—or, indeed, the multiparty approach—marks and defines our current response as well as our early response to this disease. With a few unfortunate exceptions, instead of seizing the opportunity to push ideological barrows or score cheap political points, Australian political parties and parliamentarians have worked together constructively on this issue. It is unfortunate that we do not see this approach more often—today we saw in the other place some of the worst manifestations of the adversarial nature of our political system.

This issue reveals some of our best attributes in terms of taking the cooperative approach and working together instead of reacting by trying to score political points. HIV-AIDS issues, like many others, provide lots of opportunities to play on the community’s fears, prejudices, misunderstandings and ignorance. It is an eternal tribute to the politicians involved—particularly the then minister, Neil Blewett, and the relevant shadow spokesperson, Peter Baume—that they did not take that approach. They recognised the seriousness and significance of the issue and worked together in an attempt to arrive at both a good policy to address it and a good public outcome.

Partnerships within the community that are designed to get the message out about HIV-AIDS, to help prevent its spread, to help people to learn to live with HIV-AIDS and to provide comfort at times of grief and tragedy for those who have lost loved ones to the disease are an equally important component in our approach to this issue. Anyone who has seen the AIDS quilt that is made up of panels—each dedicated to someone who has died of this disease and each commemorat-
ing and celebrating the special, distinct and individual life of someone who was loved—could not fail to be affected by it. Its scale and its detail are quite overwhelming. It is the true creation of a community, and of partnerships.

I stress that events being held tomorrow for World AIDS Day are not just about loss, suffering and negativity. World AIDS Day is about not just preventing AIDS but also living with AIDS. There are Positive People groups all around Australia, not just in the capital cities. In Queensland, in addition to a Brisbane Positive People community organisation, there are groups in Cairns, Rockhampton, Mackay, Townsville and on the Gold Coast and the Sunshine Coast. On World AIDS Day tomorrow the AIDS Council will hold a number of events. These include conducting information sessions on depression and AIDS related issues and erecting World AIDS Day stalls at shopping centres on the Sunshine Coast. There will be a talent quest at the Sovereign Hotel in Townsville. The Fraser Coast community will hold a celebration and function at Maryborough, and red ribbons and badges will be sold on the Gold Coast.

I note that badges—one of which I am wearing tonight—have been distributed for World AIDS Day. I think all senators will have received one. These badges are made by South African women with HIV to raise awareness of AIDS as well as to earn a small income. Their country has the largest number of people living with HIV/AIDS. The badge is based on a traditional Zulu love letter given by young women to their potential husbands. According to the United Nations Children’s Fund Progress of nations report, HIV and AIDS are decimating the developing world—and nowhere more savagely than in sub-Saharan Africa. Six people in the world under the age of 24 are infected every minute. Worldwide, girls and young women are more than 50 per cent more likely to contract the disease than boys and young men. In Botswana, one in three women aged between 15 and 24 are infected with HIV. UNICEF Australia executive director, Gaye Phillips, made an inspiring comment in the face of such figures when she said:

Don’t be dismayed by the figures—people don’t need your dismay, they need your motivation ... It’s about finding a way and helping people in your neighbourhood—using the resources you have now at your disposal.

AIDS in other countries is our problem too. That is why Australia recently gave the HIV/AIDS campaign in Papua New Guinea more than $A60 million to fight the disease in that country. What is happening in Papua New Guinea, as it struggles to treat a burgeoning outbreak of AIDS, is important to Australia as well as to the people of PNG. Queensland Health’s Cairns based regional coordinator for HIV, hepatitis C and sexual health has said:

Like most developing countries in the world, it’s become an epidemic.

He went on to say:

Australian public health services have been responsive and contained the disease to the homosexual population, but because there are no public health or prevention strategies initiated in PNG ... the epidemic has gone unchecked, and it therefore spreads much more quickly.

International AIDS Society President, Professor Stephano Vella, recently said that more money had to be spent on research and awareness campaigns. People have to be aware that the virus is still around and governments need to be aware that funds are still needed to fight it. There are growing indications that people are not being as consistent in practising safe sex. Figures from the National Council on AIDS and Related Diseases point to an increase in HIV infection rates. The chairman of that council, Chris Puplick, another former coalition politician, said that, while the federal government still took the risk seriously, other authorities had slackened off in recent years and needed to push the message more. He stated:

... there’s been in some areas a view that somehow AIDS is over, that it’s not quite the priority issue that it needs to be ... that we can somehow afford to be less vigilant than we have been in the past.

I note that, when I was at university back in the 1980s, I think about the only publication I received that did not include a diagram of how to put on a condom was my academic record. I am not sure that it is the same today. We need to keep putting the message
out there. Maybe more safe sex campaigns need to be considered.

There is also obviously a link between drug and alcohol misuse and unsafe sex. There are obvious links between self-esteem and high-risk behaviour. All of these issues need to be taken more seriously and acknowledged. The Australian Federation of AIDS Organisations acknowledged that asking people to remain committed to particular aspects of behaviour such as safe sex after 17 years was a big ask. We have to keep getting the message out there and keep people working at ensuring that they adopt appropriate behaviour in the face of disease risks.

Reflection on the issues, the facts and the personal stories about HIV-AIDS puts into perspective, I believe, some of the so-called crises we deal with on a daily basis in the political arena that we seem to spend so much time on. I think we need to remember that what seems to be important in terms of ensuring we get through political issues of tomorrow is not important for people out in the general community who have to deal with the issues that will face them right through the rest of their lives. The actions we take in relation to policy issues have so much more impact in the long term than what seem to be the immediate political crises that take up so much time in this place.

Private Health Insurance: Tasmania

Senator ABETZ (Tasmania—Parliamentary Secretary to the Minister for Defence) (11.07 p.m.)—In the few minutes remaining, I want to put on record some of the achievements of the government in the very important area of health. In my own home state of Tasmania, as a result of the initiatives for health insurance, some 50 per cent of the population now have health insurance. It is interesting to note statistics in the break-up of electorates. In the electorates of Denison and Franklin in Tasmania, 62 per cent have health insurance; in Bass it is 47 per cent; Lyons, 44 per cent; and in Braddon, 31 per cent. Overall, that is 50 per cent of Tasmanians. Yet it stands to the great shame of all Labor members of the House of Representatives and Labor senators from Tasmania that they individually voted against the measures which Tasmanians have taken up so overwhelmingly. Indeed, the Labor members will have to face the electorate next time round. People like Michelle O’Byrne will have to justify to her electorate why she opposed what 47 per cent of her electorate have now taken up—namely, health insurance.

The good thing about people taking out health insurance is that the public system is relieved of needing to service those people. As a result, the public system can be for the benefit of those who are genuinely in need. Historically, two-thirds of Australians had private health insurance, and then the public system only had to look after one-third of the population. With the demise of health insurance under the previous Labor government, we had a situation where only one-third had private health insurance; as a result, two-thirds of the Australian population relied on the public sector. No wonder we had those long waiting lists. With the advent of more Australians taking advantage of our beneficial policies and thereby taking out private health insurance, we will be relieving the burden on the public system.

Senate adjourned at 11.10 p.m.

DOCUMENTS

Tabling

The following document was tabled by the Clerk:

QUESTIONS ON NOTICE

The following answers to questions were circulated:

Telstra: Launceston Taxis
(Question No. 2230)

Senator Brown asked the Minister for Communications, Information Technology and the Arts, upon notice, on 18 May 2000:

(1) Why are some Launceston taxi customers who call Telstra’s 132227 number in Tasmania put through to a Melbourne taxi company, depending on which mobile phone company they use.

(2) Why does this situation effect one particular Launceston taxi company and not the other.

(3) What steps will the Federal Government take to ensure that the operation of these ‘13’ numbers is consistent and does not discriminate between different companies or mobile phone users.

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

Based on advice received from Telstra, Optus and the Australian Communications Authority:

(1) In order that callers of ‘13’ number have their calls answered in the appropriate location, the location of the caller must be known by the network. In the case of fixed line phones the location of the caller is easily determined on the basis of the callers phone number and, consequently, the call can be routed to the correct answering point. However, identifying the location of a caller, using a mobile phone, is more difficult and requires the calling party’s mobile network to provide Mobile Origin Location Information (MOLI) to the network on which the call is to be terminated – in this case, the Optus network providing MOLI to Telstra.

When Telstra introduced its PriorityOne3 service there was no industry agreed Standard for passing MOLI between networks. Telstra developed a solution which worked within its own switching equipment to provide MOLI information from Telstra mobiles. Because Vodafone uses similar switching equipment, it was able to implement the Telstra solution on its network. At the time Optus could not implement the Telstra solution because of technical differences in its switching equipment.

(2) The fact that calls to one taxi company from all Optus mobile phones are routed correctly, and calls to another taxi company are not, is an anomaly which is not confined to Launceston. Further, the routing problem can potentially affect calls to any ‘13’ number from Optus mobile phones.

The reason why calls are correctly routed to the taxi company using 131008 is a consequence of a one off arrangement between Telstra and Optus. Under this arrangement the Optus network provides MOLI information to the Telstra network for calls to one PriorityOne3 number, i.e. 131008. This arrangement was reached in November 1999.

(3) Optus has indicated that it has recently signed a bilateral agreement with Telstra for the implementation of MOLI between Optus and Telstra from 16 November 2000. This should ensure that calls from the Optus mobile network to Telstra PriorityOne3 numbers, such as 132227, are routed correctly, thereby solving the problems experienced in Launceston.

Industry self-regulation is a central aspect of the telecommunications regulatory framework. Development of industry agreed standards is best undertaken by industry through the Australian Communications Industry Forum (ACIF). Through ACIF, industry has developed a standard for exchanging MOLI between networks. However, mandating the exchange of MOLI by mobile carriers would impose a design requirement on mobile network which the Government believes should be a commercial decision for the carriers themselves.

If a carrier or a carriage service provider (C/CSP) decides to offer a product which requires MOLI in order to operate effectively, then the C/CSP should ensure that the necessary arrangements are in place. This particular scenario arose as a result of a product being introduced to the market prior to the development of an industry agreed standard for provision of MOLI, and in advance of any bilateral arrangements between the carriers to ensure that MOLI would be provided.
It is likely that the introduction of local rate and freephone number portability on 16 November 2000 will provide an incentive for carriers to enable their networks to provide MOLI.

**Department of the Treasury: New Tax System Consultants**

(Question No. 2371)

**Senator Faulkner** asked the Minister representing the Treasurer, upon notice, on 20 June 2000:

(1) How many consultants have been engaged or used by the department, and all agencies in the portfolio, to 31 May 2000, in order to: (a) advise on the internal implementation of the new tax system; and (b) advise on, and/or publicise, the effect of the new tax system on the portfolio’s client group(s).

(2) Can a full list be provided of all consultants engaged or used in relation to the purposes set out in (1), together with the cost of each consultancy.

**Senator Kemp**—The Treasurer has provided the following answer to the honourable senator’s question:

I refer the honourable senator to the details relating to consulting services provided in the recently tabled Annual Reports of the relevant departmental agencies.

**Goods and Services Tax: Australian Business Number**

(Question No. 2482)

**Senator Brown** asked the Assistant Treasurer, upon notice, on 27 June 2000:

With reference to advice given to a constituent by Griffith University that its suppliers must be registered for the goods and services tax (GST) and provide their Australian Business Number:

(1) Can organisations require that their suppliers be registered for the GST if they do not otherwise need to be registered.

(2) What recourse do suppliers have if they are discriminated against in this way.

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

(1) No, but organisations make commercial decisions about the suppliers they deal with.

(2) Small enterprises with a turnover of less than $50,000 have the option of registering for GST purposes. Just as the choice of supplier is a commercial decision for the recipient of supplies, enterprises that have the option of registering for GST have to make a commercial decision about whether or not to register. The small enterprise balances factors such as savings in compliance costs against lack of access to input tax credits.

**Charitable Organisations: Inquiry**

(Question No. 2485)

**Senator Brown** asked the Assistant Treasurer, upon notice, on 27 June 2000:

Will the inquiry into definitional issues relating to churches, charities and non-profit organisations consider the common law privileges permitting tax exemptions for the commercial and business activities of religious organisations.

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

The Prime Minister announced the terms of reference for the inquiry into definitional issues relating to charitable, religious and community service not-for-profit organisations on 18 September 2000. The terms of reference require the inquiry to provide options for enhancing the clarity and consistency of the existing definitions of charitable, religious and community service not-for-profit organisations. These options should lead to legislative and administrative frameworks at the Commonwealth level that are appropriate for, and adapted to, the social and economic environment of Australia.

**Australian Taxation Office: Computer Software**

(Question No. 2536)

**Senator Brown** asked the Assistant Treasurer, upon notice, on 29 June 2000:
Is the Minister aware that E-record 1.2, the free record-keeping software provided by the Australian Taxation Office for the new tax system, cannot be installed on Windows 98 computers because the installation program crashes.

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

The Australian Taxation Office’s (ATO) E-Record 1.2 installs and runs on Windows 98 computers.

In isolated cases if the computer’s operating system is unstable, the additional stress caused by installing new software can result in a system crash. This scenario is not unique to the E-Record software.

It should be noted that the E-Record product has received much positive acclaim and a Version 1.3 with increased functionality has been released on CD and via the ATO web site.

Over 1.6 million E-Record CDs have been distributed with many small businesses thanking the ATO for the provision of a free electronic record keeping product to assist them with The New Tax System.

**Launceston Environment Centre: Funding**

(Question No. 2546)

**Senator Brown** asked the Minister for the Environment and Heritage, upon notice, on 29 June 2000:

(1) In each of the past 5 years: (a) what has been the government funding to the Launceston Environment Centre; and (b) in what form was the funding made.

(2) Have funding levels altered; if so, why.

(3) Is the centre facing closure because of funding.

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

Funding provided by my portfolio to the Launceston Environment Centre over the past 5 years is set out below:

(1) (a) and (b)

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<td>Grants to Voluntary Environment and Heritage Organisations and its predecessor scheme the Program of Grants to Voluntary Conservation Organisations</td>
<td>To assist with the Launceston Environment Centre’s administrative costs</td>
<td>$16,205</td>
<td>$15,000</td>
<td>$15,000</td>
<td>$10,000</td>
<td>$7,500</td>
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<td>Waterwatch (Regional Facilitator and Community Water Monitoring Network)</td>
<td>Since 1995 the Launceston Environment Centre has been the host agency for one of Tasmania’s regional Waterwatch Programs. With Commonwealth</td>
<td>$1,800</td>
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<td>Natural Heritage Trust</td>
<td>funding received through the Natural Heritage Trust Waterwatch Program; the Launceston Environment Centre has employed a regional Waterwatch Coordinator for three days per week to coordinate community-based waterway monitoring and Waterwatch awareness raising activities.</td>
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<td>Bushcare</td>
<td>Addressing tree decline in North East Tasmania</td>
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<td>TOTAL</td>
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(2) GRANTS TO VOLUNTARY ENVIRONMENT AND HERITAGE ORGANISATIONS PROGRAM AND GRANTS TO VOLUNTARY CONSERVATION ORGANISATIONS PROGRAM

This is an annual funding program and the allocation of funds each year is based on the relative merits of all the organisations seeking funds in terms of:

- their capacity to achieve tangible on-ground outcomes at the national, state or regional level;
- relationship of the organisations activities to the Government’s environmental and heritage priorities;
- planned environmental or heritage outcomes;
- significance and breadth of current and planned activities;
- levels of volunteer participation;
- funding history and profile; and
- relative quality of application

WATERWATCH PROGRAM

Funding levels increased significantly from $1,800 - 1995-96 to $39,800 - 1999-2000 in response to the growth of the regional program.

