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The PRESIDENT (Senator the Hon. Margaret Reid) took the chair at 9.30 a.m., and read prayers.

BUSINESS

Days of Meeting

Motion (by Senator Alston, at the request of Senator Ian Campbell) agreed to:

That the order of the Senate of 9 November 2000, relating to the times of meeting of the Senate in 2001, be modified so that the Senate does not meet on 14 and 15 November 2001.

NATIONAL MUSEUM OF AUSTRALIA AMENDMENT BILL 2000

BROADCASTING LEGISLATION AMENDMENT BILL 2000

ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2000

First Reading

Motion (by Senator Alston, at the request of Senator Ian Campbell) agreed to:

That the following bills be introduced: A bill for an act to amend the National Museum of Australia Act 1980, and for related purposes; a bill for an act to amend the Broadcasting Services Act 1992, and for other purposes; and a bill for an act relating to the application of the Criminal Code to certain offences, and for related purposes.

Motion (by Senator Alston) agreed to:

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

Bills read a first time.

Second Reading

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (9.33 a.m.)—I table the explanatory memoranda relating to the bills and move:

That these bills be now read a second time.

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

Leave granted

The speeches read as follows—

NATIONAL MUSEUM OF AUSTRALIA AMENDMENT BILL 2000

The National Museum of Australia will open in 2001 as part of the celebrations of Australia’s centenary as a federated nation. Just as museums around the world are rethinking their role and purpose in society as they face the new millennium, the National Museum of Australia has also been defining its role as a museum for the 21st century.

As a new museum opening in the new millennium, the National Museum of Australia cannot simply be a traditional museum concept with new technology. Both educational and entertaining, the Museum will employ a fresh and exciting approach to Australian history, culture and the environment—presenting its varied subject matter through the blending of exhibits, technology, media, live performance and hands-on activities within dynamic architectural and landscape spaces.

As a modern cultural institution, the National Museum must be provided with the proper equipment and functionality to enable it to operate successfully within this new environment as a premier cultural heritage resource for the Australian nation. The National Museum’s powers to undertake the range of activities it proposes requires the foundation of an appropriate legal framework.

The National Museum of Australia Amendment Bill 2000 is an essential part of that framework. It makes several critical and other desirable amendments to the National Museum of Australia Act 1980 to ensure that the Museum opening in March 2001 has the power to undertake the range of activities it proposes to engage in.

The Bill has its origins in the need to bring the Act up to date for the opening of the National Museum in March 2001 as the flagship for the Centenary of Federation. It will clarify that the National Museum can engage fully in its proposed activities.

Against this background the Bill has as its main objectives:

• to allow the Museum of exhibit material which relates to Australia’s future as well as its past;
• to clarify that the Museum can undertake a range of fund raising activities;
• to allow the Museum to establish a Fund;
• to increase the value of historical material which may be disposed of without Ministerial approval; and
• to correct a technical error to relate disclosure of pecuniary interest to the relevant sections of the Commonwealth Authorities and Companies Act 1997.

The functions of the Museum include exhibiting historical material and holding temporary exhibi-
tions of other material. The Museum proposes to exhibit a permanent children’s exhibition on the future of cities through a 3D presentation. To allow the Museum to permanently exhibit material relating to Australia's future as well as its past, a new function has been added to this effect.

In relation to fund raising, the Act is being amended to better reflect the commercial requirements in relation to the Museum's functions. While some of the proposed activities are arguably already within power, others are not and any amendments have been modelled on those of other national cultural institutions, in particular the Australian National Maritime Museum Act 1990, as it is more recently drafted and reflects the commercial activities generally expected to be undertaken by modern cultural institutions. For those proposed activities which are arguably within power, amendments have been made to expressly confirm such powers.

These functions include the power to charge fees for services provided in relation to its functions. Such services include guided tours, lectures and audio tours. They also include the Museum actively seeking to raise funds through the holding of events, acceptance of gifts, devises, bequests or assignments made to the Museum and the raising of money through sponsorships.

While the Museum has the power to accept such gifts, bequests and money from the disposal of property, devices, bequests and assignments, an amendment is proposed to empower the Museum to establish a Fund in which to deposit these funds. The clause is based on a similar provision in the National Gallery Act 1975.

An additional issue that has been addressed is the value of material for which Ministerial approval is required before disposal action can be undertaken. The value of material for which Ministerial approval is required was set at $20,000 when the Act commenced. The amendment provides for the limits to be increased to $250,000 and is consistent with the limits set in the National Library Act 1960, to better reflect current values.

A technical error has also been addressed in the amendments to ensure a correct referral to the Commonwealth Authorities and Companies Act 1997 as it relates to disclosure of pecuniary interests by the Council.

It is critical that amendments be in place before the Museum opens in March 2001. This will allow the Museum to make a smooth transition from the current arrangements into the more commercial environment in which it will operate after opening.

BROADCASTING LEGISLATION AMENDMENT BILL 2000

This Bill clarifies and improves the operation of the amendments to the Broadcasting Services Act 1992 that were made by the Broadcasting Services (Digital Television and Datacasting) Act 2000.

First, the Bill amends the enabling legislation of the Australian Broadcasting Corporation and the Special Broadcasting Service to expressly confer on these national broadcasters the function of providing datacasting services in accordance with datacasting licences allocated by the Australian Broadcasting Authority.

The digital television amendments to the Broadcasting Services Act passed by the Parliament earlier this year provided for the allocation of datacasting licences by the ABA to commercial free to air television broadcasters, the ABC and SBS and to new service providers. The amendments to the Broadcasting Services Act also provided for the ABC and SBS to be taken to have the statutory function of providing datacasting services, where they have applied for and been allocated a datacasting licence by the ABA.

It is appropriate that the statutory powers and functions of the national broadcasters be provided in their enabling legislation. This Bill therefore amends the Australian Broadcasting Corporation Act 1983 and the Special Broadcasting Service Act 1991 respectively to confirm that, where the ABC or SBS have applied for and been allocated a datacasting licence by the ABA, they have the statutory function of providing a datacasting service in accordance with the conditions of their datacasting licence. Existing provisions in Schedule 6 of the BSA that are made redundant by the amendments to the ABC Act and SBS Act are to be repealed. ABC and SBS datacasting services will continue to be subject to the licence conditions in Schedule 6 of the BSA.

Second, the Bill makes a number of minor amendments to the provisions of the BSA inserted by the Broadcasting Services Amendment (Digital Television and Datacasting) Bill 2000.

ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2000

The purpose of this Bill is to make consequential amendments to certain offence provisions in legislation administered within the Environment and Heritage portfolio. These amendments are intended to ensure that when Chapter Two of the
Criminal Code Act 1995 (the Criminal Code) is applied to pre-existing portfolio offence provisions, from 15 December 2001, those provisions will continue to operate in the same manner as they operated previously. If legislation containing offence provisions were not amended in the ways proposed by this Bill, the Criminal Code may alter the interpretation of existing offence provisions. Chapter Two of the Criminal Code, which contains the General Principles of Criminal Responsibility, has been applied to new offences since 1 January 1997. It will apply to all Commonwealth offences from 15 December 2001.

Chapter Two of the Criminal Code adopts the common law approach of subjective fault based principles. It adopts the traditional distinction of dividing offences into actus reus and mens rea but uses the plainer labels of physical elements and fault elements. The general rule is that for each physical element of an offence it is necessary to prove that the defendant had the relevant fault element. The prosecution must prove every physical and fault element of an offence. The physical elements are conduct, result of conduct, and circumstances of conduct. The fault elements specified in the Code are intention, knowledge, recklessness and negligence. The default fault elements, which the Criminal Code provides, will apply where a fault element is not specified, and where the offence (or an element of the offence) is not specified to be a strict or absolute liability offence. These default fault elements are intention for a physical element of conduct, and recklessness for a physical element of circumstances or result. A fault element can only be dispensed with in relation to an offence (or in relation to a particular element of an offence) if the offence specifies that it is a strict or absolute liability offence (or that a particular element is a strict or absolute liability element). In the absence of express reference to the fact that an offence is either a strict or absolute liability offence, after the application of the Criminal Code, the offence would not be interpreted in the same way as it would before the application of the Code. In other words a court would be obliged to interpret an offence provision as a fault offence and no longer as a strict liability offence, and would require the proof of fault elements in relation to the physical elements.

I have also taken the opportunity presented by the harmonisation process to make several additional amendments that bring my portfolio’s legislation more closely into accord with the Criminal Code, which is that defendants generally should bear an evidential and not a legal burden. Items 15 to 16 of the Bill change the burden of proof on the defendant in subsection 8(2) of the Antarctic Marine Living Resources Conservation Act 1981 from a legal burden to an evidential burden. Similarly items 37 to 39 of the Bill amend subsection 21A(4) of the Antarctic Treaty (Environment Protection) Act 1980 to change the current legal burden on the defendant, which is to ‘prove’ the defence in subsection (4), to an evidential burden. These are desirable amendments because they harmonise the Acts with the Code, and they have been approved by the Prime Minister and the Minister for Justice and Customs.


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.

Ordered that the bills be listed on the Notice Paper as separate orders of the day.

INTERACTIVE GAMBLING (MORATORIUM) BILL 2000

In Committee

Consideration resumed from 5 December.

Senator HARRADINE (Tasmania) (9.34 a.m.)—My amendment has been encompassed by government amendments (1) and (2). As the amendment has been embraced—if I can use that word—by the government, I will not proceed with it.

Senator HARRIS (Queensland) (9.35 a.m.)—I move amendment (1) on sheet 2074:

(1) Clause 11, page 8 (lines 16 to 32), omit the clause, substitute:

11 Exemption for interactive gambling services in existence before the commencement day

(1) In a prosecution for an offence against section 10 in relation to the provision of a particular interactive gambling service (the current service) during a
particular day, it is a defence if the defendant proves that:

(a) on a particular day before the commencement day, the defendant provided, or was licensed to provide, an interactive gambling service (the pre-commencement service); and

(b) the current service is the same or substantially the same as the pre-commencement service; and

(c) the current service is provided under the same name as the pre-commencement service.

(2) In a prosecution for an offence against section 10 in relation to the provision of a particular interactive gambling service during a particular day, it is a defence if the defendant proves that:

(a) on a particular day before 19 May 2000, the defendant was licensed to provide an interactive gambling service (the licensed service); and

(b) the service in question is the licensed service.

Note: A defendant bears a legal burden in relation to the matters mentioned in this section (see section 13.4 of the Criminal Code).

The purpose of Pauline Hanson’s One Nation’s amendment is to amend the government’s bill in such a way that those entities that received licences prior to 18 May, or close of business on 18 May, would be able to continue to operate during the moratorium. The name of the bill—the Interactive Gambling (Moratorium) Bill 2000—is a misnomer. It is not a moratorium bill. It is a bill that will selectively allow some entities which are legally entitled to operate to continue to operate. So how can you call the bill a moratorium? In effect, the bill will bring about a situation where the government is selecting who can and who cannot operate. This has been Pauline Hanson’s One Nation’s objection to this bill all the way through. If the government intends to enact a moratorium, it should do so right across the board and exclude all Australians from being able to access Internet gambling. That is not the intention of the government. As I said, it is the intention of the government to allow selective companies to operate while excluding others who have a legal licence; they have a right.

The representative state governments have accepted application fees. In some cases these are as high as $300,000. The federal government is riding roughshod over the rights of the states. The amendment that I have put before the chamber will have the effect of giving that legal right, which has been obtained, to all of those companies before the date the government has selected. It is the federal government that has selected this date—19 May—as the cut-off point, not the states. It also raises the issue that the federal government, having enacted this bill, then is responsible for the restitution. This is one of the main issues that has motivated Pauline Hanson’s One Nation to bring forward this amendment. This amendment would remove what, I believe, is the potential for these operators to take legal action against the federal government. I have some indication that that is what they intend to do if this bill is passed in its unamended form.

I place it very clearly on record that I voted for this bill to be brought on to be discussed for two reasons. Firstly, we have an industry that has invested something like $350 million in Internet technology. They have been in no-man’s land for a period of time. The five or six companies that I am referring to that have their licences but will be shut down by this bill are faced with having to notify their employees that maybe tomorrow they will not have a job. I do not envy them their task. They are providing employment and, in doing that, they are also supporting a considerable number of families.

I believe this is one time when the Labor Party could justifiably support a Pauline Hanson’s One Nation amendment because the amendment will ensure the continuation of employment for those employees involved in the Internet gambling industry. The amendment that I bring forward will assist both companies, substantially in Tasmania but also here in the ACT. I commend the Pauline Hanson’s One Nation amendment because it will enable those legitimate companies which did have their licences prior to 19 May to continue. It most certainly will
assist in removing the possibility of legal challenges as a result of this bill and it will also help the employees within the industry. I commend the amendments to the chamber.

Senator HARRADINE (Tasmania) (9.42 a.m.)—Minister, if I could just explain to the chamber a procedural matter. My amendment on wagering, as I mentioned, was embraced in the government’s amendment, which has been adopted. My amendment relating to exemptions and to the organisations mentioned by Senator Harris, including Federals, GOCORP, Tatts.com and so forth, has been embraced by Senator Harris’ amendment. I think Senator Harris’ amendment is, in effect, better than mine.

The TEMPORARY CHAIRMAN (Senator George Campbell)—Are you withdrawing amendments Nos 3, 4 and 1 on sheet 201?

Senator HARRADINE—Yes, I seek leave to do that.

Amendments withdrawn.

Senator SHERRY (Tasmania) (9.43 a.m.)—I direct a question to the minister. What is the current value of the penalty unit?

Senator Alston—The answer to that is $110.

Senator SHERRY—Thank you. By my reckoning, looking at the penalty units to be imposed on individuals and firms who are to be guilty of an offence under this act, there are prescribed penalty units of $2,000. So that is $220,000 in respect of each day on which a separate offence is committed. I point out that that means, effectively, that this legislation respectively makes illegal what is currently legal. Those firms that have, in the case of Federal Hotels, invested $15 million in developing a product, obtained a licence and are now operating under a legal regime put in place by the state Liberal government are retrospectively made illegal and subject to a $220,000 a day penalty if they continue to operate. That is serious in itself.

What is the minister’s view about the way in which commercial investors will observe and make a judgment about a company like Federal Hotels retrospectively having a major product they have developed being declared illegal. I think that will lead to a significant question mark over the probity of a company like Federal Hotels—quite wrongly. That is a bad hit for Federal Hotels. They have developed a legal product and are a good corporate citizen that currently employs 1,400 people—a not insignificant number of people—in Tasmania. To effectively prohibit them in this way—after they have put $15 million into a product which will significantly impact on their bottom line because they can no longer trade—is an extraordinary penalty to impose when all the time the boundaries of this legislation are being moved out.

We have the Senator Brown amendment in respect to the Tasmanian TAB. Whilst I am on my feet, I would like Senator Brown to explain what benefit that confers on the Tasmanian TAB when they have not developed online betting. The effect of Senator Brown’s amendment and deal with the government, as I understand, is to support the Tasmanian TAB. In effect, they have not developed online betting. What it does is confer a benefit on those states where the TABs have developed online betting, and that is not Tasmania. I understand it is New South Wales. So I do not understand why Senator Brown has entered into that agreement with the government. The application of the further exemption the government is giving in response to Senator Brown does not apply evenly. I do not understand why Senator Brown has taken the position he has. Perhaps he can explain that to the chamber.

For the reasons that Senator Lundy and some others have very effectively outlined, this piece of legislation has draconian impacts on legitimate businesses acting under the current law which have invested significant amounts of money. It is monumentally hypocritical of the government to be presenting a piece of legislation like this—absolutely hypocritical—and gamblers are going to move offshore and gamble in jurisdictions where there may or may not be any controls, checks or balances. I know Senator Harris is keen on his amendment; but, even with that amendment, the whole bill is manifestly flawed and should not be passed by this chamber.
Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (9.48 a.m.)—The first point to make is that this is a moratorium on new services; it is not a moratorium on absolutely everything that moves. If it were, it would be retrospective—and we are not in the business of applying the law retrospectively. Senator Sherry comes late to this debate. He may not be aware that, as long ago as December last year, the Prime Minister made it crystal clear that the government was considering a ban on interactive services or Internet gambling. We announced in April the specific date, but we had made people aware months before. We are dealing here with—

Senator Lundy—It is retrospective.

Senator Sherry—You did not announce it, though.

Senator ALSTON—I do not want to get into any of that. The only better thing to do other than a press release is legislation, Senator Lundy, and you know full well that setting a cut-off date by press release is a time-honoured method of giving people notice.

Senator Lundy—Where was the consultation with industry?

Senator ALSTON—you know precisely why people nominate a cut-off date in a press release: if you wait until you get to legislation, they are all in under the door. That is why Senator Harris’s proposed amendment is fundamentally unacceptable because that would be simply allowing virtually everyone into the game. There would be no moratorium at all and that is why we could not possibly accept that.

Senator Sherry—Why allow anyone in the game—to be consistent?

Senator ALSTON—Senator Sherry seems to be in favour of retrospective legislation. That is what he is saying. In relation to gambling or sports betting or wagering, what we are faced with here—and I think Senator Brown certainly would have this view—is that some states have been able to go down this track because they were offering those services prior to the 19 May cut-off date. Without this amendment, Tasmania would be effectively shut out. This amendment allows them to be in that—

Senator Sherry—it doesn’t offer the service.

Senator ALSTON—if you choose not to listen, there is not much point in having a dialogue. This amendment allows them to be in the game because you are quarantining wagering and, therefore, if they have developed or are in the process of developing or would like to develop, they will be able to proceed along that track without being caught up in the best part of six months of what is left of the moratorium period. That to me is an acceptable outcome, because we are just drawing a qualitative distinction between sports betting, wagering, and all those other activities that most senators seem to find iniquitous. I simply want to make it clear that, if Senator Harris’s amendment were to get up, that effectively guts this whole legislation. It would allow virtually everyone in. The moratorium would be meaningless. Far from being retrospective, it would have the effect of not being a moratorium at all.