BUSHCARE PROGRAM

Funding of $5,400 has been provided under this program in 1998-99 to address tree decline in North East Tasmania.
THREATENED SPECIES PROGRAM

The Launceston Environment Centre has also been successful in 2000-01 in obtaining a new $44,300 grant under the Threatened Species Program for habitat management through community works for the Burrowing Crayfish.

(3) I am not aware of any action to close the Launceston Environment Centre.

Department of the Prime Minister and Cabinet: Value of Corporate Services

(Question No. 2630)

Senator Faulkner asked the Minister representing the Prime Minister, upon notice, on 9 August 2000:

With reference to the department and each agency in the portfolio, what were the state and city or town location, number of employees and annual salary values of all corporate services as at 30 June 1996 and 30 June 2000, for the following functional areas: (a) human resources; (b) property and office services; (c) financial and accounting services; (d) fleet management; (e) occupational health and safety; (f) workplace and industrial relations; (g) parliamentary communications; (h) payroll; (i) personnel services; (j) printing and photocopying; (k) auditing; (l) executive services; (m) legal and fraud; and (n) any other corporate services (please specify).

Senator Hill—The Prime Minister has provided the following answer to the honourable senator’s question:

I am advised by my department as follows:

The Department of the Prime Minister and Cabinet (including the Office of the Inspector-General of Intelligence and Security for all areas in 1996 and all areas in 2000 except (c),(d),(g) and (j))

All staff performing corporate functions are located in Canberra.

In aggregate the number and salary costs have declined markedly for corporate service staff. For some services this reflects decisions to outsource the provision of the service - they are identified thus *. In other cases it reflects improvements in the productivity of in-house provision.

Annual salary values include superannuation.

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<tbody>
<tr>
<td>(a)</td>
<td>7.8</td>
<td>$452,225</td>
<td>2.95</td>
<td>$188,728</td>
</tr>
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<td>5.3</td>
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<td>16.8</td>
<td>$772,278</td>
<td>7.6</td>
<td>$423,927 *</td>
</tr>
<tr>
<td>(d)</td>
<td>0.05</td>
<td>$2,835</td>
<td>0.05</td>
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<td>(e)</td>
<td>1.4</td>
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</tr>
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<td>(g)</td>
<td>13.75</td>
<td>$626,193</td>
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</tr>
<tr>
<td>(h)</td>
<td>18.7</td>
<td>$792,957</td>
<td>2</td>
<td>$61,879 *</td>
</tr>
<tr>
<td>(i)</td>
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<td>$792,957</td>
<td>2</td>
<td>$61,879 *</td>
</tr>
<tr>
<td>(j)</td>
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<td>2</td>
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<td>4</td>
<td>$183,493</td>
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<td>(m)</td>
<td>0.5</td>
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</tr>
<tr>
<td>(n)</td>
<td>25.85</td>
<td>$1,046,224</td>
<td>20.4</td>
<td>$1,012,086</td>
</tr>
</tbody>
</table>

(n) includes Corporate Support services that are provided by support staff in Divisions.

The Office of the Commonwealth Ombudsman

All staff performing corporate functions are located in Canberra.

Annual salary values include superannuation.

<table>
<thead>
<tr>
<th>Functional Area</th>
<th>1996</th>
<th>2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>1.2</td>
<td>$94,571</td>
</tr>
<tr>
<td>(b)</td>
<td>2.2</td>
<td>$88,451</td>
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<td>$174,962</td>
</tr>
<tr>
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<td>Nil</td>
</tr>
<tr>
<td>(e)</td>
<td>0.8</td>
<td>$56,808</td>
</tr>
<tr>
<td>(f)</td>
<td>2.2</td>
<td>$93,721</td>
</tr>
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<td>(g)</td>
<td>2.7</td>
<td>$136,412</td>
</tr>
<tr>
<td>(h)</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>(i)</td>
<td>Nil</td>
<td>Nil</td>
</tr>
</tbody>
</table>
The Office of the Official Secretary to the Governor-General

The corporate services function at the Office of the Official Secretary to the Governor-General encompasses the financial, human resource, IT, and records management functions for the agency as well as telephone reception for Government House and the coordination of congratulatory messages from the Queen and the Governor-General.

These activities are undertaken by a small integrated work team many of whom undertake more than one of the particular functions listed in the Honourable Senator’s question. It is therefore not practical to break down corporate services contributions into the individual categories listed. The salary and staffing information provided below relates to the whole corporate support function as described above.

As at 30 June 1996, the total number of administrative employees providing corporate services was 9 and annual salary costs (including employer superannuation) were $446,944.

At 30 June 2000, 9 employees supported the same group of functions and annual salary costs (including employer superannuation) were $490,915.

The provision of legal services, fraud and internal audit management, and elements of OH&S case management are undertaken by contractors. This was also the case in 1996 with the exception of internal audit which was, at that time, provided by the Department of the Prime Minister and Cabinet.

All Corporate staff were located in Canberra as at 30 June 1996, but some local administration of corporate functions was undertaken in Sydney, Melbourne, Brisbane, Adelaide, Perth, Hobart and Darwin.

As at 30 June 1996 approximately 37 staff with estimated annual salary costs (including employer superannuation) of $1,857,000 were performing Corporate functions in Canberra.

It is not possible for the Commission to split the staff into the functional areas requested as the organisational and staffing records possessed by the Commission for 30 June 1996 do not contain that level of information.

As at 30 June 2000:

All Corporate staff were located in Canberra as at 30 June 2000, but some local administration of corporate functions was undertaken in Sydney, Melbourne, Brisbane, Adelaide and Perth. The salary values given below only relate to the Canberra based staff.

(a) Human resource (including occupational health and safety and workplace and industrial relations) and parliamentary communications functions are undertaken by the one organisational unit comprising 4.4 staff. This approach is typical of small agencies where staff perform a range of functions. The approximate annual salary value, including superannuation, for these staff is $282,000. Some occupational health and safety functions such as Comcare casework have been outsourced since 1996.

(b) Property, office services (including fleet management) and registry functions are undertaken by the one organisational unit comprising 3.3 staff. The approximate annual salary value, including superannuation, for these staff is $153,000. Some property management functions have been outsourced since 1989.

The Public Service and Merit Protection Commission

All Corporate staff were located in Canberra as at 30 June 1996, but some local administration of corporate functions was undertaken in Sydney, Melbourne, Brisbane, Adelaide, Perth, Hobart and Darwin.

As at 30 June 1996 approximately 37 staff with estimated annual salary costs (including employer superannuation) of $1,857,000 were performing Corporate functions in Canberra.

It is not possible for the Commission to split the staff into the functional areas requested as the organisational and staffing records possessed by the Commission for 30 June 1996 do not contain that level of information.

As at 30 June 2000:

All Corporate staff were located in Canberra as at 30 June 2000, but some local administration of corporate functions was undertaken in Sydney, Melbourne, Brisbane, Adelaide and Perth. The salary values given below only relate to the Canberra based staff.

(a) Human resource (including occupational health and safety and workplace and industrial relations) and parliamentary communications functions are undertaken by the one organisational unit comprising 4.4 staff. This approach is typical of small agencies where staff perform a range of functions. The approximate annual salary value, including superannuation, for these staff is $282,000. Some occupational health and safety functions such as Comcare casework have been outsourced since 1996.

(b) Property, office services (including fleet management) and registry functions are undertaken by the one organisational unit comprising 3.3 staff. The approximate annual salary value, including superannuation, for these staff is $153,000. Some property management functions have been outsourced since 1989.

### Table

<table>
<thead>
<tr>
<th></th>
<th>1996</th>
<th>2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>(e)</td>
<td>0.2</td>
<td>$12,744</td>
</tr>
<tr>
<td>(f)</td>
<td>0.3</td>
<td>$19,116</td>
</tr>
<tr>
<td>(g)</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>(h)</td>
<td>0.5</td>
<td>$19,233</td>
</tr>
<tr>
<td>(i)</td>
<td>0.5</td>
<td>$19,233</td>
</tr>
<tr>
<td>(j)</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>(k)</td>
<td>Outsource</td>
<td>Outsourced</td>
</tr>
<tr>
<td>(l)</td>
<td>1.0</td>
<td>$43,129</td>
</tr>
<tr>
<td>(m)</td>
<td>1.0</td>
<td>$76,432</td>
</tr>
<tr>
<td>(n)</td>
<td>Nil</td>
<td>Nil</td>
</tr>
</tbody>
</table>

The provision of legal services, fraud and internal audit management, and elements of OH&S case management are undertaken by contractors. This was also the case in 1996 with the exception of internal audit which was, at that time, provided by the Department of the Prime Minister and Cabinet.
(c) Finance and accounting services are undertaken by an organisational unit comprising 6.8 staff. The approximate annual salary value, including superannuation, for these staff is $401,000. Support for the Commission’s financial system has been outsourced since 1997.

(d) Fleet management is not a significant function within the Commission and is therefore included as part of the office services function (answer b).

(e) to (g) Occupational health and safety, workplace and industrial relations and parliamentary communications are incorporated in the Human Resources Unit and are therefore included in answer (a).

(h) and (i) Payroll and personnel functions have been outsourced since 1996.

(j) Small printing and photocopying work is undertaken by staff across the Commission. Major work is outsourced.

(k) Internal Audit has been outsourced since 1988. The contract is managed by the Legal, Fraud and Contract Management Unit and overseen by the Commission’s Audit Committee.

(l) Executive support services are undertaken by 2.55 staff. The approximate annual salary value, including superannuation, for these staff is $139,000.

(m) Legal, fraud (excluding fraud investigations which have been outsourced) and contract management (including the outsourced IT contract since 26 June 2000) functions are undertaken by the one organisational unit comprising 2.94 staff. The approximate annual salary value, including superannuation, for these staff is $224,000.

(n) Publications (including the development of both internal and external publications and course flyers) and web-site management functions are undertaken by 3 staff. The approximate annual salary value, including superannuation, for these staff is $178,000. Library and research functions are undertaken by 2.25 staff. The approximate annual salary value, including superannuation, for these staff is $133,000.

The Australian National Audit Office:

All Australian National Audit Office staff performing corporate functions are located in Canberra ACT. The table below summarises annual salary values inclusive of annual leave and superannuation and number of employees in respect of the years ending 30 June 1996 and 30 June 2000.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>5</td>
<td>$272,046</td>
<td>3</td>
<td>$222,295</td>
</tr>
<tr>
<td>(b)</td>
<td>3.75</td>
<td>$186,430</td>
<td>2.5</td>
<td>$139,265</td>
</tr>
<tr>
<td>(c)</td>
<td>10</td>
<td>$583,875</td>
<td>6.8</td>
<td>$481,795</td>
</tr>
<tr>
<td>(d)</td>
<td>0.25</td>
<td>$14,427</td>
<td>0.2</td>
<td>$15,382</td>
</tr>
<tr>
<td>(e)</td>
<td>1</td>
<td>$35,383</td>
<td>0.2</td>
<td>$14,828</td>
</tr>
<tr>
<td>(f)</td>
<td>1</td>
<td>$80,248</td>
<td>1</td>
<td>$104,472</td>
</tr>
<tr>
<td>(g)</td>
<td>Nil</td>
<td>Nil</td>
<td>0.1</td>
<td>$7,045</td>
</tr>
<tr>
<td>(h)</td>
<td>0.5</td>
<td>$19,781</td>
<td>0.5</td>
<td>$28,969</td>
</tr>
<tr>
<td>(i)</td>
<td>4.5</td>
<td>$231,933</td>
<td>3.5</td>
<td>$264,140</td>
</tr>
<tr>
<td>(j)</td>
<td>1</td>
<td>$32,083</td>
<td>1</td>
<td>$23,679</td>
</tr>
<tr>
<td>(k)</td>
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<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
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<tr>
<td>(l)</td>
<td>2</td>
<td>$138,392</td>
<td>3.05</td>
<td>$214,113</td>
</tr>
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<td>(m)</td>
<td>3</td>
<td>$200,884</td>
<td>0.3</td>
<td>$38,843</td>
</tr>
</tbody>
</table>

The table above shows the staff numbers and salary values for the following functions:

- Information research
- Records management
- Management information services
- Publications
- Foreign Liaison
- Annual Report
- Corporate Governance

The Australian National Audit Office's staff numbers and salary values are as follows:

<table>
<thead>
<tr>
<th>Function</th>
<th>1996</th>
<th>2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information research</td>
<td>4</td>
<td>$217,921</td>
</tr>
<tr>
<td>Records management</td>
<td>3</td>
<td>$116,820</td>
</tr>
<tr>
<td>Management information services</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Publications</td>
<td>2</td>
<td>$107,289</td>
</tr>
<tr>
<td>Foreign Liaison</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Annual Report</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Corporate Governance</td>
<td>Nil</td>
<td>Nil</td>
</tr>
</tbody>
</table>
The Office of the Inspector-General of Intelligence and Security

Parts (a),(b),(e),(f),(h),(i),(k),(l),(m) and (n) are not applicable to this office as these services are provided by the Department of the Prime Minister and Cabinet.

Parts (c),(d),(g) and (j) equals 0.02 staff and $971 in 2000.

The Office of National Assessments

All staff performing corporate functions are located in Canberra.

Annual salary values include superannuation.

<table>
<thead>
<tr>
<th></th>
<th>1996</th>
<th>2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>0.5</td>
<td>0.35</td>
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<tr>
<td></td>
<td>$22,170</td>
<td>$17,352</td>
</tr>
<tr>
<td>(b)</td>
<td>1.2</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>$53,208</td>
<td>$49,576</td>
</tr>
<tr>
<td>(c)</td>
<td>1.2</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>$53,208</td>
<td>$49,576</td>
</tr>
<tr>
<td>(d)</td>
<td>0.2</td>
<td>0.2</td>
</tr>
<tr>
<td></td>
<td>$8,868</td>
<td>$9,915</td>
</tr>
<tr>
<td>(e)</td>
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<td>$8,868</td>
<td>$4,958</td>
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<td>(f)</td>
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<td>0.35</td>
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<tr>
<td></td>
<td>$22,170</td>
<td>$17,352</td>
</tr>
<tr>
<td>(g)</td>
<td>0.2</td>
<td>0.2</td>
</tr>
<tr>
<td></td>
<td>$8,868</td>
<td>$9,915</td>
</tr>
<tr>
<td>(h)</td>
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<td></td>
<td>$4,434</td>
<td>$4,958</td>
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<td>0.7</td>
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<tr>
<td></td>
<td>$39,906</td>
<td>$34,703</td>
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<tr>
<td>(j)</td>
<td>4</td>
<td>4</td>
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<td></td>
<td>$177,358</td>
<td>$198,303</td>
</tr>
<tr>
<td>(k)</td>
<td>Nil</td>
<td>Nil</td>
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<tr>
<td>(l)</td>
<td>1</td>
<td>1</td>
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<tr>
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<td>$44,340</td>
<td>$49,576</td>
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<td>(m)</td>
<td>Nil</td>
<td>Nil</td>
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<td>(n)</td>
<td>16.5</td>
<td>7.5</td>
</tr>
<tr>
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<td>$731,604</td>
<td>$371,818</td>
</tr>
</tbody>
</table>

(n) includes security, library, information services and management.

Department of the Treasury: Value of Corporate Services

(Question No. 2632)

Senator Faulkner asked the Minister representing the Treasurer, upon notice, on 26 June 2000:

With reference to the department and each agency in the portfolio, what were the state and city or town location, number of employees and annual salary values of all corporate services as at 30 June 1996 and 30 June 2000, for the following functional areas: (a) human resources; (b) property and office services; (c) financial and accounting services; (d) fleet management; (e) occupational health and safety; (f) workplace and industrial relations; (g) parliamentary communications; (h) payroll; (i) personnel services; (j) printing and photocopying; (k) auditing; (l) executive services; (m) legal and fraud; and (n) any other corporate services (please specify).