Senator HARRIS (Queensland) (9.51 a.m.)—I would like to clearly indicate that what Senator Alston has just put to the chamber is incorrect. There are six companies that would be allowed to operate, those companies having received their licences prior to the 19 May cut-off. The proliferation of applications after that will not be allowed to operate. For clarity for the chamber, the only companies that would be able to operate if this amendment is passed would be TABCORP, Tattersalls, ecorp, Betworks, Federal Hotels and GOCORP. In the instance of GOCORP there may even be some doubt, because their application was pending. But the former five clearly have a legal right to operate that the government is taking away. Within Tasmania itself, the government’s bill, if it is passed in this chamber this morning, will result in 1,400 Tasmanians tomorrow not having a job. That is the clarity of it. It is as simple as that. We are not asking for a proliferation of people who applied after the 19th to be allowed to set up; we are asking that those five entities who have a legal right to operate be allowed to continue.
Senator WOODLEY (Queensland) (9.53 a.m.)—It may help the chamber if I indicate that I will not be supporting this amendment and that, in speaking to the Deputy Premier of Tasmania, who phoned me a couple of times yesterday, I understand that the amendment moved by the government dealing with the issue of wagering is adequate to cover their concerns.

Senator Sherry—That’s not true.

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (9.54 a.m.)—Can I respond to Senator Sherry’s question of me—

Senator Sherry interjecting—

Senator ALSTON—If Senator Sherry is interested; if he is not, I will say it for the record. The prosecution provisions are not retrospective, so any activity undertaken by Federal Hotels or anyone else to this point in time would not be caught up in that legislation. It would only be after the date the legislation is proclaimed if there were a continuation of the behaviour. Is that all right?

Senator Sherry—I understand that.

Senator HARRIS (Queensland) (9.54 a.m.)—I would like to just clarify the statement made by Senator Woodley. Nobody in this chamber, I believe, has objected to the government’s amendment that removes wagering. But that is exactly what it does do. It only removes wagering. It has no effect on the entities that have a legal right to carry out Internet gambling. It is time that we put very clearly on the record the self-regulation that these companies are proposing. They are proposing that, to be able to operate—or to ‘play’, for want of a better word—on their interactive sites, a person will have had to nominate the maximum that they can spend on a monthly basis. They also have to nominate how much they can spend in any one period that they interact with the sites. If they reach the nominated level or limit that they have set for themselves in any one period they are online, they cannot change that; they must go offline and then come back online. They would then be subjected to the limit they have put for themselves on the monthly basis. So with interactive gambling, the Internet interactive gambling industry has far more stringent controls on it than there are, as I said yesterday, relating to a person on Friday night walking into the pub with their pay packet in their hip pocket and being able to feed the entire amount down the throat of a poker machine. The Internet gambling or interactive gambling industry has put in place sufficient steps to ensure that the person is as well aware of what they are doing as the industry can assist them to be. The problem that we have in Australia relating to gambling is not at this point in time related to Internet gambling.

Again, for clarity, I say that the amendment that we propose only relates to gaming. It has no effect whatsoever on wagering, because the government has covered that issue. It will not lead to a proliferation of sites being able to operate; it will only in effect allow the five companies who had a legitimate right up until now—to this point—to operate. It would allow them to continue to operate.

Senator BROWN (Tasmania) (9.58 a.m.)—My position on this matter may be understood from the point of view that I think poker machines are invading, more and more, the economic wellbeing of people around the country. I think they are quite different from horseracing, harness racing and dog racing. I think there is a big difference between a poker machine factory and the people it employs and the racing industry—which is not, by the way, noted for its green voting background, if you like, but which is nevertheless a big employer and a time-honoured employer in all states of Australia, not least Tasmania.

That having been said, I am going to be watching the big event which comes in May next year, when we actually get down to what we are going to do permanently about betting online. This is a stopgap measure here. It does not tie us into what we do next year. Next year we are going to have a choice between prohibition or a tightly regulated national system to which the states and territories have agreed. That is going to be the choice that we have. I reiterate: I see poker machines and their spread right throughout the community as something that needs to be hauled in, and the states have not been effective in doing that. One only has to
read the articles in the press recently about the impact of pokies on towns like Bendigo and Wagga Wagga and the amount of money that is being taken out of the communities through these machines, non-productively, to understand that we as legislators are required to do something about it. If the states are not effective insofar as going up the street and betting on poker machines is concerned, then at least we have to see that when this phenomenon comes online it is not going to stay at 0.6 per cent of the betting revenue in this country; it is going to grow rapidly. It makes poker machines, which are truly interactive in a way that horse racing is not, available in the home at any hour of the day. You turn on your computer; you have the poker machines whirring right in front of you at the click of a button, and you can start betting. That is not the case with races—horse races, dog races and so on—which are not interactive in that way. So there are two breeds of gambling involved here and there are two options: one is prohibition and the other is some form of very tight regulation. Those are the parameters of the big debate coming down the line.

I have cited the reasons in supporting the government amendment last night. The Western Australian facility for online betting on gaming—that is, horse races, et cetera—has been available since June; the Victorians have sports betting up and are about to have the facility available on racing; and the Tasmanian TAB is developing its facilities for the coming months.

Senator Sherry—I don’t think that’s right. I think it is a lot further away than that.

Senator BROWN—Well, they are developing it—I am told it is a six-month horizon. The facility is being developed there. We will know by next May, which as I said is going to be the main event. As for the argument about the gambling houses that should be allowed online poker machine betting under this amendment, I do not support it. It is a very tough decision. It affects licences issued in Tasmania. But we are going to make a much harder decision next year, and I am not going to be one who supports open slather availability of poker machine facilities in every home in the country. On the other hand, I am not a prohibitionist. We are going to have to make tough decisions about where we draw that line, and I am going to respect everybody in this place in the matter of where they draw that line. The community is going to be involved in that debate. At the moment I am prepared to make a tough decision on this one and I will not be supporting this amendment.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (10.04 a.m.)—Those of us who have been following this debate know that those legitimate businesses to which Senator Harris referred in his amendment are not called up in the government’s amendment. I just want to place that on record. I noticed Senator Sherry interjecting, and I just wanted to acknowledge that in fact that is the case: the Labor senator was right. Senator Harris, I understand what you are trying to do by this amendment. I think it is clear the numbers are not in your favour. That is the case for a lot of amendments that would not simply enhance what is a poorly thought out bill but might actually protect the government in the event of court cases that may eventuate as a consequence of the retrospective nature of this legislation. As people know, I have amendments that will deal with the retrospective nature.

I concur with Senator Brown that poker machines are quite insidious. If only we were dealing with legislation to actually rule those out. But, as I have said, I challenge the government to actually tackle land based and other gambling ventures. I find it extraordinary that today we have decided that sports betting is not really gambling. I find the convenient hypocrisy of some of those in the chamber extraordinary—that people would actually allow that amendment to go through! ‘If it quacks like a duck …’ it is gambling, folks. If the government can get its legislation through that way, then obviously it is prepared to do it, and people are prepared to compromise their morals and principles in the process. Can we just get on with this debate, Chair? Let’s not pretend this is about our social concern for problem gambling. Everyone shares that concern, but I do not believe that we are doing anything today that is alleviating those concerns.
should move ahead with the amendments, given that the numbers and the deals have been done.

Senator WOODLEY (Queensland) (10.06 a.m.)—I am very interested in Senator Stott Despoja’s speech. I presume when she said then that she supported the Labor interjection, which was that I was telling lies, that she is endorsing—

Senator Sherry—That’s not right.

Senator Stott Despoja—That’s not fair!

Senator WOODLEY—You said that, Senator Stott Despoja, and I believe that I need to respond to that. If the inference from Senator Stott Despoja is that she is supporting the interjection that I was lying, which is what Senator Sherry interjected—

Senator Sherry—That’s not right, either. I didn’t say you were lying.

Senator Stott Despoja—He said in relation to Tasmania. That’s all I was supporting. That is totally—

Senator WOODLEY—You can use semantics if you like, but I am certainly not going to allow that to pass. Let me say in response to Senator Harris that I do not intend to support any extension of gambling whether you dress it up in legal dress or not. The problem is, of course, that self-regulation of gambling outlets is ineffective. Let us have a look at GOCORP, which Senator Harris mentioned. In Queensland, where regulation has been put in place, GOCORP was an absolute scandal. When it was set up, the Treasurer of Queensland allowed three Labor mates to be the principals of the company that established GOCORP. When he was caught out, he had to stand aside until the matter was dealt with. That is the kind of activity that is allowed by self-regulation. It does not work. I certainly support the government. It is the only time in any parliament in this country that any government has tried to do something about limiting gambling. Every other piece of legislation passed by state or federal or any other government in this country has always legitimised the extension of gambling. I will quote from a letter from Reverend Tim Costello, in which he urges us to support the bill today:

Legislation had the unintended consequence of normalising and mainstreaming gambling in a way that has caused social misery. This sort of slippage through regulation is never intended. But it happens. The letter continues:

The Australian states are already hopelessly addicted to gambling revenue and therefore their promise that their regulatory framework for interactive gambling is adequate will only lead to normalising of this instantly accessible form of gambling.

I therefore hope you and your colleagues will support this moratorium because the Australian Retailers latest survey shows 82 per cent of Australians do not want interactive gambling, believing that people’s right to gamble is already more than honoured in Australia.

Senator SHERRY (Tasmania) (10.09 a.m.)—I want to briefly respond to Senator Woodley’s comments that by interjection I accused him of lying. Before I get to the words I uttered, it is Senator Woodley’s prerogative to reveal a private conversation with the Deputy Premier of Tasmania, Mr Lennon. I would suggest that he not do that.

Senator Alston—Maybe you didn’t either.

Senator SHERRY—A person who lies tells a deliberate untruth, and I certainly do not believe that of you, Senator Woodley. I certainly do not. I suggest that Senator Woodley checks that information with the Deputy Premier’s office in Tasmania. I think Senator Alston indicated a same view of the Deputy Premier.

Senator Alston—You said he might have got it wrong. You might have got it wrong.

Senator SHERRY—I have spoken to his office in the last minute. I do not believe I have got it wrong, but I put it on the record. If you believe that, Senator Alston, you are wrong. I have not come late to this debate; I
have been following it very closely for the past few years.

Senator Woodley, I am not even sure that Senator Stott Despoja’s reference to my interjection was to that interjection anyway. I made a number of interjections, as disorderly as it is, and she may have been referring to some other interjection. Senator Woodley, let us focus on the issues as passionately as we want to, but I give you that assurance that I would never accuse you of lying to the chamber.

Senator BARTLETT (Queensland) (10.11 a.m.)—I support the suggestion by my colleague Senator Stott Despoja that, given that the outcome of this bill is fairly clearly established, we do not go on at length, but it is an issue of concern to many people. As I said last night, in the areas where I work I come across the impact of problem gambling quite frequently.

I will briefly broaden the debate slightly beyond Senator Harris’s amendment to the issue that gambling is supposedly a part of the Australian psyche. Reverend Costello put out a book just recently attacking that notion. I very much support his view that it is not something particular about the Australian culture. Indeed, it is one of the big areas not just in my work in welfare areas but in my other responsibilities for immigration and multicultural issues. The area of problem gambling and its impacts on ethnic communities has not been given enough attention. Newly arrived or more recently arrived people obviously would not have had time to absorb the so-called Australian special attraction to gambling, but those people also have gambling problems in their communities. It is not a peculiarly Australian trait. In some respects, the problems in some communities of different ethnic backgrounds are more serious than those for the general Australian community because of aspects to do with their culture.

One thing about the Australian culture is that overall there is no shame attached to gambling. There is obviously shame if you get out of control with it, as with any other addiction, but on the whole there is not the shame that attaches to some ethnic backgrounds where people who do have a gambling problem may be less able to come out about it because of broader social constraints. I raise that issue in the context that statements have been made by people from all sides of this debate who are keen to get greater commitments from governments at all levels to tackle problem gambling issues. This is one area that I think has not been given enough attention. It also shows that it is not a problem that goes down one single line. It is a problem that is multifaceted, and we need to take a multifaceted approach in relation to it.

I would like to respond to a couple of comments by Senator Brown. I acknowledge that it is a difficult decision for him, but nonetheless I think it is appropriate to respond to a couple of the statements he has made. He was speaking about his concern about the immediacy and the availability of gambling online. Noting that point, it is all the more curious why that immediacy will now be able to continue unfettered for horseracing and other forms of gambling. As I said last night, the even more immediate access in the home relies on phone betting, and that will be able to continue unfettered. Horseracing in particular is there virtually all the time. Particularly if you have pay television, you can pretty much get a steady stream of horseracing—not just Australian horseracing but racing from around the globe. That is an area that we will expand further so that people who have an interest in gambling on horses will be able to do so at home for many, many hours a day, if not close to 24 hours a day. They will be able, through phone betting accounts or online accounts, to continue to gamble in that way.

Whatever side we are taking in this debate, we have all acknowledged that pokies are the big problem, and this makes it all the more breathtaking that we are supporting legislation that will provide a fillip for the pokie industry. Let’s not pretend that horseracing is some squeaky clean thing. Pokies are the big problem, by a long way, but there are a significant number of problem gamblers in the Australian community who express their gambling addiction through horseracing and, to a lesser extent, through other sporting events. While it is nowhere
near as big as pokies, it is a significant com-
ponent, and the suggestion that gambling on
horseracing is a noble activity belies the re-
ality for those of us who deal with gambling
victims.

In terms of activities of state governments,
I very briefly touched on activities of Mr
Michael Moore in the ACT Legislative As-
sembly. I would like to expand on that and
indicate my support for his actions in moving
this week to redirect political donations from
gaming machines to charities. He outlined
that the amount of political donations from
the gaming machine lobby and clubs just in
the ACT during the last election year was
over $1.3 million. The legislation that he is
proposing would require a general obligation
for every club to donate five per cent of
those profits, rising to seven per cent in two
years, to the community. Total profits from
gaming machines—this is just in the ACT, I
presume—grew from $92.7 million to over
$100 million last year, yet donations to the
community fell. Of $9 million more in prof-
its, nothing had gone to the community, so
Mr Moore is seeking to prescribe that more
money flow through to charities. He is spe-
cifically looking at trying to ensure that
gaming machine operators who make dona-
tions to political parties be obliged to make
matching donations to charities. That is only
one area of activity, and it is obviously not
going to address the whole issue of pokie
problems but, as is being demonstrated
through the outcome of this legislation, the
lobbying power of the pokie industry is im-
mense. That is why they will no doubt be so
pleased that they have had a successful out-
come with this legislation.

I think I should acknowledge, for those
people who have taken the trouble, that a
number of emails are coming through from
people who are employed in this area. From
the look of the emails, it appears to be people
particularly from Tasmania. I would imagine
that many people have not had the chance,
amongst everything else they have had to do,
to check their email in the last few hours, but
it is worth doing if for no other reason than
to acknowledge these people’s opinions.
They are clearly concerned that their jobs
will be at risk as a result of this legislation,
and I think that needs to be noted in the
context of this particular amendment. This
amendment does not go specifically to horse-
racing but does, as I understand it, recognise
people’s concern and belief that it is best for
this temporary moratorium on new Austra-
lian based online gambling services to go
ahead and at least try to ensure that it does
not have the unintended consequence of im-
pacting on people’s existing jobs. I think that
is a noble intent, and I think it is worth ac-
knowledging the expression of concern that
is out there in terms of those people who are
employed. If the minister can assure us all
that none of those people’s jobs are at risk
and that they are unduly concerned, I am
sure they would welcome that assurance.
Certainly we would all welcome the minis-
ter’s assurance that that is the case.

Senator BROWN (Tasmania) (10.20
a.m.)—On that last point, and it is a very
important one, I want to remind the com-
mittee that the jobs issue is not as simple as
it looks. There are estimates that for every
job created in the gambling industry two are
lost in the retail industry. The money that
goes into the poker machines does not go
into the retail sector and it does not go into
other uses. That is the sort of matter that we
need to clarify in the next six months. I also
note that one of the letters from Tasmania
today said that the gambling that is being
established in Tasmania will not be available
in Australia; it is for people overseas. I ac-
knowledge that, but people overseas are peo-
ple. We have a responsibility to consider the
impact of gambling on them—whether they
are sitting in Vanuatu, Colorado or Cape
Town—as well as on the citizens at home.
When we set up an industry which impacts
on people elsewhere, we have to look at that
impact. Not only do we have a right to do so
but I think there is a requirement that we do
so.

Senator Bartlett said that I had said that
gambling on horseracing is a noble pursuit. I
would ask him to go back through the Han-
sard and show where I said that. I said noth-
ing of the sort. W e have to be careful in this
debate to listen to each other and to recog-
nise that everybody is going to have a very
hard decision to make, particularly next year.
We are not going to agree with each other, because we are dealing with a very complicated and potentially vexatious issue. It will help if we respect each other’s difficulties in coming to a decision on the matter. I for one find it extraordinarily difficult, and I am going to be doing a lot of homework on this matter in the coming months.

Senator Stott Despoja said that people are prepared to compromise their morals and principles in the process of that decision making. I do not think that is the case. I do not think it is the case for her. It is not the case in my situation, and I do not think it applies to any other person in this committee. We have to make decisions which will be impossible for any of us to be entirely satisfied with. They are tough decisions, and we are going to be lobbied by people in the industry as well as people outside it. But, when we talk about the effect on the jobs of people in the online industry which is setting up poker machine facilities, let us not forget that there are people at the other end of that process who are affected as well. The senators who are concerned about that—and I acknowledge that concern because I share it—should come to Tasmania with me and sit down with some of those people who have had their lives destroyed by poker machines. They have had their houses, their jobs and their relationships all go through the poker machines. It has devastated not only them but also other people, including their families and friends, and it has affected the way they feel about themselves. They are at the addictive end of the spectrum of the impact of poker machines.

This legislation is not about people going to a gambling house and coming to grief through poker machines per se, but it is about extending that facility into the living rooms and houses of anybody. It is going to be an increasing component of the gambling turnover in Australia and it is going to add to the total component of the economy. We are at the start of what is going to be universally available access to gambling in a way that has never been before. I am supporting this moratorium, but I reiterate that our really difficult decision is coming six months down the line. It is going to involve jobs, livelihoods and huge economic, social and environmental factors. It going to be a hard decision to make. I find this one hard today, but I am sticking with the position that I have had all the way through. Nevertheless, my mind will be open to change in the coming six months, and I expect that it the case with everybody else in this chamber.

Senator LUNDY (Australian Capital Territory) (10.26 a.m.)—It is fascinating that we have been here for nearly an hour this morning and most of the contributions have related in some way to the social harm caused by poker machines. I acknowledge the contributions of senators in the chamber in that regard. But I feel that I need at this point to remind people that this legislation we are debating is not about poker machines. There is not a word in this piece of legislation that lends itself to the issue of poker machines and the social harm that they cause.