Senator Kemp—The Treasurer has provided the following answer to the honourable senator’s question:

Information on employee and salary costs may be found in the relevant departmental and agency annual reports.

Department of the Treasury: Public Opinion Research

(Question No. 2651)

Senator Faulkner asked the Minister representing the Treasurer, 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 Kemp—The Treasurer has provided the following answer to the honourable senator’s question:

Australian Taxation Office

Goods and Services Tax/Tax Reform-Business Education and Communication Division

(1) Both qualitative and quantitative research has been undertaken since July 1999 to assist the Australian Taxation Office (ATO) develop and implement communication programs to inform and educate Australian businesses and consumers about tax reform.

(2) The ATO aims to provide well targeted information to business and community sectors so that taxpayers meet their compliance obligations effectively. ATO tax reform research has been undertaken to assist these aims and to better understand the information needs of taxpayers.

(3) No.

(4) (a) The ATO has used the following companies to provide market research services – Quantum Market Research, Worthington Di Marzio, Blue Moon Research and Planning and SRG Absolute Marketing.

(b) The market research services provided to the ATO include quantitative and qualitative campaign tracking and concept testing of new campaign activities and information materials.

(c) Research has been undertaken at regular intervals since 1 July 1999 for tracking purposes and as required for concept testing of new campaign activities and information materials.

(5) Research has been sub-contracted as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Sub-contractor</th>
<th>Services provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantum Market Research</td>
<td>Cultural Perspectives</td>
<td>NESB (qualitative and quantitative) and indigenous (qualitative) research</td>
</tr>
<tr>
<td></td>
<td>Worthington Di Marzio</td>
<td>CATI (phone survey) services</td>
</tr>
<tr>
<td></td>
<td>Northern Field Services</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Marketmetrics</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fieldworks</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cultural Partners</td>
<td></td>
</tr>
<tr>
<td>Blue Moon Research and Planning</td>
<td>J&amp;S Research Services</td>
<td>Indigenous (quantitative) research</td>
</tr>
<tr>
<td></td>
<td>Northern Field Services</td>
<td>Recruitment services</td>
</tr>
<tr>
<td></td>
<td>Phyllis Mitchell &amp; Associates</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Robyn Kunko Market Research</td>
<td></td>
</tr>
<tr>
<td></td>
<td>WA Research and Recruitment</td>
<td></td>
</tr>
</tbody>
</table>
(6) The research results provided the following information:
- awareness of various tax reform information and education campaigns and recall of campaign messages;
- recommendations for fine-tuning of advertisements;
- levels of awareness of key elements of The New Tax System; and
- the need for further information on specific elements of The New Tax System.

Research was requested by the ATO and authorised by the ATO.

(8) The cost of this research for the period 1 July 1999 to 31 July 2000 was $3,781,856.

(9) The research results have been used to assist in the initial development and ongoing refinement of education campaign strategies and creative materials.

**Individuals Non Business Division**


(2) (i) The purpose of the research was to test TaxPack (in terms of navigation and readability) and to gain an understanding of community perceptions. The primary function for the market research (as outlined during the procurement process and the final contract) was to ‘undertake market research for the ATO which includes (a) pre-implementation qualitative research of TaxPack, related publications and other products prior to finalisation of content and design and (b) the quantitative post-implementation research of those publications and products’.

(ii) The purpose of the research will be to survey clients to assess the level of quality of advice. The objective will be to determine clients’ perception as to the quality of advice provided by INB.

The purpose was to conduct research into the community views on a variety of aspects of the personal income tax system. The objectives were to test community perceptions of some key areas, to gauge community reactions to some possible proposals and to provide an opportunity for individuals to express ideas and make suggestions regarding the future development of personal income tax systems.

(3) No.

(4) (i) (a) A C Nielsen, Level 1, 479 St. Kilda Road, Melbourne.

(b) The qualitative research is focus group structures. The quantitative research is conducted as a telephone survey.

(c) The qualitative research is undertaken during November and March each year. The quantitative research is undertaken during September and October each year.

(ii) (a) MINTER Research

(b) Focus groups and phone interviews.

(c) October 2000; December 2000; June 2001.

(iii) (a) The Research Forum

(b) Qualitative research - focus groups.

(c) Timetable was as follows:
- commissioned 6 December 1999;
- methodology agreed 15 December 1999;
- Stage 1 - 31 Jan 2000 to 13 March 2000;
- Stage 2 - 14 March to 24 March 2000;
- Stage 3 - 3 April 2000 to 4 May 2000;
- draft report presented 26 May 2000;

(5) (i) No.
(ii) No.
(iii) Yes - specialist market research group recruitment:
- J&S Research Services - focus group recruitment in NSW;
- RiverCity - focus group recruitment in Qld and Vic;
- Central Field Market Research - focus group recruitment in SA and NT;
- West Coast Field Services - focus group recruitment in WA.

(6) (i) The results are extensive, relating to specific parts of publications or across a wider range of publications. These findings are detailed in formal reports.
(ii) Not yet available.
(iii) High level results - identification of perceived problems with existing system; suggestions for how these could be fixed; reaction to some possible models for alternatives to tax returns; results consistent across client segments.

(7) (i) Alison Lendon, Assistant Commissioner, Public Assistance.
(ii) Alison Lendon, Assistant Commissioner, Public Assistance.
(iii) Requested by Helen Barnes, Project Manager; authorised by Bob Webb, Deputy Commissioner INB.

(8) (i) $150,000; $150,000.
(ii) $85,000; actual cost unknown as yet.
(iii) $198,252; $198,999.

(9) (i) To make improvements to TaxPack and its related publications.
(ii) To improve the quality of service delivery.
(iii) To provide input to business design process and policy recommendations.

Superannuation Division

(1) The Australian Taxation Office’s Superannuation Business Line has undertaken one study.

(2) The purpose of this research was to determine the community’s attitudes toward superannuation. The objectives of the research were to:
- establish the level of knowledge and understanding of superannuation;
- determine the relevance of investing for retirement;
- determine the relevance of superannuation as an investment vehicle; and
- ascertain the level of confidence in superannuation.

(3) No.

(4) (a) Chant Link and Associates carried out the research.
(b) A telephone questionnaire of a random sample was used.
(c) The study was commissioned in June 1999 and finalised in March 2000.

(5) The field work in the study was sub-contracted to NCS Australia. Chant Link and Associates regularly use NCS Australia to perform quantitative field work.

(6) The results are extensive and cover a range of superannuation issues. In general the research shows:
(i) Superannuation is perceived as important.

(ii) There is relatively high awareness of Superannuation Guarantee and high level of employer compliance, but lower awareness of details of Superannuation Guarantee.

(iii) Awareness and knowledge varies depending on employment status. Employees tended to have a higher awareness of the Superannuation Guarantee and its components especially compared to people not currently in the workforce.

(iv) Multiple fund membership reasonably high as is desire to combine funds.

(v) The perceived need for advice on superannuation is correlated with age.

7. The research was requested and the expenditure authorised by Leo Bator, Deputy Commissioner for Superannuation, Australian Taxation Office.

8. The study was estimated to cost approximately $90,000. The actual total cost was $82,669.

9. The research is being used to inform the ATO’s compliance and education activities.

**Corporate Division**

Corporate Division has not commissioned any new surveys since 1 July 1999. The following was ongoing work on existing surveys:

1. Corporate Division participated in a Professionalism and a Community Perceptions Survey. Non-metropolitan areas were not specifically targeted by this research.

2. The purpose was to gauge trends on how the community perceives the ATO.

3. No.

4. (a) Donovan Research carried out the Professionalism Survey; AC Neilson carried out the Community Perceptions Survey.

(b) Research methods included Mail out, Phone, and focus group workshops.

(c) Ongoing – trend over time.

5. NCS was sub-contracted by Donovan’s to conduct the phone survey.

6. The results (trend over time) were to gauge the community’s perceptions of the ATO.

7. The Commissioner of Taxation, as part of the ATO’s Corporate Outcomes measures.

8. Estimated and Total Cost for 99/00:

(a) Professionalism Survey - $60,000.

(b) Community Perceptions Survey - $165,000.

9. These results measure any changes in community perceptions of the ATO.

**Australian Competition And Consumer Commission**

1. Since 1 July 1999 the ACCC has contracted quantitative research to assess consumer and business information needs and community perceptions about the expected price impacts of the New Tax System reforms. Consumers and small business operators in non-metropolitan areas were included as part of a random national survey.

2. The purpose of this research was to measure the penetration and impact of the ACCC communication program informing consumers and small business about its role in preventing price exploitation.

3. No.

4. (a) The research was carried out by Worthington Di Marzio.

(b) Quantitative and qualitative research was carried out for the ACCC to track the effectiveness of the program and to concept test materials used in the print and radio program.

(c) Developmental research was carried out in February 2000, followed by concept evaluation and testing of program information at regular intervals after that date. The latest survey was conducted from 7 – 18 July across all States, in metropolitan and rural areas.
The research provided the following information:

- The expected impact of the GST on prices over the next 12 months was mixed but, overall, the extent of price rises expected was slightly lower than before.
- Fewer consumers expect any price rises exceeding 10% and more believe such price rises would be illegal.
- Improvements were noted in both awareness and familiarity with the ACCC.
- Increased awareness of the power of the ACCC to seek fines, but not of other powers.
- Improvements in the expected effectiveness of the ACCC in preventing price exploitation.

This research was undertaken as part of an ongoing assessment of the ACCC information program. It was authorised by the Chief Executive Officer.

The cost of this research since 1 July 1999 is $231,000, for both the consumer and business surveys.

The results of this research are being used to inform the ongoing communication strategy of the ACCC.

Australian Bureau Of Statistics (ABS)

The ABS commissioned a Census Public Relations Concept Research Project, which was conducted in December 1999 - January 2000 in Mackay and Ballarat.

The purpose of the research was stated in the Request For Quote as follows:

- The ABS will conduct the 14th Australian Census of Population and Housing in August 2001. A national communications strategy is being developed to:
  - ensure high levels of awareness of the Census and its benefits to the community among all Australians;
  - ensure high levels of participation in the Census;
  - educate people about the Census procedures; and
  - foster positive attitudes about the Census and its outcomes.

The ABS is looking to commission research to ascertain whether the advertising concepts and material used in the 1996 Census communication campaign should be further developed for 2001 or changed completely. The 1996 evaluation of the communication campaign (research conducted by AGB McNair) indicated that “overall, the communication was very effective in raising awareness about the 1996 Census and minimising negativity regarding the Census”.

We also wish to test community reaction to the Census logo used for the Census promotion and collection material. This logo has been used on all Census output resources and products since 1997. It is envisaged that the logo used in the forthcoming Census campaign will also be carried through to “branding” Census outputs, products, and services, to be released from about 2002. These generally have a shelf life of about five years.”

The research project objectives were stated as follows:

- to assess community reactions to the “Pins” concept, and to the various executions of “Pins” on television, in the press, and other printed material;
- to assess community reactions to the 1996 Census logo;
- to determine whether or not this concept, or part of it, is suitable for the 2001 Census campaign;
- to make recommendations about appropriate executions should reactions to the concept and/or logo be positive; and
- to make recommendations for alternatives should reactions to the concept and/or logo be negative.

Worthington di Marzio was the successful tenderer.
(b) Focus groups targeting general and specific audiences, eg young males who are typically difficult to enumerate in the Census.
(c) December 1999 - January 2000.
(5) No work was sub-contracted.
(6) The final report from Worthington di Marzio consultants concluded that the “Pins” television commercial was still testing well across all audiences, but that the print campaign and logo were in need of redevelopment.

(7) The Director, Census Communications requested that the research be undertaken. The Assistant Statistician, Census Geography and Demography Branch approved the expenditure.

(8) The total estimate and actual cost was $39,500.

(9) The results of the research were the basis of the following decisions for the 2001 Census Communications Campaign:
- the television commercial first produced for the 1991 Census and used again in 1996, will also be used for the 2001 Census, with appropriate updates to reflect the 2001 date; the new Census logo; and the choice for people to have their data retained in a “time capsule” for 99 years. This will save having to spend public money on producing new advertisements.
- the print campaign is being reconsidered in light of the poor test results of this aspect of the 1996 campaign.
- a new logo to “brand” the 2001 and subsequent Censuses, and their output material, has been developed to encourage wider use of Census statistics in the community, and to encourage the community to complete the Census form accurately.

**Royal Australian Mint (RAM)**

(1) Yes. Since July 1999, Royal Australian Mint has commissioned the following two opinion researches in the non-metropolitan area:
- Circulating Coin; and
- Numismatic Coin.

(2) Objectives of the Circulating Coin opinion research were to identify community attitudes as to adequacy of the current coin range in today’s environment and to assess Australia’s future needs.
- Objectives of the Numismatic Coin research were to identify the key strategies required to grow the numismatics hobby within the youth market and to better understand the adult market in order to grow it and feed the information into planning for the future.

(3) No.

(4) For the Circulating Coin opinion research:
(a) New Focus carried out the research;
(b) New Focus used a qualitative and quantitative method for this research; and
(c) Expected time table was six months (May 1999 to May 2000).

For the Numismatic Coin opinion research:
(a) New Focus carried out the research;
(b) New Focus used both qualitative and quantitative methods for this research; and
(c) Expected time table is end of October 2000.

(5) Nil for both researches.

(6) Results of the Circulating Coin opinion research:
- there is a high level of general satisfaction with our coin range. A small number of changes would attract majority support, however, provided they did not come at a cost to the taxpayer.

Results of the Numismatic Coin opinion research:
- the research has not yet been completed.
(7) For Circulating Coin, the Minister Financial Services and Regulation requested this research and Steering Committee authorised expenditure.
   - For Numismatic Coin, the International Mint Marketing Development Council requested this research and RAM Advisory Board authorised expenditure.

(8) $65,000 for Circulating Coin research.
   - $100,000 for Numismatic Coin research.

(9) The results of the Circulating Coin research is one of the many input the Steering Committee has taken to develop a future needs recommendation for the Minister.
   - To improve the Mint’s service to collectors and to develop the youth numismatic market.