This legislation is entitled the Interactive Gambling (Moratorium) Bill 2000, and it is about online gambling—gambling on the Internet not poker machines. But, as a result of the amendment passed last night in this chamber, it is not even about online wagering any more. A distinction has been created by the government—a differentiation advocated previously by some members of the crossbench and supported by a majority of senators. So it is a different picture now. But it is not even about online gaming. Timing of the moratorium means that, if you were providing online gaming services before 19 May, you are allowed to keep doing that. I acknowledge the efforts by Senator Harris to identify the peculiar irony that, if this bill actually goes through today, this crucial date of 19 May differentiates between whether you have a legal business or an illegal business. The inconsistencies of this ludicrous retrospectivity and operational date of this moratorium that Senator Harris and Senator Harradine have identified really sheet home why Labor cannot support not only these amendments but also the bill. For these reasons, we will not be supporting this bill on its third reading.

I want to add one more point. This bill is not even about stopping Australians gam-
bling in the minute stratum that is left after all of these exemptions and after the operational date of the moratorium, because it has absolutely nothing to do with trying to prevent Australian citizens from accessing online gambling sites that may emanate from other quarters of this globe—that is, outside the shores of Australia. So when you cut away all the chaff here we are left with a bill that is not actually going to do very much at all. But we find ourselves here agonising over the social harm associated with problem gambling, which we know stems primarily from poker machines. It is causing a great deal of moral angst for Senator Brown, Senator Harradine, the Democrats, Labor, Liberal and everyone else. That is the game that the Prime Minister chose to play when he put forward his rhetoric on the interactive gambling bill. There is nothing more dishonest or misleading to the Australian public than to stand in here and pretend that this bill in some way, shape or form does anything to address the issues that concern us in relation to gambling. For these reasons, Labor will be consistent in opposing the fallacy that this bill is addressing these concerns, and we will be opposing not only these amendments but also all amendments and the third reading. I implore those on the crossbench to do exactly the same thing.

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (10.30 a.m.)—I welcome Senator Lundy’s belated acknowledgment that this bill is not about addressing the poker machine scourge. It would have been helpful, I think, if she had gone further and acknowledged that that is, indeed, the role of the Ministerial Council on Gambling. She should also have acknowledged the fact that COAG has made a series of recommendations to address that problem. The undertakings that were given to Senator Woodley also move very much in that direction. I think that Senator Woodley and others were certainly entitled to take gross exception to Senator Stott Despoja’s characterisation of anyone who supported these amendments as compromising their morals and principles. Senator Brown, I thought, struck the right tone. I say in passing to those who like to pretend that somehow harm minimisation will accommodate problem gamblers that the further you go in terms of tightening the domestic regime, the more likely it is that you actually encourage people who are determined to gamble to go offshore and take advantage of some of those much less salubrious sites.

I will conclude by saying that I hope no one here, outside or in the media will take seriously the suggestion by Senator Harris that 1,400 people are going to lose their jobs tomorrow. This is reminiscent of what ARIA said about CD imports when Senator Lundy was enthusiastically supporting their cause. They said that 55,000 jobs would be lost, but I would be very surprised if you could demonstrate that one job has been lost in that area. As I understand it, 1,400 jobs may well represent the total number of full- and part-time employees of Federal Hotels and Wrest Point, but do not for a moment think that somehow this amendment is going to close down Wrest Point. The number of people employed in online casino activities would be minuscule in comparison with that number. All those people—and certainly their employers—have been on notice for some 12 months that there was likely to be action taken in this place. Whilst one can always decry a loss of employment, as I have said on other occasions, that does not justify the establishment of heroin farms in Australia any more than it should deter the parliament from taking the tough decisions that Senator Brown referred to if we believe they are in the national and social interest.

Senator HARRADINE (Tasmania) (10.32 a.m.)—I have listened carefully to this debate and, of course, I listened carefully and contributed to the debate on the last occasion. I was a member of the Senate Select Committee on Information Technologies which brought forward the report called Netbets: a review of online gambling in Australia. That was the remit that we were given: a review of online gambling in Australia. It was upon that remit that persons throughout Australia made submissions and gave evidence to the committee, and we delivered the report. There is a lot of evidence in that report which has been adverted to—but not often using the name of the witness—in the
contributions that have been made in the chamber. There is a need to come to a definite decision on online gambling in Australia. One thing that I agree with the minister on is that, in respect of poker machines, there is a difficulty with any federal legislation as to what power in the Constitution one would rely upon.

Senator Sherry—We could find a treaty.

Senator HARRADINE—There must be a treaty somewhere, that is true. There is the corporations power but normally that is not used in this sort of situation, although I have a feeling that it should be used more often—but not in the industrial relations area, of course. As the minister said, that is the responsibility of COAG and, in fact, that body has considered the matter. One of the problems that we were faced with in considering this matter was that the states were hell-bent on getting revenue as quickly as they could through gaming, including online gaming. We have to try to clean up the mess or attempt to consider what the mess is. I know that a number of states have also been very concerned at the final outcome. The amendment that is currently before us does address a problem which it is necessary to address: whether or not those persons and companies that were provided with a licence but had not yet engaged in the service of online betting have an argument.

As you would recall, Mr Temporary Chairman, late into the early hours of yesterday morning we were talking about the need for precision in legislation and the need for certainty before the law. The argument that has been put forward as the basis for this particular amendment is an argument of fairness, and the difference that I have with the government is simply on the question of whether or not a licence was provided, rather than whether a service was being engaged. Whilst the government includes in this legislation a person who was already providing a licence, there is a strong argument that it is fairer to include those who were licensed to provide the service as well before the particular date of 19 May 2000. It is a fairly strong argument that, in fairness, those who were licensed to provide the service prior to 19 May should be exempted as well as those persons already providing the licence. If the amendment were accepted, it would prohibit a person from providing an interactive gambling service unless that person was already providing or was licensed to provide the service before 19 May 2000—and Senator Harris has nominated some of the organisations and individuals that would be affected.

The question now is whether or not the committee will support this amendment. I think there is much to commend the amendment. As I said, it is very similar to the one that I circulated but, on reflection, I felt that the one circulated by Senator Harris was tighter and therefore I am supporting that amendment. With respect, could I suggest to the Labor Party that they should seriously consider voting for this amendment. They know how the numbers will fall when the third reading occurs and they know that the government has the numbers to have this legislation go through, even without my vote.

I am very concerned that, as has been recommended by the committee that considered this matter over months, there needs to be a pause, some sort of moratorium, and obviously some very hard decisions are going to have to be made at the end of that moratorium period. So I do suggest to the Labor Party that it should vote for this amendment in the full knowledge that the government’s legislation for a moratorium is going to get up anyhow. Thus this legislation will be amended by this amendment, which—as I indicated—appears to be supported by the arguments of fairness and certainty before the law; two arguments which are very important, particularly in this chamber.

Senator LUNDY (Australian Capital Territory) (10.41 a.m.)—I would just like to respond briefly to that. To begin now to contemplate some discretionary exemptions would defy the basis upon which Labor has approached this bill from the start. I would also like to say that, on my counting, Senator Harradine, it will depend upon which side of the chamber you find yourself on in the division as to whether or not this bill will get up on the third reading.

Senator HARRIS (Queensland) (10.41 a.m.)—I place it very clearly on the record,
as I have done previously, that I believe that we should stop and look at online gambling. But that has to be tempered by what happens with this amendment because, as Senator Harradine has put it so very well, there are legal ramifications relating to the bill as the government has drafted it. I believe that, if the bill is passed without this amendment, there will be considerable difficulties for state governments and the Commonwealth government. Let me say very clearly that, if this amendment is supported, I will support the government’s bill for the moratorium; however, if the amendment is voted down, I believe that the legal implications of this bill in its present state are such that we would be better off without the moratorium. I also say to Senator Brown that I hope that, if this amendment is voted down, he will make an undertaking to respond to those people who will lose their jobs and personally explain to them his reason for voting the way that he has indicated he will vote. In closing, because this bill is so polarised as to issues relating to the states, I remind senators that our purpose for being in this chamber is to view the legislation in relation to how it will impact on our states. That is the purpose behind the formation of this house. I commend the amendment to the chamber.

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

The committee divided. [10.49 a.m.]
(The Chairman—Senator S.M. West)
Ayes. . . . . . . . . . . 2
Noes. . . . . . . . . . 54
Majority. . . . . . 52

AYES
Harradine, B. * Harris, L.

NOES
Allison, L.F. Alston, R.K.R.
Bartlett, A.J.J. Bishop, T.M.
Boswell, R.L.D. Bourne, V.W.
Brandis, G.H. Brown, B.J.
Buckland, G. Campbell, G.
Carr, K.J. Chapman, H.G.P.
Collins, J.M.A. Conroy, S.M.
Coonan, H.L. Crane, A.W.
Crossin, P.M. Crowley, R.A.
Denman, K.J. Evans, C.V.
Ferris, J.M. Gibbs, B.
Gibson, B.F. Greig, B.
Hogg, J.J. Hutchins, S.P.
Kemp, C.R. Lees, M.H.
Lightfoot, P.R. Ludwig, J.W. *
Lundy, K.A. Macdonald, J.A.L.
Mackay, S.M. Mason, B.J.
McGauran, J.J.J. McKiernan, J.P.
McLucas, J.E. Murphy, S.M.
Murray, A.J.M. Newman, J.M.
O’Brien, K.W.K. Patterson, K.C.
Payne, M.A. Ray, R.F.
Reid, M.E. Ridgeway, A.D.
Sherry, N.J. Stott Despoja, N.
Tchen, T. Tierney, J.W.
Troeth, J.M. Watson, J.O.W.
West, S.M. Woodley, J.