**Department of Defence: Public Opinion Research**
(Question No. 2658)

Senator Faulkner asked the Minister representing the Minister for Defence, 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 Newman—The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) Yes

<table>
<thead>
<tr>
<th>Project</th>
<th>Functional Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Consultation Process</td>
<td>Strategy Division – Defence Review 2000 Secretariat</td>
</tr>
<tr>
<td>Attitudes towards Security Issues and Defence.</td>
<td>Strategic Policy Branch</td>
</tr>
<tr>
<td>Research into Australian Community Attitudes</td>
<td>Public Affairs and Corporate Communication Division</td>
</tr>
<tr>
<td>towards Defence and Defence Industry related</td>
<td></td>
</tr>
<tr>
<td>issues.</td>
<td></td>
</tr>
<tr>
<td>Australian Community Attitudes towards Defence</td>
<td>Defence Force Recruiting Organisation</td>
</tr>
<tr>
<td>and the ADF (Defence Force Careers).</td>
<td></td>
</tr>
<tr>
<td>Support to Families with Special Needs: Policy</td>
<td>Defence Community Organisation</td>
</tr>
<tr>
<td>Review.</td>
<td></td>
</tr>
<tr>
<td>Advertising concept testing.</td>
<td>Defence Force Recruiting Organisation</td>
</tr>
<tr>
<td>Advertising concept testing for selection of new</td>
<td>Defence Force Recruiting Organisation</td>
</tr>
<tr>
<td>advertising agency.</td>
<td></td>
</tr>
</tbody>
</table>
### Project Purpose Objective

<table>
<thead>
<tr>
<th>Project</th>
<th>Purpose</th>
<th>Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Consultation Process</td>
<td>To inform development of the Defence Policy Statement</td>
<td>To provide the Australian community with the opportunity to comment on Defence and security issues, and future options for the ADF, raised in the Public Discussion Paper.</td>
</tr>
<tr>
<td>Attitudes towards Security Issues and Defence.</td>
<td>To measure community attitudes towards security issues and Defence</td>
<td>To provide data on attitudes and perceptions within the Community to Security and Defence issues and future options for the ADF.</td>
</tr>
<tr>
<td>Research into Australian Community Attitudes towards Defence and Defence Industry related issues.</td>
<td>To research Australian Community Attitudes towards Defence and Industry related issues.</td>
<td>The primary aim of undertaking the tracking study was to identify how far and to what extent attitudes towards ADF careers have shifted over time.</td>
</tr>
<tr>
<td>Australian Community Attitudes towards Defence and the ADF (Defence Force Careers).</td>
<td>To measure community attitudes towards Australian Defence Force careers.</td>
<td>To assist in developing communication strategies for Defence.</td>
</tr>
<tr>
<td>Support to Families with Special Needs: Policy Review.</td>
<td>To review administrative policy and procedures on assistance to families with special needs.</td>
<td>To assess the adequacy of administrative policy and procedures on assistance to families with special needs.</td>
</tr>
<tr>
<td>Advertising concept testing.</td>
<td>To research various advertising concepts and commercials prior to airing.</td>
<td>To test the effectiveness of the commercials in communicating with the prime target market.</td>
</tr>
<tr>
<td>Advertising concept testing for selection of new advertising agency.</td>
<td>To research creative advertising concepts to assist in the selection of a new advertising agency for DFRO account.</td>
<td>To find the most effective advertising agency with the ability to communicate to the prime target audience.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project</th>
<th>(a) Name of Company</th>
<th>(b) Method Used</th>
<th>(c) Timetable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Consultation Process</td>
<td>Community Consultation Team led by The Hon Andrew Peacock, and including Dr David MacGibbon, Mr Stephen Loosley and MAJGEN Adrian Clunies-Ross (retd). Administrative support was provided by Defence (Defence Review 2000 Secretariat, Department of Defence)</td>
<td>Program of Community Consultations including Public Meetings, Sectoral meetings (with interest groups, business and industry associations) held throughout Australia in metropolitan and regional centres.</td>
<td>23 June – 31 August 2000</td>
</tr>
<tr>
<td>Attitudes towards Security Issues and Defence.</td>
<td>Qualitative Buchan Communication Group</td>
<td>Focus Group Discussions</td>
<td>August 2000</td>
</tr>
<tr>
<td></td>
<td>Quantitative ANU Research School of Social Sciences</td>
<td>Telephone survey Sampling</td>
<td>September 2000</td>
</tr>
<tr>
<td>Research into Australian Community Attitudes towards Defence and Defence Industry related issues.</td>
<td>Market Attitude Research Services (MARS)</td>
<td>Benchmark Research National telephone survey Focus group discussions Annual Monitoring Research National telephone survey Four qualitative (focus group) sessions per annum. Two long-term qualitative panels (focus groups) Two long-term household interview panels Sampling Included respondents in city, metropolitan and non-metropolitan areas.</td>
<td>Duration of contract: March 1998 – July 2001 Reports provided Monthly, quarterly and annually. (Note that national telephone survey and long-term interview panels ceased as of June 2000.)</td>
</tr>
<tr>
<td>Support to Families with Special Needs: Policy Review.</td>
<td>Department of Defence</td>
<td>Focus Group discussions (37) Internet based survey Sampling Focus Groups conducted both in capital cities and rural areas Survey involved self-selection</td>
<td></td>
</tr>
<tr>
<td>Advertising concept testing.</td>
<td>Advertising Development Solutions and Sweeney Research</td>
<td>Interviews and focus groups</td>
<td>Interviews on various dates since 1 July 1999, Focus groups in September 1999, June-July 2000</td>
</tr>
<tr>
<td>Advertising concept testing for selection of new advertising agency.</td>
<td>New Focus Research</td>
<td>Focus Groups</td>
<td></td>
</tr>
</tbody>
</table>
### Project Results

<table>
<thead>
<tr>
<th>Project</th>
<th>Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Consultation Process</td>
<td>Pending</td>
</tr>
<tr>
<td>Attitudes towards Security Issues and Defence.</td>
<td>Pending</td>
</tr>
<tr>
<td>Australian Community Attitudes towards Defence and the ADF (Defence Force Careers).</td>
<td>1999 - Tracking Survey - The results are extensive. However, in summary the research concluded that there are a number of lifestyle misconceptions that need to be addressed in Defence Force Recruiting Organisation communications strategies.</td>
</tr>
<tr>
<td>Advertising concept testing for selection of new advertising agency.</td>
<td>All executions were deemed appropriate and were cleared by MCGC for placement on television. Creative concepts were tested and ranked, where possible, to determine the relative effectiveness of the concepts and the eventual selection and appointment of the new creative advertising agency by MCGC.</td>
</tr>
</tbody>
</table>

### Project Who Requested Who Authorised Expenditure

<table>
<thead>
<tr>
<th>Project</th>
<th>Who Requested</th>
<th>Who Authorised Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Consultation Process</td>
<td>Minister for Defence</td>
<td>Deputy Secretary Strategy</td>
</tr>
<tr>
<td>Attitudes towards Security Issues and Defence.</td>
<td>Minister for Defence</td>
<td>Deputy Secretary Strategy</td>
</tr>
<tr>
<td>Research into Australian Community Attitudes towards Defence and Defence Industry related issues.</td>
<td>Defence Public Information Organisation (circa 1997)</td>
<td>Director General Defence Public Information Organisation</td>
</tr>
<tr>
<td>Australian Community Attitudes towards Defence and the ADF (Defence Force Careers).</td>
<td>Director Defence Force Recruiting</td>
<td>Director Defence Force Recruiting Organisation</td>
</tr>
<tr>
<td>Advertising concept testing for selection of new advertising agency.</td>
<td>Director Defence Force Recruiting</td>
<td>Director Defence Force Recruiting Organisation</td>
</tr>
<tr>
<td>Project</td>
<td>Estimated Cost ($)</td>
<td>Total Cost (where activity complete) ($)</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>--------------------</td>
<td>-----------------------------------------</td>
</tr>
<tr>
<td>Community Consultation Process</td>
<td>$155,000</td>
<td></td>
</tr>
<tr>
<td>Attitudes towards Security Issues and Defence.</td>
<td>$130,000</td>
<td></td>
</tr>
<tr>
<td>Research into Australian Community Attitudes towards Defence and Defence Industry related issues.</td>
<td>$257,000</td>
<td></td>
</tr>
<tr>
<td>MARS contract costs (community attitudes to Defence and Defence Industry related matters) Reduction in cost reflects contract variation July 2000.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Australian Community Attitudes towards Defence and the ADF (Defence Force Careers). Tracking Research – 1999</td>
<td>$151,924</td>
<td>$151,924</td>
</tr>
<tr>
<td>Support to Families with Special Needs: Policy Review. Advertising concept testing.</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
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<tr>
<td>Advertising concept testing. Advertising concept testing for selection of new advertising agency.</td>
<td>$236,262</td>
<td>$236,262</td>
</tr>
<tr>
<td>Support to Families with Special Needs: Policy Review. Advertising concept testing.</td>
<td>$81,935</td>
<td></td>
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</tbody>
</table>

(9)

<table>
<thead>
<tr>
<th>Project</th>
<th>How results will be used</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attitudes towards Security Issues and Defence.</td>
<td></td>
</tr>
<tr>
<td>Research into Australian Community Attitudes towards Defence and Defence Industry related issues.</td>
<td>For the period to June 2000, results were used to inform communication strategy development in Defence. To assist in the formulation of advertising strategies.</td>
</tr>
<tr>
<td>Australian Community Attitudes towards Defence and the ADF (Defence Force Careers).</td>
<td></td>
</tr>
<tr>
<td>Support to Families with Special Needs: Policy Review. Advertising concept testing.</td>
<td>To improve the policy, streamline the procedures and make any relevant / necessary changes to the administrative policy. Ensure advertising is effective in communicating recruiting messages to the prime target audience.</td>
</tr>
<tr>
<td>Advertising concept testing. Advertising concept testing for selection of new advertising agency.</td>
<td>Ensure that the most appropriate advertising agency provides creative advice to DFRO for the period 2000-2003.</td>
</tr>
</tbody>
</table>
Civil Aviation Safety Authority: Airline Audits
(Question No. 2715)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 14 August 2000:

(1) Since January 1997, on how many occasions has the Civil Aviation Safety Authority (CASA) undertaken audits of Airlines of South Australia.

(2) How many of the above audits were scheduled and how many were unscheduled.

(3) Were any Non Compliance Notices (NCNs) or Aircraft Survey Reports (ASRs) issued as a result of the above audits; if so (a) how many NCNs and ASRs were issued; (b) when were they issued; (c) why were they issued; and (d) in each case, when were they acquitted.

(4) Was the company issued with a ‘Show Cause Notice’ as a result of the above audits; if so, on how many occasions have such notices been issued to this company and, in each case, what was the reason for the issuing of the ‘Show Cause Notice’.

(5) In each case where a ‘Show Cause Notice’ was issued, what was the response of the company to the notice and what subsequent action was taken by CASA.

(6) On how many occasions was a ‘Show Cause Notice’ prepared by CASA but not issued to the company, and in each case: (a) why was the ‘Show Cause Notice’ drafted by CASA; (b) who took the decision to draft the notice; (c) who took the decision not to issue the notice; and (d) why was the notice not issued.

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

The Civil Aviation Safety Authority (CASA) has provided the following advice:

(1) The Civil Aviation Safety Authority (CASA) has performed 41 audits of Airlines of South Australia since January 1997.

(2) 24 scheduled and 3 unscheduled audits for airworthiness and flying operations have been performed between January 1997 and August 2000. 8 scheduled and 6 unscheduled Aerodrome Inspections have been performed since September 1997.

(3) to (6) I do not believe it is appropriate to provide this level of operational detail regarding an individual operator. In addition, CASA holds the view that disclosure of information on the outcomes of an audit process could prejudice an operator’s commercial interests and could also prejudice CASA’s ability to obtain information from other operators during the course of normal investigations where compulsory extraction powers are not used.

CASA can however confirm that all matters raised with the operator, including Non Compliance Notices and Aircraft Survey Reports issued to the operator, have been addressed.

Airservices Australia: Staff Benefits
(Question No. 2739)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 15 August 2000:

(1) Since 1 January 1999, how many increases in salary or related benefits have been received by Airservices Australia officers employed in the following positions: (a) Chief Executive and Managing Director; (b) Director Safety and Environment Management Unit; (c) Chief Auditor Corporate Audit and Quality Assurance; (d) Chief Operating Officer; (e) General Manager Air Traffic Services; (f) Chief Fire Officer Rescue and Fire Fighting Service; (g) General Manager Facilities Management; (h) General Manager Planning and Development; (i) Chief Financial Officer Corporate Finance; (j) General Manager Projects; (k) General Manager Corporate and Employee Relations; and (l) Manager Flight Inspection.

(2) What is the name of the officer currently employed in each of the above positions and how long has that officer held that position.
(3) When did each salary or related benefit increase occur for each of the above positions and what was the quantum of each increase.

(4) What was the basis on which the quantum of each increase, for each of the above positions, was determined.

(5) Did the Board of Airservices Australia, or a subcommittee of the Board, consider and approve all the increases in remuneration paid to officers employed in the above positions.

(6) Since 1 January 1999 on how many occasions have any of the above positions become vacant.

(7) (a) When was each position vacated; (b) when was a new appointment made; and (c) was each position advertised prior to an appointment being made.

(8) What was the actual selection process followed by Airservices Australia to identify and appoint suitable candidates to fill any of the above positions when they became vacant.

(9) Are all officers engaged in the above positions all engaged on a contract basis; if not, on what basis are they employed.

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

Airservices Australia has advised the following:

<table>
<thead>
<tr>
<th>Position</th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
<th>Q5</th>
<th>Q6</th>
<th>Q7</th>
<th>Q8</th>
<th>Q9</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Chief Executive and Managing Director</td>
<td>1</td>
<td>William Pollard</td>
<td>6 Nov 1999</td>
<td>Advice from the Remuneration Tribunal, market comparisons and consideration by the Airservices Board Remuneration Committee</td>
<td>Yes</td>
<td>Nil</td>
<td>N/A</td>
<td>N/A</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>years</td>
<td>9 months</td>
<td>- privacy information, not available for public release</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Director Safety and Standards</td>
<td>2</td>
<td>David Adams</td>
<td>1 July 1999 and 1 July 2000</td>
<td>Independent advice from Mercer Cullen Egan Dell and performance appraisal by the CEO.</td>
<td>No</td>
<td>Nil</td>
<td>N/A</td>
<td>N/A</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>year</td>
<td>9 months</td>
<td>- privacy information, not available for public release</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

Note: (1) Board has delegated its power under s42 of the Air Services Act 1995 to the CEO who consults the
<table>
<thead>
<tr>
<th>Position</th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
<th>Q5</th>
<th>Q6</th>
<th>Q7</th>
<th>Q8</th>
<th>Q9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board Remuneration Committee in relation to the principles applying to Executive Committee member’s total attainable remuneration packages.</td>
<td>As above</td>
<td>As above</td>
<td>Nil</td>
<td>N/A</td>
<td>N/A</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Auditor Corporate Audit and Quality Assurance</td>
<td>2</td>
<td>Karl Drake-Brockman</td>
<td>1 July 1999 and 1 July 2000 - privacy information, not available for public release</td>
<td>As above</td>
<td>As above</td>
<td>Nil</td>
<td>N/A</td>
<td>N/A</td>
<td>Yes</td>
</tr>
<tr>
<td>(d) Chief Operating Officer</td>
<td>2</td>
<td>Bernard Smith</td>
<td>1 July 1999 and 1 July 2000 - privacy information, not available for public release</td>
<td>As above</td>
<td>As above</td>
<td>Nil</td>
<td>N/A</td>
<td>N/A</td>
<td>Yes</td>
</tr>
<tr>
<td>(f) Chief Fire Officer Rescue and Fire Fighting Service</td>
<td>1</td>
<td>N/A</td>
<td>1 July 1999 - privacy information, not available for public release</td>
<td>As above</td>
<td>As above</td>
<td>Nil</td>
<td>N/A</td>
<td>N/A</td>
<td>Yes</td>
</tr>
<tr>
<td>Note: (2) (g), (h) and (j)</td>
<td>2</td>
<td>Ros Dubs</td>
<td>1 July 1999 and 1 July 2000 - privacy information, not available for public release</td>
<td>As above</td>
<td>As above</td>
<td>Nil</td>
<td>N/A</td>
<td>N/A</td>
<td>Yes</td>
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</tbody>
</table>
### Position Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 Q9

#### Note: (3)

**i** Chief Financial Officer
- Andrew Fleming
- 2 years 10 months
- 1 July 1999 and 1 July 2000
- privacy information, not available for public release
- As above
- As above
- Nil
- N/A
- N/A
- Yes

**k** Director Corporate Strategy
- Thomas Grant
- 2 years
- 1 July 1999 and 1 July 2000
- privacy information, not available for public release
- As above
- As above
- Nil
- N/A
- N/A
- Yes

**e** General Manager Air Traffic Services
- N/A
- N/A
- N/A
- N/A
- N/A
- N/A
- N/A
- N/A
- N/A

**l** Manager Flight Inspections
- N/A
- N/A
- N/A
- N/A
- N/A
- N/A
- N/A
- N/A
- N/A

---

**Note:**

1. Position of Director Safety and Environment Management Unit was retitled the Director Safety and Standards on 2 November 1998.
2. This position was abolished on 3 July 2000.
3. The positions (g) General Manager Facilities Management, (h) General Manager Planning and Development and (j) General Manager Projects were replaced by the new position of Director Operations Support. Details are provided for this position.
4. Position (k) General Manager Corporate and Employee Relations was abolished on 16 November 1998 and responsibilities transferred to the new Director Corporate Strategy. Details are provided for this position. This position also absorbed some of the functions of position (h).
5. This position was abolished on 16 November 1998. Functions absorbed by Chief Operating Officer, position(d).
6. This position was abolished in January 1997.

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**Attorney-General’s Department: Telephone Services**

*(Question No. 2858)*

**Senator Forshaw** asked the Minister representing the Attorney-General, upon notice, on 28 August 2000:

of Community Legal Services’, May 1998: (a) what was the forward estimate profile for the legal advice telephone service component; (b) for these forward estimates, how much has been: (i) spent in each year; and (ii) rephased; and (c) what is the rephased forward estimates profile as at the 2000-01 Budget.

(2) With reference to the Family Law Advice Telecommunications Service, Portfolio Budget Statement 1999-2000, p.47: (a) what was the forward estimate profile for the service; (b) for these forward estimates how much has been: (i) spent in each year; and (ii) rephased; and (c) what is the rephased forward estimates profile as at the 2000-01 Budget.

(3) What is the forward estimates profile for the Law by Telecommunication Service as at the 2000-01 Budget.

(4) With respect to each of the amounts referred to in 1(b)(i) and 2(b)(i), can a detailed breakdown be provided of how these amounts were spent.

(5) What was the total cost of the scoping study prepared by Cutler and Company Pty Ltd, dated July 1999.

(6) What was the total cost of the consultant’s report prepared by Cutler and Company Pty Ltd, dated February 2000.

Senator Vanstone—The Attorney-General has provided the following answer to the honourable senator’s question:

The Government announced a national Rural and Remote Legal Advice Telephone Service (Rural Advice Service) in the 1998-99 Budget.

The Rural Advice Service proposed the extension of access to legal assistance for rural and remote Australians through a network of 1800 telephone services.

In the 1999-2000 Budget funding was provided to establish a national Family Law Advice Telecommunications Service (Family Law Advice Service) to provide information and advice on family law, primary dispute resolution services and child support matters. This measure is part of a strategy designed to promote early intervention in family law disputes and to divert families away from litigation.

On 17 January 2000 the Government made a decision to integrate the Rural Advice Service and the Family Law Advice Service into a combined Law by Telecommunications (LBT) initiative.

The decision to integrate these budget measures was based on a finding of a scoping study completed by Cutler and Company Pty Ltd in July 1999. The scoping study, which was commissioned as part of the Rural Advice Service initiative, found that economies of scale could be achieved by providing a national online service that met the objectives of both initiatives.

The answer to the honourable senator’s question has been formulated on the basis of the integrated LBT initiative.

(1) (a) and (2) (a) The forward estimate profile for the LBT is $6.063m over four years as follows:

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<tbody>
<tr>
<td>Administered Expense</td>
<td>$750,000</td>
<td>$1,300,000</td>
<td>$1,996,000</td>
<td>$2,017,000</td>
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</table>

(b) (i) and (2) (b) (i): The following amounts have been spent on the LBT initiative:

1998-1999 $45,874
1999-2000 $96,317
2000-2001 nil

(b)(ii) and 2(b)(ii) The following amounts have been rephased:

1998-1999 $704,126
1999-2000 $1,907,809

(c), and (2) (c) and (3) The rephased forward estimate profile for the LBT initiative as at 2000-01 is: $3,903,809 of which approximately $760,000 has been apportioned to the development of two LBT call centres and a national web accessible database.

(4) The amounts shown in 1(b)(i) and 2(b)(i) comprise the following payments:
Financial Year | Payment Description                                                                 | Payment Amount
--- | --- | ---
1998-1999 | Advertising for tenders to undertake a scoping study and technical consultancy for the tendering, establishment and operation of rural, regional and remote telecommunications community legal services | $15,874
1998-1999 | Payment to Cutler and Company Pty Ltd on signing contract for a scoping study and technical consultancy for the tendering, establishment and operation of rural, regional and remote telecommunications community legal services | $30,000
1999-2000 | Payment to Cutler and Company Pty Ltd on completion of the scoping study | $51,317
1999-2000 | Payment to Cutler and Company Pty Ltd for a report on the further development of a generic model for a legal service delivery platform | $30,000
1999-2000 | Sponsorship of first national conference on the legal needs of women in regional, rural and remote Australia and access to legal services (Albury Wodonga 13-15 June 2000) | $15,000

(5) The following payments were made to Cutler and Company Pty Ltd with respect to the scoping study dated July 1999:

| Description                                                                 | Amount |
--- | --- |
Payment to Cutler and Company Pty Ltd on signing contract for a scoping study and technical consultancy for the tendering, establishment and operation of rural, regional and remote telecommunications community legal services | $30,000
Payment to Cutler and Company Pty Ltd on completion of the scoping study | $51,317

(6) The total cost of the consultant’s report prepared by Cutler and Company Pty Ltd, dated February 2000 was: $30,000.

Sydney (Kingsford Smith) Airport: Power Failure
(Question No. 2864)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 29 August 2000:

(1) Did the tower at Kingsford Smith Airport experience a total power failure on 19 June 2000; if so: (a) what was the extent of the power failure; (b) what impact did the power failure have on the operation of the tower, and (c) what was the duration of the power failure.

(2) (a) How many aircraft were under the control of the tower during the period of the power failure, and (b) how did air traffic controllers communicate with those aircraft.

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

Airservices Australia has advised the following:

(1) No, there was no power failure in the tower or any other section of the Air Traffic Control Centre at Kingsford Smith Airport on 19 June 2000. However there was an issue (but not a power failure) with the Local Area Network which affected the tower, but was corrected within 40 minutes and caused minimal delays. During this period, safety was not compromised, all aircraft were visible on radar and information labels intact and communications with aircraft were not affected.

(2) See (1)
Stanbroke Pastoral Company: Native Vegetation
(Question No. 2896)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 5 September 2000:

(1) Is the Minister aware that AMP has permits to clear more than 100 000 hectares of native vegetation in Queensland through its wholly-owned subsidiary Stanbroke Pastoral Company.

(2) What effect will clearing this vegetation have on Australia’s greenhouse gas emissions, biodiversity, salinity, water quality and land degradation.

(3) If the Minister does not have specific information in relation to the areas AMP proposes to clear, what would be the general effects of such large-scale clearing.

(4) What action has been taken or will be taken to dissuade or prevent AMP from undertaking such destructive activities.

Senator Hill—The revised answer to the honourable senator’s question is as follows:

(1) I am aware that this figure was reported in a Sydney Morning Herald article of 1 August 2000.

(2) There is a well-established link between land clearing, greenhouse gas emissions, biodiversity, salinity, water quality and land degradation. The extent of any effect will depend on the specific land system and vegetation type and the extent to which the permits are acted upon.

(3) Stanbroke Pastoral Company currently has permits for the clearing of 131,659ha. Of this:
   • 122,837ha is regrowth on previously cleared land (93% of the area approved)
   • 8,822ha is remnant vegetation (7% of the area approved)

   It would be speculation, however, to comment on the amount of clearing that would actually result from the permits that have been issued.

(4) I have urged AMP to adopt a leadership role in demonstrating the benefits of responsible best practice land management planning and implementation.

Agriculture: New Zealand Apples
(Question No. 2938)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 15 September 2000:

(1) Does the New Zealand Government, or the New Zealand apple industry, operate buffer zones as part of a regime to manage the spread of fire blight in the New Zealand apple industry: if so, what percentage of New Zealand’s apple orchards are in areas free of fire blight.

(2) What procedures are in place to ensure that the above buffer zones are effective in preventing the migration of fire blight into disease free zones.

(3) Which agency is responsible for managing these procedures.

(4) What assessment process is used to ensure that apples exported from fire blight free zones are free from the disease.

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

Neither the New Zealand Government nor the New Zealand apple industry operate buffer zones to manage the spread of fire blight.

Agriculture: New Zealand Apples
(Question No. 2939)
Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 15 September 2000:

1. What chemicals are applied to apples grown in New Zealand to ensure the fruit does not carry fire blight.

2. Have these chemicals been approved for agricultural use in Australia; if so:
   (a) what assessment was made of the above chemicals before they were approved for use in Australia; and
   (b) in each case, when was approval for use of these chemicals granted.

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

1. Apples are not normally considered to be a means of transmission of fire blight. Chlorine solution is used to meet the phytosanitary requirements of certain importing countries.

2. This chemical is registered for agricultural use in Australia.
   (a) The assessments made are consistent with the requirements of the Agricultural and Veterinary Chemicals Code Act 1994.
   (b) Chlorine has been used in Australian agriculture for several years.

Petroleum Products: Excise
(Question No. 2944)

Senator Cook asked the Assistant Treasurer, upon notice, on 18 September 2000:

1. The 2000-01 Budget has factored in estimates for the August 2000 petroleum products excise increase: (a) What was the amount of excise increase factored into the budget (cents per litre); and (b) what is the estimated revenue from this increase in the 2000-01 financial year and for each of the forward estimate years for petrol, diesel and in total.

2. The 2000-01 Budget has factored in estimates for the February 2001 petroleum products excise increase: (a) What was the total amount of excise indexation increase factored into the budget which is due to occur in February 2001 (cents per litre); (b) what is the estimated revenue from this increase in the 2000-01 financial year and for each of the forward estimate years for petrol, diesel and in total; (c) what is the amount of the February excise indexation rise estimated to be attributable to the inflation impact of the goods and services tax; and (d) what is the estimated revenue from this increase in the 2000-01 financial year and for each of the forward estimate years for petrol, diesel and in total.

3. (a) What was the assumption used in the 2000-01 Budget about the world price of oil in $US for the purposes of estimating revenue from the petroleum resource rent tax (PRRT); (b) was this price assumption the same for the budget year and the out years; and (c) please specify the oil price assumptions used for each year separately.

4. (a) What is the revenue sensitivity of the PRRT, that is, what is the level of additional revenue estimated to be collected under the PRRT should the world price of oil be higher than the amount assumed in the budget; and (b) please provide separate estimates (in millions of dollars) of increased revenue which would arise if average world prices are above the budget estimates by the following amounts per barrel: $1, $2, $4, $8, $10, $12, $15 and $20.

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

1. The Government does not publish excise rate forecasts, nor does the Government separately identify the effects of indexation on excise revenue.

2. The Government does not publish excise rate forecasts, nor does the government separately identify the effects of indexation and the GST on excise revenue.

3. The oil price assumption used for estimating PRRT revenue is a confidential part of the Government’s estimates, and is not published.

4. Please see answer (3).
Indian Ocean Islands Air Service: Contract Providers  
(Question No. 2957)

Senator Mackay asked the Minister for Regional Services, Territories and Local Government, upon notice, on 27 September 2000:

1) Has a date been set for finalisation of the new contract for the Indian Ocean Islands air service; if so, what is the date; if not, why not.

2) Will the new provider be required to: (a) honour bookings made under the current ‘ghost schedule’ that runs up until March 2001; (b) run two flights a week; and (c) offer a minimum level of seating capacity on each flight; if so, what number of seats will be required.

3) (a) What plans have been made to allow residents and tourists to make flight bookings beyond March 2001; and (b) how will the Government ensure that the current situation does not result in business being lost in bookings beyond March 2001.

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

1) No date for finalising the new contract has been set because of the need to identify potential providers and negotiate mutually acceptable services and terms.

2) (a) Yes (b) and (c) Subject to current negotiations with potential providers.

3) (a) and (b) My Department has initiated negotiations with National Jet Systems to extend the current forward bookings arrangements beyond March 2001.

Forestry Tasmania: Tourism Grants  
(Question No. 2962)

Senator Brown asked the Minister representing the Minister for Sport and Tourism, upon notice, on 28 September 2000:

With reference to part (4) of the answer to question on notice No. 2545 (Hansard, 11 October 2000, page 18170):

1) Why are the internal working documents not available.

2) What is the definition of ‘commercial-in-confidence’ and why is such a term permitted to hide information from a public instrumentality being made public.

3) Can the Minister be explicit about how the public interest is served by denying the public this information.

Senator Minchin—The Minister for Sport and Tourism has provided the following answer to the honourable senator’s question:

1) The Department accepts an obligation of confidence when proponents supply information in proposals under the Regional Tourism Program. The Department’s internal working documents may contain sensitive commercial information provided by the proponent which is considered by the assessors. The disclosure of this information could potentially cause harm to the provider of the information.

2) Commercial-in-confidence is a classification allocated to sensitive material of a commercial nature where the unauthorised disclosure, loss, compromise, misuse of or damage of the information might possibly cause harm to any person, organisation or government which provided information to the Commonwealth under an assurance and/or expectation of confidentiality, or give an unfair advantage to any entity.

Commercial-in-Confidence classification is not used to “hide information”, but to protect information provided to the Department.
(3) Public interest is served by upholding and preserving the principles of confidentiality of commercially sensitive information that proponents have supplied to the Department.

**Department of the Prime Minister and Cabinet: Unauthorised Computer Access**

*(Question No. 2966)*

Senator O’Brien asked the Minister representing the Prime Minister, 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 Prime Minister has provided the following answer to the honourable senator’s question:

I am advised by my department as follows:

The following information relates to all portfolio agencies with the exception of those agencies dealing with Aboriginal and Torres Strait Islander Affairs. Information in relation to the latter agencies is provided in the response to Senate Question No. 2983.

(1) The security of departmental and agency computer systems to date has generally been based on a combination of the following measures: physical isolation from external networks; firewalls; access controls; building security; password authentication; personnel security; intrusion detection mechanisms and virus scanning products.

Links to external computer networks are not implemented until advice has been sought from the Defence Signals Directorate (DSD) on security issues. Based on this advice, appropriate security measures have been implemented to prevent external unauthorised access to departmental and agency computer systems in accordance with DSD’s Security Guidelines for Australian Government IT Systems. These security measures include the use of firewalls between external networks and departmental and agency computer systems. Both the department and the Public Service Merit Protection Commission use a DSD-accredited firewall service for external e-mail and Internet services. In the case of the department and the Australian National Audit Office, Internet web access is currently available only through stand-alone networks or stand-alone personal computers.

(2) To the best of the department’s and each agency’s knowledge, there has been no unauthorised external access since 1 January 1999 to computer systems operated by the department or agencies.

(3) Not applicable.

**Department of Industry, Science and Resources: Unauthorised Computer Access**

*(Question No. 2977)*

Senator O’Brien asked the Minister for Industry, Science and Resources, 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 Minchin—The answer to the honourable senator’s question is as follows:

Portfolio agencies are responsible for their own computer systems and I am advised of the following arrangements:

Department of Industry, Science and Resources

(1) External connections to the Departmental network are limited to the Internet (access managed by a Defence Signals Directorate approved firewall), electronic mail (access managed by post office hardware and software systems), and network dial in (access limited to three specific users with dedicated telephone numbers using encryption hardware systems). Modem connection to the Departmental network is only allowed under special circumstances and these are configured for outwards access only.

(2) No unauthorised access to Departmental IT systems has been detected since 1 January 1999.

(3) Not applicable.

Australian Surveying and Land Information Group

(1) An Internet firewall and dialup remote access server, maintained by AUSLIG’s IT outsourcer (CSC), provide protection from unauthorised access to AUSLIG computer systems.

(2) AUSLIG is not aware of any unauthorised access to AUSLIG computer systems since 1 January 1999.

(3) Not applicable.