* denotes teller

Question so resolved in the negative.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (10.54 a.m.)—by leave—I move Democrats amendments No. 3 and Nos 1 and 2:

(3) Clause 11, page 8 (lines 16 to 32), omit the clause, substitute:

11 Exemption for interactive gambling services in existence before the commencement day

In a prosecution for an offence against section 10 in relation to the provision of a particular interactive gambling service (the current service) during a particular day, it is a defence if the defendant proves that:

(a) on a particular day before the commencement day, the defendant provided, or was licensed to provide, an interactive gambling service (the pre-commencement service); and

(b) the current service is the same or substantially the same as the pre-commencement service; and

(c) the current service is provided under the same name as the pre-commencement service; and

(d) in the case of a pre-commencement service that was in operation before the commencement day—the service had at least one arm’s length paying customer.

Note: A defendant bears a legal burden in relation to the matters mentioned in this section (see section 13.4 of the Criminal Code).
Clause 3, page 2 (lines 4 to 9), omit the clause, substitute:

3 Simplified outline

The following is a simplified outline of this Act:

This Act prohibits a person from providing an Interactive gambling service, unless the person was already providing, or was licensed to provide, the service before the commencement day.

The prohibition ceases at the end of 18 May 2001.

Clause 4, page 2 (after line 23), after the definition of Chapter 8 agreement, insert:

commencement day means the day on which this Act commences.

These amendments once again deal with the issue of retrospectivity. I think these amendments have been discussed or alluded to in one form or another during this debate, so I am quite happy for us to vote on them accordingly.

Amendments not agreed to.

Bill, as amended, agreed to.

Bill reported with amendments.

Adoption of Report

Motion (by Senator Alston) proposed:

That the report from the committee be adopted.

Amendment (by Senator Stott Despoja) put:

At the end of the motion, add:

"but the Senate calls on the Government:

(a) to encourage the States and Territories to agree on a uniform set of principles to apply to all new licences at the end of the moratorium and to existing licences on renewal; and

(b) if unanimous agreement cannot be reached at the end of the moratorium, to introduce legislation as soon as possible after the end of the moratorium, reflecting the minimum principles that are acceptable to a majority of the States and Territories; and

(c) to undertake a national public education campaign about the national regulation system and harm minimisation strategies for Internet gambling; and

(d) to recommend to the States and Territories that a percentage of their gambling revenues be allocated to a centralised fund to finance the national public education campaign.”

The Senate divided. [11.01 a.m.]

(The Deputy President—Senator S.M. West)

Ayes............. 10

Noes............. 36

Majority......... 26

AYES

Allison, L.F.  Bourne, V.W *
Bartlett, A.J.J. Greig, B.
Harris, L.  Lees, M.H.
Murray, A.J.M. Ridgeway, A.D.
Stott Despoja, N. Woodley, J.

NOES

Alston, R.K.R.  Bishop, T.M.
Boswell, R.L.D. Brandis, G.H.
Brown, B.J.  Buckland, G.
Campbell, G.  Carr, K.J.
Chapman, H.G.P. Collins, J.M.A.
Coonan, H.L *  Crossin, P.M.
Crowley, R.A.  Demnain, K.J.
Gibson, B.F.  Harradine, B.
Hogg, J.J.  Hutchins, S.P.
Kemp, C.R.  Knowles, S.C.
Ludwig, J.W.  Landy, K.A.
Macdonald, J.A.L.  Mackay, S.M.
Mason, B.J.  McKiernan, J.P.
McLucas, J.E.  Murphy, S.M.
Payne, M.A.  Schacht, C.C.
Sherry, N.J.  Tchen, T.
Tierney, J.W.  Troeth, J.M.
Watson, J.O.W.

* denotes teller

Question so resolved in the negative.

Original question resolved in the affirmative.

Report adopted.

Third Reading

Motion (by Senator Alston) proposed:

That this bill be now read a third time.

Senator LUNDY (Australian Capital Territory) (11.04 a.m.)—I take this opportunity to reiterate Labor’s position on the Interactive Gambling (Moratorium) Bill 2000. We believe it is irredeemable, despite the efforts—and I think honest efforts—by some
members of the crossbench to amend this bill in an effort to go into damage control. Because that is really where we are at now. It is about damage control and what I think we all acknowledge to be a fundamentally flawed piece of legislation. The problem is that it is still not good enough. We will persist with our consistent position and oppose the motion that the bill be read a third time.

Senator HARRADINE (Tasmania)

(11.05 a.m.)—This is a matter of deciding on the basis of the recommendations of the committee on Netbets. Those who have read the report will note the supplementary remarks and the recommendations in support of online gambling by Senator John Tierney and me. After considering the matters absolutely thoroughly, we were very concerned that action be taken. We said that there were some useful recommendations in the committee’s general report but we should take action now on the question of whether or not Internet gambling should be extended and, with its consequent ease of access in the home, whether that would exacerbate the already unacceptably high incidence of problem gamblers and, if it did, we should, as policy makers, take every step to prevent it. If honourable senators will look at those comments it will save me reading them into the record.

I believe—and the committee as a whole acknowledged—that there were very serious issues. Obviously, realise that the most serious domestic gambling issue is poker machines. The question is: what do we do now? I believe that having a moratorium was second-best, but at least those recommendations proposed something that would help address the very real dangers and problems that are facing our society in this area. Another problem I have—and the problem that Senator Harris and I attempted to deal with—was one of certainty for those organisations which, though they were not delivering a service at the time the axe fell, on 19 May 2000, nevertheless had been issued with licences to do so. That matter was put to the chamber. Absolutely no-one disagreed with the logic behind that amendment.

I am concerned that both the government and the opposition have taken an intransigent view about that amendment and the importance of that amendment. Under the circumstances it places me in a difficult position, that amendment having been rejected when it should have been accepted by the opposition, at least, and by the government. As I say, there were no serious arguments advanced against that amendment other than the statement made by the opposition spokesperson that, ‘We have taken the attitude towards this legislation that we are not going to entertain any amendments and we will just vote it down.’ That is not the way to handle legislation in this chamber because it presupposes that nobody has any brains other than those who adopt that particular attitude. If they are talking about me they are probably right, but not so others. We should be open to suggestions for improving legislation even though that legislation is not considered to be appropriate. At the end of the day you have the opportunity to vote on the third reading.

The matter is of such a serious nature, and the moratorium now having only a reasonably short period to run, I am at this point of time inclined to support the third reading, though I do so with a degree of concern. The matter is of such grave importance that the moratorium needs to run its course. At the end of that moratorium we hope we will have the review by NOIE and also by other government and private organisations so that then we can make the decisions. As has been said around the chamber, the decision as to what we finally do with the online gambling situation in Australia is going to be a hard one.

So under those circumstances I would be interested if anybody were getting up to indicate where they stand on the third reading. I would prefer not to vote for the third reading, given the problem between those two areas. We have offered the chamber an appropriate amendment which, I tell the committee, would have satisfied the situation so far as I am concerned—that is to say, satisfied the question as to whether that area of fairness had been properly attended to, but also satisfied me in my intention. In my view, the matter is of such importance that there should be a moratorium and then recommendations flowing from the various reports so
that we have information on which to base a reasoned decision for the common good of the people of Australia.

Senator HARRIS (Queensland) (11.14 a.m.)—I rise to indicate to the chamber that I can no longer support the Interactive Gambling (Moratorium) Bill 2000 at the third reading. We have arrived at the point where, with the adoption of the committee’s report, we now have to consider the rights of those people who previously had a licence to carry out a legitimate business. This bill, in this next vote, is going to decide whether they continue to have that right or, if they were to provide that service, whether from this point on they would be criminals.

The bill that we are debating is the Interactive Gambling (Moratorium) Bill 2000. We need to focus on that issue based around the word ‘moratorium’. If the government intended to have a true moratorium, then no Australian person would be able to access interactive gambling on the Internet. This is not the case. The case is that, the way in which the government have structured the bill and the chamber has dealt with amendments put to that bill, the option now will be that these people will go to overseas sites that may be totally unregulated. So rather than achieving what the government set out to do—that is, to protect the Australian people from both a social and economic point—they have failed totally. In actuality, they are driving the Australian people into an area where they have substantially less protection. I found myself initially wishing to support a true moratorium but, because of the way in which the bill evolved, now I find that I am not able to support the government’s bill.

Senator BOSWELL (Queensland)—I have to respond to Senator Harris. This is a genuine attempt by a government to rein in one of the really large social problems in Australia. Gambling is a problem of unbelievable significance. Reverend Costello was in the gallery before. He has spearheaded this campaign—and congratulations to him. This provision brings into everyone’s home a poker machine. Everyone will have access. I understand that, if you do not have a poker machine licence in Australia, you can go offshore. But we cannot legislate offshore; we can legislate in Australia. For Senator Harris to go out with his leader and campaign for family values but then come in here and vote for something that is one of the worst things that can happen to families is hypocrisy at its worst. You and your leader will go out there—on your money, no doubt, or on the government’s money, as she campaigns around Australia—and talk about the evils of gambling and how it affects Australian families and then you come in here and vote against the government’s bill. One Nation’s hypocrisy is unbelievable. You are unbelievable!