Australian Government Analytical Laboratories

(1) Systems in place to prevent, detect and deter unauthorised access are controlled by AGAL’s IT outsourced service provider (CSC). These systems have been certified secure by the Defence Signals Directorate. This certification includes assessment of hardware, software policies, procedures and personnel training.

(2) There has been no unauthorised access reported to AGAL by CSC since 1 January 1999.

(3) Not applicable.

Ionospheric Prediction Service

(1) IPS maintains a firewall and intrusion detection software. System integrity on any Internet accessible machine is monitored constantly. The security policy includes daily review of operating system and application security vulnerabilities, with patches applied as they become available. Physical access is via swipecard, with key machines kept in a secured computer room. Users must have a valid username and password before they can access any networked resources.

(2) IPS is not aware of any unauthorised access to its computer systems since 1 January 1999.

(3) Not applicable.

IP Australia

(1) IP Australia has in place industry standard mechanisms to prevent unauthorised access to IP Australia computer systems, including an externally audited firewall that restricts access to authorised services and logs activity. The log is monitored and warnings are automatically generated if unusual behaviour or activity is detected.
Remote access to IP Australia’s computer environment utilises industry standard secure access protocols and access controls.

(2) Since January 1 1999 there has not been any external unauthorised access to IP Australia computer systems.

(3) Not applicable.

Australian Tourist Commission

(1) The ATC has Cisco PIX firewalls protecting the interfaces to the Internet. On dial-up connections the ATC is using NT Challenge/response for authentication and Virtual Private Network connections are secured within IPSec56 tunnels using DES3 encryption.

(2) No known unauthorised access of the ATC computer systems has occurred since 1 January 1999.

(3) Not applicable.

National Standards Commission

(1) A firewall ensures there is no external unauthorised access to NSC computer systems. External connection to the Commission network is limited to electronic mail and network access for system maintenance support. Access is limited to two service providers, one of whom also maintains the industry standard firewall, and two staff members. The Commission’s website, which contains only publicly available information, is hosted externally to the network by an Internet Service Provider.

(2) No unauthorised entry to the system has been detected since 1 January 1999.

(3) Not applicable.

Australian Institute of Marine Science

(1) AIMS operates industry standard systems for security of its computer systems e.g. firewall, monitoring software, systems compliant with ASCI-33. In addition, AIMS is a member of AusCERT and has an Information Technology Security Policy.

(2) AIMS is not aware of any unauthorised access to its computer systems since 1 January 1999.

(3) Not applicable.

Australian Nuclear Science and Technology Organisation

(1) ANSTO has had a Defence Signals Directorate approved, proxy based, firewall in place since June 1998 using the Gauntlet software. ANSTO’s implementation of the software and its policy settings were externally audited in July 2000. Activity logs are checked regularly. ANSTO systems are regular targets of attempted IP address scanning, which is often a precursor of attempted unauthorised access.

(2) To the best of ANSTO’s knowledge, there have been no instances of external unauthorised access to ANSTO computers, either before the installation of the firewall or since.

(3) Not applicable.

Commonwealth Scientific and Industrial Research Organisation

(1) CSIRO uses industry standard router based access control lists, bastion proxy application filters and a range of both network and host based security tools that have been deployed for the purpose of:

. filtering access to and from CSIRO computing resources;
. authentication of trusted parties;
. analysis of network traffic trends;
. hosting externally accessible services such as WWW, public FTP, etc through implementation of demilitarised zones;
. proactive vulnerability scanning and intrusion detection analysis;
. allowing remote CSIRO staff secure connectivity through Virtual Private Network (VPN) based remote access.

(2) To the best of CSIRO’s knowledge, there have been no compromises of Organisational computing resources since 1 January 1999. The systems that have been installed (listed above) have not
described any abnormal behaviour and CSIRO has not been notified of any breaches through any of the external security Organisations such as AusCERT.

(3) Not applicable.

**Australian Geological Survey Organisation**

(1) AGSO has a firewall system in place to ensure there is no external unauthorised access to those computers logically placed behind the firewall. AGSO’s firewall service provider is required to ensure that all secure network access services are provided in accordance with the Defence Signals Directorate Evaluated Products List, DSD Gateway Accreditation Guide, and industry best practice, and are in accordance with the amended Commonwealth Protective Security Manual (which includes the requirements of DSD’s ACSI 33). The firewall facility is continually monitored by AGSO’s secure network access service provider using trained staff and automated processes. These checks ensure that any suspicious activity is picked up as soon as possible. A number of standard reports are produced by the service provider to identify problems and potential problems. These reports include an Intrusion Detection System report. Extensive logging of all network activity is also carried out by our firewall service provider. Naturally computer systems not behind the AGSO firewall do not have this same degree of security protection as AGSO wants the public to be able to access these systems and the consequential data integrity issues are managed accordingly. Following a recent review, it has been determined that one of the computer systems currently not behind the firewall should now be bought back behind the firewall and AGSO is undertaking necessary action as a priority.

(2) AGSO has had in place a firewall system and other secure network access service provision arrangements for a number of years. Prior to October 1999, AGSO’s secure network services were supplied by SGE and since then, by ISecure. There has been no external unauthorised access to any AGSO computer systems that are logically positioned behind the AGSO firewall system. Computers that are not logically located behind the AGSO firewall are deemed by the business as not requiring protection from unauthorised users and accordingly, such information as asked in this question is not collected for these computers.

(3) Not applicable.

**Australian Sports Commission**

(1) The Australian Sports Commission has a sophisticated firewall protecting systems from Internet users. The firewall logs are monitored regularly. ASC staff connecting to the network via the Internet can only connect using an encrypted link. Modem users have two username/password combinations. Regular computer security audits are conducted.

(2) There has been no unauthorised external access to the ASC computer network since 1 January 1999.

(3) Not applicable.

**Australian Sports Drug Agency**

(1) The ASDA network, while connected to the Internet, is secured behind an industry standard Cisco Pix firewall. This device breaks the network into three sections. The outside, the inside and the DMZ. The Pix is configured to allow access from inside, to the DMZ and to the outside transparently.

From the outside the converse is true; there are two paths through the Pix, one for SMTP traffic to the mail server allowing the receipt of mail from the Internet and one to the Metaframe server allowing the initialisation of a Metaframe session. Both these connections are specific packet types addressing specific ports and going to specific destinations. Any traffic not meeting these requirements is rejected or blocked. Traffic from the Metaframe server in the DMZ can only pass through the Pix to the WADAPROD server. Again this is a specific packet type passing through a specific port to a specific address.
Located in the outside zone is a Cisco 2600 router, again an industry standard device designed for the purpose. It runs the Mega link service to Telstra and provides an ethernet link to the Pix. Its function is to route the traffic to and from the Internet and provide a reliable service. Located in the DMZ is the ASDA Metaframe server for the delivery of the WADAPROD database to the Internet. Users from the Internet wishing to connect to WADAPROD are routed through the Pix firewall to the Metaframe server where they are authenticated by user name and password before an application session is started which gives the user access to WADAPROD data. People who access our network in this way are unable to see any other part of the ASDA network and their view and functions in WADAPROD are controlled by the application running on the Metaframe server.

The inside is the ASDA user’s view of the ASDA network. Security within the network is primarily controlled by the Novell NDS and the use of user name and password combinations for databases which are not part of the Novell security. ASDA is now in the process of installing VPN.

(2) ASDA is not aware of any external unauthorised access to its computer systems since 1 January 1999.

(3) Not applicable.

Department of Veterans’ Affairs: Unauthorised Computer Access
(Question No. 2982)

Senator O’Brien asked the Minister representing the Minister for Veterans’ 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 it was 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 the action

Senator Newman—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

(1) The computer systems in the Department of Veterans’ Affairs are protected by:

(a) a Defence Signals Directorate (DSD) approved firewall provided by Secure Gateway Environment (SGE);

(b) firewall gateways adhering to standards documented within the DSD gateway certification guide for connections to other networks like the Department of Defence; and

(c) firewalls or other secure technology according to a risk assessment for each connection to other agencies or departments.

The Australian War Memorial computer systems are protected by Novell Border Manager firewall software.

The Department of Veterans’ Affairs and the Australian War Memorial use internal network and application security profiles, which further restrict access to only authorised users. All internal systems are protected by internal user security authentication protocols to ensure that only authorised users are able to access internal systems.

There are no other computer systems within the Minister’s Portfolio.

(2) Since 1 January 1999 there has been no external unauthorised access to computer systems operated by the department or agencies for which the Minister is responsible.

(3) Not applicable.

Department of Industry, Science and Resources: Unauthorised Computer Access
(Question No. 2984)
Senator O’Brien asked the Minister representing the Minister for Sport and Tourism, 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 Minchin—The Minister for Sport and Tourism has provided the following answer to the honourable senator’s question:

Sport and tourism are part of the industry, science and resources portfolio. The response of sport and tourism agencies is incorporated in the answer to question 2977.

Natural Heritage Trust: Funding
(Question No. 2986)

Senator Brown asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 3 October 2000:

With reference to advice from the Minister for the Environment and Heritage that an application for Natural Heritage Trust funding has been received for the Summer Rains Project in north-eastern Tasmania:

(1) Can details of the application be provided, including what is proposed, how much funding is requested, how it will be evaluated and when it will be decided.

(2) What other support, advice or funding has been requested or given to the project by the Minister’s departmental officers.

(3) Does the Tasmanian Government support the project.

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) The Tasmanian Department of Primary Industries, Water and Environment has provided the following information.

An expression of interest was made to the Irrigation Partnership Program (Community & Industry Water Infrastructure Development Project) under the Natural Heritage Trust’s, Tasmanian Strategic Natural Heritage Program, in February 1999 by Mr Nic Van den Bosch of Bosch Engineering for funding of environmental impact studies. The expression of interest related to 14 proposed dam sites around Tasmania. The proposal is known as the “Summer Rains” project and Bosch Engineering is the project sponsor and manager. Mr Van den Bosch’s interest is now focused on 6 sites, and a notional $328,000 has been requested from the Irrigation Partnership Program for environmental impact studies of the sites.

The Tasmanian Steering Committee on Water Resources has assessed the expression of interest in accordance with the Irrigation Partnership Program guidelines.

The Steering Committee has approved $100,000 for hydrological and environmental feasibility/impact studies for the Waterhouse Community Irrigation Development Submission, which make up three of the six sites to build water storages on the Tomahawk, Boobyalla and Little Boobyalla Rivers.

The results of these studies together with the results of the feasibility study (economic and engineering aspects) being undertaken by Mr Van den Bosch will be used to determine the future viability of the sites.
In response to an inquiry from the Federal Member for Bass in July 1998, the then Department of Primary Industries and Energy wrote to the Federal Member on this matter. The Department advised that, in light of the range of water resource management initiatives the Commonwealth was already supporting under the Trust in Tasmania, and to ensure a coordinated approach to water resources management issues, the proponents of Summer Rains were advised to contact the Tasmanian Government.

(3) See (1) above.

Derby Tidal Power Scheme: Funding

(1) The Derby tidal power scheme was assessed on a competitive basis under the initial round of the RECP announced in April 1999.

(2) The offer of a grant under the RECP of up to $1 million was made prior to the proclamation of the Environment Protection and Biodiversity Conservation Act 1999. Should the Derby tidal power scheme proceed, however, any funds provided by the Commonwealth government under the RECP would be subject to the project complying with all Commonwealth and Western Australian environmental requirements including those under the Environment Protection and Biodiversity Conservation Act 1999; (b) see (a); (c) see (a).

(3) Nine eligibility criteria applied to the initial round of the RECP. Since then additional criteria have been added for subsequent rounds. The assessment process which drew on the expertise of an independent expert panel and an independent financial evaluation concluded that the project complied with the eligibility criteria at that time. The Derby tidal energy scheme was assessed as being an innovative renewable energy project with the potential to make a substantial contribution to the development of the Australian renewable energy industry by harnessing for the first time the large tidal energy resources of the north-west of Western Australia. The project would serve to reduce greenhouse emissions by replacing the current diesel generation. Demonstration of the viability of tidal energy could also result in the development of additional tidal energy power stations elsewhere in Northern Australia. Although the Derby tidal power scheme has high capital costs, its low running costs could enable the project to compete effectively with alternative energy sources such as diesel generation in a remote area such as the West Kimberley region. At the time the RECP application was assessed, the
involvement of a large infrastructure investment company indicated that funding would be assured on project commencement.

(4) The specific components of the project supported by the grant offer will be finalised when contractual arrangements with the grantee through a deed of agreement are negotiated.

(5) The final decision on whether the project proceeds is a matter for the proponents and parties such as the Western Australian Government.

(6) No. A deed of agreement will be enacted only if the project proceeds. Until then no funds will be made available to the project proponents.

(7) Yes. The project proponents have approached several federal government departments and agencies seeking federal government funding support but, to date, have been unsuccessful apart from the offer of a grant under the RECP. Details of any applications or approaches by the developers and proponents of infrastructure projects such as the Derby tidal power scheme for funding or other assistance, including tax concessions, are confidential.

**Australian Federal Police: World Economic Forum**

(Question No. 3076)

**Senator Allison** asked the Minister for Justice and Customs, upon notice, on 5 October 2000:

Were any Australian Federal Police deployed in Melbourne during the World Economic Forum in September 2000; if so: (a) what was their role; (b) how many were involved; and (c) on what days.

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

(a), (b) and (c) Yes. Sixty two (62) Australian Federal Police (AFP) members were deployed to the World Economic Forum during the period 10-14 September 2000 in the following roles:

36 AFP Close Personal Protection (CPP) Agents were assigned to AFP permanent teams and joint AFP/Victoria Police CPP teams to Australian High Office Holders, Diplomatic Protected Persons, visiting Internationally Protected Persons and VIPs.

14 AFP Agents were assigned to joint intelligence groups in conjunction with Victoria Police and other Commonwealth agencies.

4 AFP Agents were deployed to the Victoria Police Forward Command Centre and Commonwealth Agencies Coordination Centre.

8 AFP Agents were deployed to the AFP Melbourne Office Olympic Coordination Centre which provided logistic and operational support to AFP members during the Olympic period which covered the duration of the World Economic Forum.

**Taxation Data**

(Question No. 3078)

**Senator Brown** asked the Assistant Treasurer, upon notice, on 5 October 2000:

(1) When the taxation data for the 1998-99 financial year has been fully processed will the Minister furnish answers to question on notice No. 2727 ([Hansard](https://www.legislation.gov.au), 12 October 2000, page 18529).

(2) What is the expected date for the Minister to discharge this obligation.

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

(1) Yes.

(2) Taxation statistics are expected to be available in January.

**Australia Post: Emergency Procedures**

(Question No. 3080)

**Senator Hutchins** asked the Minister representing the Minister for Employment, Workplace Relations and Small Business, upon notice, on 9 October 2000:

(1) Is the Minister aware of an incident at the Sydney West Letters Facility on 1 October 2000 that led to an item of mail been identified as a suspected mail bomb.
(2) Is the Minister aware that Comcare was asked to immediately investigate the incident.

(3) Will Comcare be investigating the provision of fire safety and emergency procedures training for Australia Post employees and the incident of 1 October 2000 at the Sydney West Letters Facility; if so, when will the investigations into these two matters be completed.

(4) Will any report compiled by Comcare be made available to the employees of Australia Post at the Sydney West Letters Facility.

(5) Is the Minister aware that Comcare was asked to investigate the management of the New South Wales division of Australia Post regarding the lack of fire safety and emergency procedures prior to the incident at the Sydney West Letters Facility on 1 October 2000.

Senator Alston—The Minister for Employment, Workplace Relations and Small Business has provided the following answer to the honourable senator’s question:

(1) Yes.
(2) Yes.

(3) Having now completed preliminary enquiries, Comcare will be commencing an investigation into fire safety and emergency procedures by the end of October 2000. The investigation will be completed as quickly as possible.

(4) The Occupational Health and Safety (Commonwealth Employment) Act 1991 requires Comcare to provide the completed investigation report with recommendations to Australia Post. Release of Comcare’s report to staff of Australia Post is a matter for Australia Post.

(5) Comcare advises that prior to the incident on 1 October 2000, it had not received any request to investigate the lack of fire safety and emergency procedures within the Sydney West Letters Facility of Australia Post.

Department of the Environment and Heritage: Motor Vehicle Fuel Expenditure
(Question No. 3085)

Senator Cook asked the Minister for the Environment and Heritage, 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.

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

(1) It should be noted that significant variations exist from month to month dependent on the transaction processing of the supplier and its agents.

<table>
<thead>
<tr>
<th></th>
<th>Department (includes Bureau of Meteorology and Antarctic Division) $</th>
<th>Australian Greenhouse Office (AGO) $</th>
<th>National Oceans Office (NOO) $</th>
<th>Great Barrier Reef Marine Park Authority (GBRMPA) $</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999-2000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>July 99</td>
<td>12,454</td>
<td>0</td>
<td>0</td>
<td>811</td>
</tr>
<tr>
<td>August 99</td>
<td>15,995</td>
<td>0</td>
<td>0</td>
<td>932</td>
</tr>
</tbody>
</table>
Department (includes Bureau of Meteorology and Antarctic Division) | Australian Greenhouse Office (AGO) | National Oceans Office (NOO) | Great Barrier Reef Marine Park Authority (GBRMPA) |
--- | --- | --- | --- |
1999-2000 | $ | $ | $ |
September 99 | 39,465 | 3,086 | 0 | 1,680 |
October 99 | 83,121 | 794 | 0 | 1,398 |
November 99 | 18,347 | 1,159 | 0 | 457 |
December 99 | 16,420 | 570 | 0 | 1,120 |
January 00 | 26,770 | 424 | 0 | 1,376 |
February 00 | 28,646 | 1,585 | 38 | 134 |
March 00 | 16,386 | 842 | 0 | 1,542 |
April 00 | 28,165 | 248 | 0 | 64 |
May 00 | 20,136 | 4,099 | 84 | 1,627 |
June 00 | 39,362 | 1,036 | 104 | 920 |
TOTAL | 345,267 | 13,843 | 226 | 12,061 |

(2) Department (includes Bureau of Meteorology and Antarctic Division) | Australian Greenhouse Office (AGO) | National Oceans Office (NOO) | Great Barrier Reef Marine Park Authority (GBRMPA) |
--- | --- | --- | --- |
2000-01 to Date | $ | $ | $ |
July 00 | 10,185 | 1,137 | 148 | 1,212 |
August 00 | 29,810 | 314 | 44 | 563 |
September 00 | 33,210 | 0 | 50 | 1,116 |
TOTAL | 73,205 | 1,451 | 242 | 2,891 |

(3) Department
Yes, the department has budgeted for fuel bills.

(a) Fuel costs are met from an overall fleet budget that provides for lease costs, fuel and maintenance charges. There is no separate estimate or budget for fuel costs.

(b) The answer to Question 2 provides expenditure figures on fuel for current financial years.

Australian Antarctic Division (AAD)
The AAD leases its vehicles inclusive of fuel.

(a) No specific comprehensive vehicle budget is maintained as budgets for AAD operations are managed on a Branch basis with vehicle costs managed as a resource within each budget.

(b) $4,113 has been expended on fuel for July to September 2000 inclusive. This figure is incorporated in the department’s figures for Question 2.

Bureau of Meteorology (BoM)
(a-b) The BoM has a budget allocation for fleet costs that incorporates fuel, tollway costs and lease costs for both SES and z-plate vehicles.

Agencies
AGO
Yes, the AGO has budgeted for its fuel bills.

(a) The budget for the current financial year is $16,500.

(b) $1,451 has been spent to date.
NOO
NOO does not budget down to this detail.

GBRMPA
Yes, the GBRMPA has budgeted for its fuel bills.
   (a) The budget for the current financial year is $10,000.
   (b) $2,891 has been spent to date.

Department
Expenditure for July, August and September of the current financial year is less than that recorded for
the corresponding period of the last financial year.

AAD
The AAD costs for vehicle fuel for 2000/01 is approximately 11% greater than that for the same period
in 1999/2000 (July to September inclusive).

BoM
The figures for fuel costs as per the tables above show an increase of approximately 30% over last
year’s expenditure for a similar period. It should be noted that the significant variations exist from
month to month dependent on the transaction processing of the supplier and its agents.

Agencies
AGO
For the current financial year, the AGO has had a decrease in expenditure for fuel compared
with the last financial year.

NOO
The organisation did not exist for part of last year and therefore no comparison is possible.

GBRMPA
Budget reduced due to reduced number of vehicles.

Department of Finance and Administration: Motor Vehicle Fuel Expenditure
(Question No. 3092)
Senator Cook asked the Minister for Finance and Administration, upon notice, on 10
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.
   (5) How did the last financial year’s fuel expenditure budget compare to the actual outcome of the
financial year for the department and each of its agencies.
(6) (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 Ellison—The Minister for Finance and Administration has supplied the following answers to the honourable senator’s questions:

**Department of Finance and Administration**

1) Total fuel purchase for year end 30 June 2000: $523,300.41.

By month as follows:

<table>
<thead>
<tr>
<th>Actuals</th>
<th>Jul</th>
<th>17,627.31</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Aug</td>
<td>66,569.47</td>
</tr>
<tr>
<td></td>
<td>Sep</td>
<td>52,623.01</td>
</tr>
<tr>
<td></td>
<td>Oct</td>
<td>47,384.36</td>
</tr>
<tr>
<td></td>
<td>Nov</td>
<td>13,068.68</td>
</tr>
<tr>
<td></td>
<td>Dec</td>
<td>29,599.29</td>
</tr>
<tr>
<td></td>
<td>Jan</td>
<td>29,253.02</td>
</tr>
<tr>
<td></td>
<td>Feb</td>
<td>61,522.64</td>
</tr>
<tr>
<td></td>
<td>Mar</td>
<td>42,387.79</td>
</tr>
<tr>
<td></td>
<td>Apr</td>
<td>37,055.45</td>
</tr>
<tr>
<td></td>
<td>May</td>
<td>54,141.53</td>
</tr>
<tr>
<td></td>
<td>Jun</td>
<td>72,067.86</td>
</tr>
</tbody>
</table>

**TOTAL FY 2000**

$523,300.41

2) Total fuel purchases year-to-date September 2000: $134,946.15.

By month as follows:

<table>
<thead>
<tr>
<th>Actuals</th>
<th>Jul</th>
<th>24,486.42</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Aug</td>
<td>9,942.63</td>
</tr>
<tr>
<td></td>
<td>Sep</td>
<td>100,517.10</td>
</tr>
</tbody>
</table>

**TOTAL YTD**

$134,946.15

3)(a) Budget for current financial year 2000/01: $462,714.00

(b) Expenditure to date: $134,946.15

4) Fuel Budget: Budget 1999/00 $546,300.41

Budget 2000/01 462,714.00

5) Fuel Purchases: Budget 1999/00 $546,444.47

Actual 1999/00 523,300.41

(6) Response as per Question 3.

**Commonwealth Grants Commission (CGC)**

1) Total fuel purchase for year end 30 June 2000: $7,363.82.

By month as follows:

<table>
<thead>
<tr>
<th>Actuals</th>
<th>Jul</th>
<th>630.95</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Aug</td>
<td>528.08</td>
</tr>
<tr>
<td></td>
<td>Sep</td>
<td>795.74</td>
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<td></td>
<td>Oct</td>
<td>415.74</td>
</tr>
<tr>
<td></td>
<td>Nov</td>
<td>479.33</td>
</tr>
<tr>
<td></td>
<td>Dec</td>
<td>617.78</td>
</tr>
<tr>
<td></td>
<td>Jan</td>
<td>617.80</td>
</tr>
</tbody>
</table>
(2) Total fuel purchases year-to-date September 2000: $2,816.68.

By month as follows:

<table>
<thead>
<tr>
<th></th>
<th>Jul</th>
<th>Aug</th>
<th>Sep</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actuals</td>
<td>998.37</td>
<td>851.41</td>
<td>966.90</td>
</tr>
<tr>
<td>TOTAL YTD</td>
<td>$2,816.68</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(3) (a) Budget for current financial year 2000/01: $14,400
(b) Expenditure to date: $2,816.68
(4) Fuel Budget: Budget 1999/00 $14,000.00

Budget 2000/01 - 14,400.00
(5) Fuel Purchases: Budget 1999/00 $14,000.00
Actual 1999/00 $7,363.82
(6) Response as per Question 3.

Office of Asset Sales and Information Technology Outsourcing (OASITO)

(1) Total fuel purchase for year end 30 June 2000: $33,821.23.
By month as follows:

|        | Jul   |     |     |     | Aug   | Sep   | Oct   | Nov   | Dec   | Jan   | Feb   | Mar   | Apr   | May   | Jun   | TOTAL YTD |
|--------|-------|-----|-----|-----|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|---------|
| Actuals| 2,071.92| 2,082.16| 5,192.01| 3,588.01| 3,020.96| 2,351.57| 3,659.87| 4,449.54| 1,828.70| 944.06| 2,657.54| 1,974.89|       | $33,821.23|

(2) Total fuel purchases year-to-date September 2000: $7,462.18.
By month as follows:

<table>
<thead>
<tr>
<th></th>
<th>Jul</th>
<th></th>
<th></th>
<th></th>
<th>Aug</th>
<th>Sep</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actuals</td>
<td>676.24</td>
<td>3,633.88</td>
<td>3,152.06</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL YTD</td>
<td>$7,462.18</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(3) (a) Budget for current financial year 2000/01: $46,800
(b) Expenditure to date: $7,462.18
(4) Fuel Budget: Budget 1999/00 $40,000.00
Budget 2000/01  46,800.00
(5) Fuel Purchases: Budget 1999/00 $40,000.00
Actual 1999/00 $33,821.23
(6) Response as per Question 3.

Comsuper

(1) Total fuel purchase for year end 30 June 2000: $16,294.00.
By month as follows:

<table>
<thead>
<tr>
<th>Month</th>
<th>Actuals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul</td>
<td>1,657.00</td>
</tr>
<tr>
<td>Aug</td>
<td>1,535.00</td>
</tr>
<tr>
<td>Sep</td>
<td>1,523.00</td>
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<tr>
<td>Oct</td>
<td>1,409.00</td>
</tr>
<tr>
<td>Nov</td>
<td>938.00</td>
</tr>
<tr>
<td>Dec</td>
<td>701.00</td>
</tr>
<tr>
<td>Jan</td>
<td>660.00</td>
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<tr>
<td>Feb</td>
<td>1,429.00</td>
</tr>
<tr>
<td>Mar</td>
<td>865.00</td>
</tr>
<tr>
<td>Apr</td>
<td>2,177.00</td>
</tr>
<tr>
<td>May</td>
<td>1,478.00</td>
</tr>
<tr>
<td>Jun</td>
<td>1,922.00</td>
</tr>
<tr>
<td><strong>TOTAL FY 2000</strong></td>
<td><strong>16,294.00</strong></td>
</tr>
</tbody>
</table>

(2) Total fuel purchases year-to-date September 2000: $3,792.00.
By month as follows:

<table>
<thead>
<tr>
<th>Month</th>
<th>Actuals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul</td>
<td>1,843.00</td>
</tr>
<tr>
<td>Aug</td>
<td>1,025.00</td>
</tr>
<tr>
<td>Sep</td>
<td>924.00</td>
</tr>
<tr>
<td><strong>TOTAL YTD</strong></td>
<td><strong>3,792.00</strong></td>
</tr>
</tbody>
</table>

(3) (a) Budget for current financial year 2000/01: $19,289.00
(b) Expenditure to date: $3,792.00
(4) Fuel Budget: Budget 1999/00 $7,600.00*
Budget 2000/01  19,289.00
(5) Fuel Purchases: Budget 1999/00 $7,600.00*
Actual 1999/00 $16,294.00
(6) Response as per Question 3.

1999/00 budget was not inclusive of all Comsuper as the budget was formulated in a developed environment whereby some Branches failed to budget for specific items. This has been rectified for financial year 2000/01.

AUSTRALIAN ELECTORAL COMMISSION (AEC)

(1) Total fuel purchase for year end 30 June 2000: $96,194.99. By month as follows:

<table>
<thead>
<tr>
<th>Month</th>
<th>Actuals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul</td>
<td>6,736.02</td>
</tr>
<tr>
<td>Aug</td>
<td>7,815.41</td>
</tr>
<tr>
<td>Sep</td>
<td>9,425.90</td>
</tr>
</tbody>
</table>
(2) Total fuel purchases year-to-date September 2000: $23,731.92. By month as follows:

<table>
<thead>
<tr>
<th></th>
<th>Actuals</th>
<th>Jul</th>
<th>Aug</th>
<th>Sep</th>
<th>TOTAL YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>1,594.92</td>
<td>12,722.52</td>
<td>9,414.48</td>
<td>23,731.92</td>
</tr>
</tbody>
</table>

(3) The AEC does not isolate fuel as a specific budget item.
(4) The AEC does not isolate fuel as a specific budget item
(5) The AEC does not isolate fuel as a specific budget item
(6) Response as per Question 3.

Department of Education, Training and Youth Affairs: Motor Vehicle Fuel Expenditure (Question No. 3093)

Senator Cook asked the Minister representing the Minister for Education, Training and Youth Affairs, 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.

(5) 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.

(6) (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 Ellison—The Minister for Education, Training and Youth Affairs has provided the following answer to the honourable senator’s question:

(1) The total expenditure on fuel in the financial year ending 30 June 2000 for the Department was $259,874. Expenditure each month was:

<table>
<thead>
<tr>
<th>Month</th>
<th>Expended</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1999</td>
<td>$14,691</td>
</tr>
<tr>
<td>Aug 1999</td>
<td>$18,776</td>
</tr>
<tr>
<td>Jan 2000</td>
<td>$31,058</td>
</tr>
<tr>
<td>Feb 2000</td>
<td>$20,365</td>
</tr>
</tbody>
</table>
Sept  1999 $20,527     Mar  2000 $15,676
Oct  1999 $12,175     Apr  2000 $32,194
Nov  1999 $15,423     May  2000 $25,808
Dec  1999 $23,607     June 2000 $29,574

(2) The Department’s total expenditure on fuel in the 2000/01 financial year, to the end of September, was $79,857. Expenditure each month was:
   Jul.$8,544 (Delayed in billing because of the GST)
   Aug.$37,565
   Sept.$33,748

(3) The Department does not budget separately for fuel. Budgets for fuel are included in total fleet management cost estimates (which cover insurance, leasing and fuel costs) and therefore a separate breakdown for fuel is not available.

(4) The Department does not budget separately for fuel.

(5) The Department does not budget separately for fuel so such a comparison is not available.

(6) The Department does not budget separately for fuel.

Department of Immigration and Multicultural Affairs: Motor Vehicle Fuel Expenditure
(Question No. 3096)

Senator Cook asked the Minister representing the Minister for Immigration and Multicultural Affairs, 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.

(5) How did the last year’s fuel expenditure budget compare to the actual outcome for the financial year for the department and each of its agencies.

(6) (a) What is this year’s fuel expenditure budget for the department and each of its agencies; and (b) how much has been spent to date.