Senator Crowley—Family trusts, Ron.

Senator BOSWELL—Family trusts is another issue. This issue facing us at the moment is one that has to be addressed in this parliament. This government has attempted to do everything possible—with the support of about 83 per cent of the people, I might add. Senator Harris has sort of walked away from all the commitments that he and his leader have made about family values. I want to put that on the record.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (11.18 a.m.)—I rise briefly—

Senator McGauran—The great libertarian.

Senator STOTT DESPOJA—Was that libertarian? I will accept that interjection in the sense that I am a fan of regulation. When I hear people like Senator Boswell talking about the role and the responsibility of the parliament to provide some hope or alleviation for those people who might suffer the adverse social consequences of problem gambling—yes, I accept that we do have a responsibility as legislators not simply to work on a federal level but to work in conjunction with the states and the territories and those in the industry. I am a fan of regulation. I do not believe prohibition works for just about anything. So if that is what Senator McGauran meant by his interjection, I will accept it. I am disappointed—and I put on record the disappointment—that the Sen-
ate did not choose to support a public awareness campaign. That was the amendment that people just voted against—in case they did not know. Senator Boswell, some of the aims you sought to achieve you might have furthered through that amendment. I do not know how many people in the room have read the Netbets recommendations or have been a part of that inquiry—not too many—but I will say that Senator Harris certainly is aware of not only the legislation and its ill-thought-out principles but also the deficiencies in relation to this bill in actually achieving any of its aims.

Senator Boswell interjecting—

Senator STOTT DESPOJA—I was about to say that he was heard in silence, but then again he was not. That family trust issue—what a bummer!

The bill makes no mention of harm minimisation strategies or player protection mechanisms which we know, and most people who have been involved in this debate understand, are some of the best ways of alleviating some of those concerns. For Senator Harradine’s benefit, the majority of Democrats will be voting against this bill. We will be consistent with our previous position, but I respect the right of fellow senators and my colleagues to a conscience vote on this matter. Given that, as Senator Lundy has pointed out in one of her earlier contributions, it is ironic that the intention of the government was that we would be debating gambling, but this bill is in the guise of an attack on gambling; it is actually an attack on technology. I think most of those with IT portfolios would respect and understand that.

Senator BROWN (Tasmania) (11.20 a.m.)—I will be supporting the third reading as I have indicated throughout that I would support the legislation with the amendments. I just want to respond to Senator Stott Despoja’s statement that failing to support that last amendment means that we were failing to support the undertaking of a national public education campaign. Had that amendment been a call on the government to do that, I would have supported it. However, that is clause (c).

Senator Stott Despoja interjecting—

Senator BROWN—Yes, I would have accepted the amendment. The problem I had was with clause (b), which said:

(b) if unanimous agreement cannot be reached at the end of the moratorium, to introduce legislation as soon as possible after the end of the moratorium, reflecting the minimum principles that are acceptable to a majority of the States and Territories;

Having supported that would have tied me into maybe supporting a set of regulations that were less than I would like to see. That was the one thing that got in my way of supporting a set of recommendations to the government that I otherwise would have supported.

Question put:

That the motion (Senator Alston’s) be agreed to.

The Senate divided. [11.26 a.m.]

(The Acting Deputy President—Senator H.G.P. Chapman)

AYES

Abetz, E. 
Alston, R.K.R. 
Brandis, G.H. 
Chapman, H.G.P. 
Crane, A.W. 
Ellison, C.M. 
Gibson, B.F. 
Herron, J.J. 
Knowles, S.C. 
Macdonald, I. 
Mason, B.J. 
Minchin, N.H. 
Patterson, K.C. 
Tchen, T. 
Troeth, J.M. 
Watson, J.O.W. 

NOES

Bartlett, A.J.J. 
Bolkus, N. 
Campbell, G. 
Cook, P.F.S. 
Crowley, R.A. 
Faulkner, J.P. 
Greig, B. 
Hogg, J.J. 
Ludwig, J.W. 
Mackay, S.M. 

Addenda
Question so resolved in the affirmative.

Bill read a third time.

EDUCATION SERVICES FOR OVERSEAS STUDENTS BILL 2000

EDUCATION SERVICES FOR OVERSEAS STUDENTS (ASSURANCE FUND CONTRIBUTIONS) BILL 2000

EDUCATION SERVICES FOR OVERSEAS STUDENTS (REGISTRATION CHARGES) AMENDMENT BILL 2000

EDUCATION SERVICES FOR OVERSEAS STUDENTS (CONSEQUENTIAL AND TRANSITIONAL) BILL 2000

MIGRATION LEGISLATION AMENDMENT (OVERSEAS STUDENTS) BILL 2000

In Committee

Consideration resumed from 30 November.

EDUCATION SERVICES FOR OVERSEAS STUDENTS BILL 2000

The bill.

Senator CARR (Victoria) (11.32 a.m.)—by leave—I move opposition amendments Nos 1 to 4:

(1) Clause 9, page 12 (after line 6), after paragraph (c), insert:

(ca) except in the case of a provider mentioned in subsection (5)—the designated authority has told the Secretary in writing that the provider has satisfied the designated authority that the provider is fit and proper to be registered; and

(2) Page 12 (after line 20), at the end of clause 9, add:

(5) Paragraph (2)(ca) does not apply in relation to the following kinds of provider:

(a) a provider that is administered by a State education authority;

(b) any other provider that is entitled to receive funds under a law of the Commonwealth for recurrent expenditure for the provision of education or training, other than one excluded by the regulations from the scope of this paragraph;

(c) any other provider specified in the regulations.

To avoid doubt, any private corporate body established in connection with a provider covered by paragraph (a) or (b) is itself, by virtue of that connection alone, a provider covered by that paragraph.

(6) In deciding whether it is satisfied as mentioned in paragraph (2)(ca), the designated authority must have regard to whether the provider, or an associate of the provider who has been, is or will be involved in the business of the provision of course by the provider:

(a) has been convicted of an offence; or

(b) has ever had his, her or its registration cancelled or suspended under this Act or the old ESOS Act; or

(c) has ever had an Immigration Minister’s suspension certificate issued in respect of him, her or it under this Act; or

(d) has ever had a condition imposed on his, her or its registration under this Act; or

(e) has ever become bankrupt, applied to take the benefit of a law for the benefit of bankrupt or insolvent debtors, compounded with his or her creditors or assigned his or her remuneration for the benefit of creditors; or

(f) has ever been disqualified from managing corporations under Part 2D.6 of the Corporations Law; or

(g) was involved in the business of the provision of courses by another provider who is covered by any of the above paragraphs at the time of any of the events that gave rise to the relevant prosecution or other action; and any other relevant matter.
(7) nothing in subsection (6) affects the operation of Part VIIIC of the Crimes Act 1914 (which deals with spent convictions).

(8) Paragraph (2)(ca) does not apply at any time before the national code takes effect (see section 39).

(3) Clause 24, page 20 (lines 25 and 26), omit subclause (2), substitute:

(2) However, the following kinds of provider are exempt from the requirement to pay annual Fund contributions:

(a) a provider that is administered by a State education authority;

(b) any other provider that is entitled to receive funds under a law of the Commonwealth for recurrent expenditure for the provision of education or training, other than one excluded by the regulations from the scope of this paragraph;

(c) any other provider specified in the regulations.

To avoid doubt, any private corporate body established in connection with a provider covered by paragraph (a) or (b) is not itself, by virtue of that connection alone, a provider covered by that paragraph.

(4) Clause 34, page 25 (line 13), at the end of the clause, add “and the conduct of persons who deliver educational services on behalf of registered providers”.

The reason I have moved all opposition amendments together and propose we vote on them separately but essentially consider all amendments at the one time is that we are very short of time at this part of the proceedings at the end of the parliamentary year. There has been considerable discussion with the government concerning these issues and I think it is possible for us to consider all of these amendments together. It may mean that we have to make a couple of contributions but I think we will save a little time.

The opposition amendments that I have moved today are the product of that detailed discussion between us and the government. I would like to publicly acknowledge the government’s cooperation in these matters and the fact that these are matters that we can now agree upon. As a consequence I think we will see a much smoother and speedier passage of the bills in total. These amendments involve constructive compromise on behalf of the opposition and the government and it is appropriate that we acknowledge that. I have no doubt they are not necessarily everything the government would like to see and they certainly are not everything we would like to see, but the result has been that this is a much stronger package of measures aimed at dealing with some very serious problems which are currently facing an extremely important component of Australia’s educational industry. As senators are aware, it is one of our largest export industries and is heavily dependent upon the capacity to have a quality assurance regime in place that protects Australia’s international reputation.

In essence, the key concerns that have led to this package of bills being presented to the parliament are that the present regulatory regime, for a range of reasons, is not satisfactory and there has been a failure of various authorities to ensure that quality is maintained. Our concerns, which have been voiced over a 2½-year campaign to see these issues attended to, were concentrated on a number of matters: the lack of sufficient tests of the bona fides of, in particular, the private colleges that were operating but also their associated agents, and concern about the relationships that were developing between some of these bogus colleges and universities and other public providers; the nature of the membership and the exemption from membership of the proposed tuition insurance scheme; perceived inadequacies in the provision relating to the services of notices by the Commonwealth to colleges that were not doing the right thing; the protection of civil liberties in this matter so that private colleges that had been accused of inappropriate behaviour would have an opportunity to address those issues through due processes of law; and the adequacy of the planned national code and the issues of the application of the bill’s safeguards outside Australia and other activities. I will go through those matters.