Senator Vanstone—The Minister for Immigration and Multicultural Affairs has provided the following answer to the honourable senator’s question:

(1)

<table>
<thead>
<tr>
<th></th>
<th>1999</th>
<th>2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>July</td>
<td></td>
<td>18,712.04</td>
</tr>
<tr>
<td>August</td>
<td>23,165.58</td>
<td></td>
</tr>
<tr>
<td>September</td>
<td>26,452.93</td>
<td></td>
</tr>
<tr>
<td>October</td>
<td>21,149.34</td>
<td></td>
</tr>
<tr>
<td>November</td>
<td>22,946.31</td>
<td></td>
</tr>
<tr>
<td>December</td>
<td>17,267.04</td>
<td></td>
</tr>
<tr>
<td>January</td>
<td>36,395.33</td>
<td></td>
</tr>
<tr>
<td>February</td>
<td>26,976.40</td>
<td></td>
</tr>
<tr>
<td>March</td>
<td>19,623.51</td>
<td></td>
</tr>
</tbody>
</table>
April     38,284.75  
May      34,284.81  
June     31,221.93  
Total $316,479.97  

July 2000     9,637.37  
August   44,926.99  
September 37,873.19  
Total $92,437.55  

(3)(a) Fuel costs are not separately budgeted for in the department and its agencies, but are part of each organisational area’s general expense budgets.  
(b) Fuel expenditure to date - $92,437.55.  
(4) Answer 3(a) refers.  
(5) Fuel costs are not separately budgeted for in the department and its agencies, but are part of each organisational area’s general expense budgets. Fuel expenditure for 1999-00 amounted to $316,479.97.  
(6)(a) Answer 3(a) refers.  
(b) Fuel expenditure to September 2000 - $92,437.55.  

Northern Territory: Rural Communities Program Funding  
(Question No. 3104)  

Senator Crossin asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 11 October 2000:  
With reference to question on notice No. 2888, (Hansard, 6 November 2000, page 19225 and with specific reference to funding provided to the Lone Fathers Association, Northern Territory (LFANT):  
(1) Under which category for the Rural Communities Program has the funding to this organisation been provided.  
(2) Which community or communities does this organisation represent and how many members does the association have in each of these communities.  
(3) What planning activities were detailed in the association’s application for funding.  
(4) What activities did the association indicate it would undertake to establish the need for support in rural Northern Territory.  
(5) What kind of support is referred to in the summary information provided in the answer to question on notice no. 2888 about the association’s funding.  

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honorable senator’s question:  
(1) Funding was provided under the category of Community Planning.  
(2) This organisation seeks to represent all communities within the Northern Territory and the Kununurra community in Western Australia. All four LFANT committee members reside in Darwin, NT.  
(3) The RCP Secretariat routinely works with applicants to assist them in the development of their application. Following their initial application, LFANT agreed to funding support for a preliminary planning process, prior to pursuing other envisaged activities.  
(4) LFANT agreed in its contract to undertake a community consultation process, including community surveys and workshops.  
(5) Subject to the outcome of the community consultation process, the kind of support referred to included the provision of gender neutral information, education and counseling support, as well as increasing awareness of Primary Dispute Resolution methods.
Antarctic Air Transport: Compressed Snow Runway
(Question No. 3106)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 12 October 2000:

With reference to a press release by the Minister for the Environment and Heritage (Senator Hill) on 27 June 2000, in which he stated that ‘the work [reported in the Air Transport Report 1999–2000] indicated that a compressed snow runway near Casey would offer the best long-term Antarctic air transport solution and that a suitable blue-ice runway site is available in the Bunger Hills to provide an alternative landing site’:

(1) Is the Minister aware that a compressed snow runway near Casey:
(a) was first proposed in 1982 by the Air Transport Study Group and successful snow compaction trials were carried out in 1983–84, but it was subsequently decided that the benefits of the proposed air transport system based on the Casey runway did not justify the capital and recurrent costs, and the project was abandoned;
(b) was again proposed in 1989 as part of the Strategic Transport Plan and trial construction was undertaken during the 1989–90 summer in preparation for a planned RAAF Hercules C130 trial flight late that season. Poor weather and heavy snowfalls at the time of the planned flight prevented it from going ahead, and the project was not resumed in subsequent seasons;
(c) was proposed for a third time in 1996 by Dr Valery Klokov of the Russian Antarctic Expedition who undertook a study of the feasibility of establishing a snow or ice runway in East Antarctica between 60°E and 120°E longitude and concluded that the Casey area provided the best site for construction and operation of a compacted snow runway; and
(d) was not one of the four preferred options put forward by the Antarctic Air Transport Scoping Study 1999, on which field investigations in Antarctica in the 1999–2000 summer season and the conclusions of the Air Transport Report 1999–2000, were based.

(2) Can the Minister explain why:
(a) in the light of previous studies, practical experience and considerable expenditure, the Casey compressed snow runway was not one of the preferred options of the Antarctic Air Transport Scoping Study 1999 and was therefore not examined further by the field investigation team in the 1999–2000 summer season, even though the team spent several days in the Casey area; but nonetheless;
(b) the Casey compressed snow runway emerges from the total process of the Antarctic Air Transport Scoping Study 1999, the 1999–2000 field investigations, and the Air Transport Study 1999–2000 as the ‘best long term Antarctic air transport option’ when, in effect, it was not even seriously considered by this process; and
(c) this whole process was necessary to produce a conclusion, and select an option, the Casey compressed snow runway, that has been tried and tested three times before, despite the fact that this option, the Casey compressed snow runway, has been rejected twice before.

(3) Can the Minister further explain why:
(a) the need for an alternative landing site was not considered in the Antarctic Air Transport Scoping Study 1999, and was not one of the criteria on which the four preferred options of that study were selected;
(b) it is now considered necessary that an alternative landing site to Casey be provided in the Bunger Hills; and
(c) it is proposed to conduct trial flights to Bunger Hills in the 2000–2001 season before the Casey compressed snow runway is completed; that is, when there is no alternative landing site to Bunger Hills available, even though it is considered necessary that there be an alternative site for flights to Casey.

(4) Will the Minister provide accurate and detailed information on the capital costs of the Casey compressed snow runway, given that the estimate in the Antarctic Air Transport Scoping Study 1999 ranges from $4 million to $11.5 million for the construction cost.

(5) Given that the Casey compressed snow runway ranks no. 2 in terms of estimated cost out of all runway options considered by the Air Transport Scoping Study 1999, and higher than any of the four preferred options; the Casey compressed snow runway inter/intra continental transport system ranks no.
7 in terms of estimated environmental impact out of all systems considered by the Air Transport Scoping Study 1999; and the Casey compressed snow runway inter/intra continental transport system ranks no. 6 in terms of 'relative overall operational desirability' out of all systems considered by the Air Transport Scoping Study 1999 (in all the rankings no. 1 is highest/best), will the Minister provide:

(a) a detailed analysis of the reasons for the selection of the Casey compressed snow runway inter/intra continental transport system; and

(b) a detailed benefit/cost analysis of the Casey compressed snow runway inter/intra continental transport system in relation to Australia's interests in Antarctica, and the four goals of the Australian Antarctic Program: (i) maintaining the Antarctic Treaty System and enhancing Australia's influence in it, (ii) protecting the Antarctic environment; (iii) understanding the role of Antarctica in the global climate system; and (iv) undertaking work of practical, economic and national significance.

(6) Will the Minister provide detailed information on the cost of the field investigations carried out in Antarctica in the summer season 1999–2000, specifically the cost of:

(a) the charter agreement with Polar Logistics, including supply of a Twin Otter aircraft and aircrew for a circum-continental flight of more than 7000 nm from/to Patriot Hills, and four seats on a commercial flight from Punta Arenas to Patriot Hills;

(b) the fuel for the Twin Otter flight, amounting to nearly 9000 litres, if not included in the charter fee;

(c) commercial flights from Hobart to Punta Arenas for four personnel of the investigation team;

(d) per diem and Antarctic Allowances paid to these four personnel for the period of their absence from Australia on the field investigations, including 10 days in Punta Arenas from 18 to 29 November 1999;

(e) flight from McMurdo to Christchurch via RNZAF for one personnel on 29 January 2000, and subsequent flight from New Zealand to Australia;

(f) flights from Patriot Hills to Punta Arenas for three personnel on 28 January 2000, and subsequent flights from Chile to Australia; and

(g) per diem and Antarctic Allowances, and transport to and from Antarctica, for the four personnel of the Bunger Hills environmental investigation field party; and identify the source from which these costs were funded.

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

(1) (a) Yes. The circumstances prevailing at the time did not lead to project completion, however, the concept was not rejected.

(b) Yes.

(c) Yes. This joint Russian/Australian report affirmed the viability of a Casey compressed snow runway.

(d) Yes.

(2) (a) to (c) Prior to the surveys and investigations of the 1999/2000 season which are discussed in the report Antarctic Air Transport 1999/2000 Investigations, the four preferred options of the Antarctic Air Transport Scoping Study 1999 were assessed to be better options than the use of a Casey compressed snow runway. As stated in section 2.1 of the Antarctic Air Transport 1999/2000 report, they were “... selected as offering the most attractive overall balance of capability and cost (which includes financial, environmental and operational factors). The four preferred Antarctic air transport options were all based on use of existing areas of ice and snow for airfields and would not require the construction of runways.” Even so, the earlier (1999) Scoping Study noted at section 6.1 that a Casey compressed snow runway was one of six short-listed options that “... were identified as meeting all of the basic requirements of effectiveness, efficiency and feasibility.” Having been studied on three separate occasions, there was a significant amount of prior knowledge and technical understanding of the Casey compressed snow runway option and further surveys were not necessary in the 1999/2000 season.

Chapter 6 of the 1999/2000 report explained in detail why the four preferred options of the 1999 Scoping Study were no longer preferred. Briefly, the reasons for not supporting those options were:
Option 1 Use of ski-equipped Hercules flying to a skiway at Casey — It became clear that there were “... major doubts that it will not be possible to acquire the ski-equipped Hercules aircraft that are essential for providing the intercontinental air link under option 1.” (Section 6.2.1)

Option 2 Use of a wheeled Hercules to a blue-ice runway at Bunger Hills — The 1999/2000 Investigations Report stated that “... a number of factors suggest that, on its own, it would not provide the most desirable long-term Antarctic air transport system for Australia. These factors include: the difficulties associated with transport and storage of the large quantity of fuel that would be required in the Bunger Hills to support a full season of flights; the disadvantages associated with the intercontinental airfield being remote from the support infrastructure available at established stations; and the desirability of providing a suitable alternative landing area for use by intercontinental aircraft in emergencies.” (Section 6.2.2)

Options 3 & 4 Use of wheeled Hercules to blue-ice runways at Davis or Bunger Hills and then on to Davis — The field investigations found that none of the initially proposed sites was completely satisfactory. The 1999/2000 summer was one of the coldest on record at the coastal stations of the AAT; the level of precipitation was one of the highest on record. The potential blue-ice landing areas inland of Davis (options 3 and 4) were completely covered by snow.

The conclusions drawn in Section 6.3 of the 1999/2000 report were that “... none of the four investigated options would provide a completely desirable long-term Antarctic air transport solution for Australia.” This unexpected but important outcome underlined the wisdom of conducting the 1999/2000 survey. The suggested alternative of a Casey compressed-snow runway was one of the six short-listed options in the 1999 Scoping Study. Past consideration of Casey as a suitable compacted snow runway site had not rejected it on operational, environmental or infrastructure grounds.

(3) (a) The 1999 Scoping Study investigated the feasibility of individual aircraft and landing sites. While there was no specific requirement to take account of alternative landing sites in assessing the options in that study, the potential need for alternate landing sites is noted in several sections of the report (e.g. Sections 2.3.2 and 4.2.9).

(b) An alternative airfield, where available, provides additional flexibility when weather or surface conditions preclude landing at the preferred site. The blue-ice site in the Bunger Hills is the only known alternative runway site near Casey that does not require any preparation or construction work.

(c) The proposed trial flight to the Bunger Hills site will not now be conducted using heavy wheeled aircraft.

(4) Accurate and detailed information on the capital costs of the Casey compressed snow runway are not known and will not be available until tenders for the service have been called and assessed.

(5) (a) The 1999/2000 report was prepared after completion of the field surveys recommended in the 1999 Scoping Study report and explains why the Casey compressed snow runway system option was selected. Both reports are available on the Australian Antarctic Division’s website.

(b) A detailed benefit/cost analysis of the proposed air transport system is being prepared. When completed, a decision will be made, based in part on that analysis, on whether to proceed with the proposed Casey compressed-snow runway system and associated links.

(6) (a) $321,197.

(b) The fuel was provided from within station stocks; no special purchase of fuel was made. The estimated value of this fuel is $7,506.

(c) $10,788 (three personnel only; one member joined the party from Davis station).

(d) $47,752.

(e) $3,431.

(f) Cost of flights from Patriot Hills to Punta Arenas are covered in the charter cost at 6(a). Only one member of the party returned to Australia via Punta Arenas; total flight cost to Australia $3,651. Other personnel returned via ship to Australia (vessel chartered by Australia to resupply stations and transport of expeditioners).

(g) $65,694; the cost of transport to and from Antarctica for three of the environmental investigation field party personnel, and from Antarctica for the fourth member of the party, is not included in this figure. This travel was via Australian-chartered re-supply/expeditioner transport vessels and a separate figure for individual passengers cannot be accurately calculated. The costs were funded from within the Australian Antarctic Division budget.
Commonwealth Funds Management: Indooroopilly Shoppingtown
(Question No. 3117)

Senator Conroy asked the Minister representing the Minister for Finance and Administration, upon notice, on 17 October 2000:

With reference to recent publicity in regards to the acquisition by the Commonwealth Funds Management (CFM), through the Commonwealth Property Fund, of a half share in Indooroopilly Shoppingtown for $300 million:

(1) (a) What is the size in Australian dollars of the investments managed by CFM; and (b) what is the size, in Australian dollars, of the investments managed by CFM’s Property Fund.

(2) (a) Where are the assets of the CFM’s Property Fund currently invested; and (b) can the Minister provide a breakdown of where assets are invested in terms of retail property and other property investments.

(3) (a) What percentage of the fund’s assets is regarded as the maximum that the fund should invest in any one asset; (b) on what basis does the fund value its assets; and (c) what guidelines for investment currently exist.

(4) (a) How does the fund determine the value of assets that it purchases or sells; and (b) what process does the fund have in place for valuing assets that are purchased or sold.

(5) (a) Can the Minister define what high growth centres and low growth centres are; and (b) what data is used to develop judgements on what are high growth centres and what are low growth centres.

(6) (a) Is it a fact that the Westfield Group declined to purchase CFM’s half-share in the Indooroopilly centre for the same price due to the abnormally low yield and return forecast for the property; and (b) how does CFM expect to generate sufficient returns to justify acquiring the centre.

(7) Given that CFM’s investment decision has the potential to seriously affect the retirement savings of thousands of Commonwealth public servants and employees of Telstra and Australia Post, what procedures are in place to ensure the fund’s executives are held accountable by the members of the funds for these decisions.

Senator Ellison—The Minister for Finance and Administration has provided the following answer to the honourable senator’s question:

(1) to (6) Commonwealth Funds Management Ltd (CFM) is a company owned by the Commonwealth Bank. These questions should be directed to CFM or the Bank.

(7) Investment of the main superannuation funds for Commonwealth employees, the CSS and the PSS Funds, is the responsibility of the CSS and PSS Boards.

The Boards have a very diversified portfolio of investments a small proportion of which is in units of the Commonwealth Property Fund.

Details of the very high rate of return from the Boards’ investment activities can be found in the Boards’ annual reports to the Parliament which were tabled in the Senate on 30 October 2000 and the House of Representatives on 31 October 2000.

The Boards have fiduciary obligations to members of the CSS and PSS Funds and constantly review and monitor their overall investment strategy for the Funds and the performance of their investment managers.