The first issue relates to amendments Nos 1 and 2, which the opposition have moved because we feel there is a need to strengthen the arrangements in regard to the fit and
proper persons test. There was quite a substantial series of colleges, and people associated with those colleges, who should never have been in the international education industry in this country. We should have had protections from those elements—whom I have described as criminal in part—who have been involved with a series of unethical business ventures and who have held to ransom our reputation internationally as a result of their activities. Our concerns have been addressed through this particular measure, which will attend to the issue of people who have a record of failure in their business dealings, such as bankruptcy and fraud. This measure will weed out the providers seeking registration who have a record of dubious practices in immigration fraud or visa malpractice. Responsibility for these issues under the act will need to be taken by the Commonwealth. If this proposition is accepted by this chamber and by the House of Representatives in due course, the Commonwealth will no longer be able to say, ‘We can pass the buck to state authorities.’ The argument is one that I feel quite strongly about. There is a need to ensure that actions are taken, and responsibility is accepted, to ensure that this sort of behaviour is prevented. Of course, it does nothing for those already in the industry, because it is not being applied retrospectively. That is another argument again. Essentially it is to start a new floor in the system.

The second amendment goes to the purpose of the national code. There has been some discussion between the government and the opposition on this issue. The opposition’s concern is that the national code has to be rigorous and enforceable. It cannot in itself be another occasion when the buck-passing exercise is allowed to continue. It will include explicit reference to the conduct of persons delivering education services on behalf of registered providers, their associates, agents, employees and parties with whom they contract other relevant business relationships. It is designed to cover situations such as the case relating to an organisation known as the Australian Business Technology Institute, which was run by Mr Michael Porter, whose business collapse last year highlighted the relationship between this organisation and the University of Ballarat. Students were left high and dry, and there were serious questions concerning the loss of nearly $800,000 of company moneys. Serious questions were raised by the auditors, who said there were quite serious breaches of the Corporations Law. I can detail that later on if anyone would like to go to that matter.

The issue of the tuition assurance fund is covered under amendment No. 2, which deals with membership of assurance funds. It is designed to provide students with some protection for fees paid into a fund and, in the case of a business collapse, there is some device available to provide assistance to those students. This amendment essentially continues—again, by agreement with the government—exemptions under the existing ESOS legislation. This matter has been controversial within the industry. I have received a significant number of representations on this issue, the complaint being that public institutions ought to be covered by this tuition assurance fund. The opposition accepts the argument that has been put by the government, and it is part of the give and take of these processes, that there are far higher levels of protection for public institutions in terms of government funding which would prevent a situation whereby a public provider—a TAFE college or a university—would face the possibility of collapse. The view that we have taken is that that risk is minimal. As I said, this is a matter of considerable public debate within the industry. There are different views in the aerial advice being tendered as to the level of risk that has had to be borne by the 1,000 private colleges that are operating within the industry at the moment.

There are other matters that go to the servicing of notices, which is an issue we have pursued through the Senate inquiry into this bill. Our concern was to ensure that there was appropriate application of the law on a fair and reasonable basis so that colleges would not find themselves in a situation where they were alleged to be in breach of the law, with notices served on them perhaps by a junior employee of a particular college. We have a letter of comfort, if you like, from
the minister which highlights that the application of the Corporations Law will apply, so that I think we can take it as reasonable and appropriate that the normal provisions of the Corporations Law would apply in that regard. I do not think it is reasonable to argue that departmental officials would be able to circumvent that arrangement. For that reason, we have not pursued anything in that area.

The last area I will deal with is the withdrawal of proposals in regard to the extraterritoriality. This issue has arisen in a range of legal areas now. It is a new area of law and is therefore subject to considerable debate. The principle has been established. In the note we received from DETYA on our proposed amendments in this area, it was acknowledged that parts of these bills will seek to apply Australian law to Australians operating overseas. That is in regard to the student visas. These are obviously provisions that have occurred already within Australian law in regard to bribery and in regard to sex crimes.

So the principle is becoming increasingly established. The issue arises as to whether or not it should apply in this bill. As I said, on the balance of the arguments we have accepted that, while this issue is yet to be resolved, we are not proceeding with it at this point. We are concerned about the enforceability and we are concerned to ensure that if any provision such as this were applied—as we saw in the case of the Business Institute of Victoria and their disgraceful behaviour with regard to the operations out of Vanuatu—there ought to be an application of Australian law in these circumstances. The problem is: how do you make sure it sticks? I am not interested in the empty gesture. This is a matter we will return to. It will need much more debate and careful consideration. I will need to say a bit more about the note that I have received from DETYA on this—which, I must say, is less than adequate. I would have thought we would have better legal minds available on these questions than we have. I understand there is another note coming from A-G’s, which I have not yet seen. I have only seen one from DETYA, which does not even address the fact that these provisions are already in law in other acts within the Australian parliament. It would be helpful if I could get that and, as I said, I will need to pursue these matters in further detail.

Finally, if we are going to introduce new sets of arrangements that concentrate solely on breaches of student visas by students, then I think we will let the team down. The overall arrangements will in fact be inadequate. What we are seeking to do is to look at the organisers of these breaches of the law. The proprietors of colleges that engage in visa scamming and criminal activity ought to be prosecuted. We ought not have the situation, which we have seen all too often in the past, of getting rid of the witnesses by merely concentrating on the students who are in breach of their visas. (Time expired)

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (11.47 a.m.)—I have no doubt that Senator Carr would be happy to elaborate on any of the points that he raised in his contribution. In the interests of facilitating this debate—

Senator Crossin—And not being here at Christmas.

Senator STOTT DESPOJA—It feels like I have been here for the last week, Senator Crossin, so I am quite happy to expedite this debate. The Democrats acknowledge that the government and the opposition have worked together on this legislation and have come to an agreement. I would like to thank the government for keeping us in the loop in that process. It has been good to deal with Senator Patterson, her office and her advisers, and I genuinely thank her for her keenness to keep us involved and to provide information, in particular in response to some of the concerns that I outlined on behalf of the Democrats.

In relation to the amendments before us, and I thank Senator Carr for addressing them more or less en bloc, the Democrats will be supporting the amendments—not completely uncritically, but we will be supporting them. We will be supporting the first amendment, incorporating the fit and proper provisions into the formal notification of registration process. We will be taking that in conjunc-
tion with amendment No. 2, the exemption of universities and bodies administered by state educational authorities—for example TAFEs—from the fit and proper requirements. As the parliamentary secretary would know, we had some concerns about that, but the explicit provision now that any private body established by a university, such as Anutech or Melbourne University Private, is not necessarily exempt from the fit and proper considerations is an important part of that amendment, and therefore we support that element. I think the notion that those private arms not be exempt deserves unambiguous support.

The amendment seems reasonable, given that the auditing and the governance requirements of universities could be a case of concern in relation to TAFE in states that might have poor accreditation processes, and I nominate my own state of South Australia as an example there, but pragmatically it is not an issue. We will be supporting those amendments which relate to those issues. I am referring to the exemption of TAFEs and universities from contributing to the assurance fund but not necessarily exempting any private arms such as Anutech. An amendment also exempts any other providers specifically in the regulations. As the regulations are six months away, I am not quite sure what criteria might be invoked to allow an exemption, say, for a private school, but I acknowledge the response from the parliamentary secretary's office that suggests that the government is unambiguous in making a private-public distinction. An amendment also exempts any other providers specifically in the regulations. As the regulations are six months away, I am not quite sure what criteria might be invoked to allow an exemption, say, for a private school, but I acknowledge the response from the parliamentary secretary's office that suggests that the government is unambiguous in making a private-public distinction. But in relation to any other providers specified in the regulations, we do not want to see that intent breached.

The amendment is supported by the Australian Vice Chancellors Committee, who are arguing that universities are sufficiently robust that they are unlikely to fail, thus endangering students' fees paid in advance. I guess, in a practical sense, the universities and the AVCC are probably right, but ACPET and other private providers obviously have concerns as they see the fund being designed to protect the whole industry. The premise that universities are robust is potentially questionable. I think we only have to look at the Australian Vice Chancellors Committee's report that was released on Friday. It demonstrates a number of things, including the need for an immediate increase of $500 million, with an additional $500 million over the next five years. So the notion that because universities are public institutions they are therefore solid and robust is, of course, questionable. It is actually questionable in light of the minister's own leaked cabinet submission, which acknowledges that eight universities are trading in deficit and some regional campuses are at risk. While there is no suggestion that any universities are in any immediate danger, without significant public reinvestment in higher education we cannot assume that they will necessarily remain financially robust.

In relation to the Labor Party's intent to make it explicit that any private provider established by or contracted by a university or TAFE is subject to the national code, the Democrats share the comments made by Senator Carr and the views of Senator Patterson that the national code should be strong and that it should be strengthened. While we know that there has been some work done behind the scenes by the states, my understanding is that there has not yet been any parliamentary or legislative action in the states on this matter in relation to the national code and that the draft protocol is still to be determined in terms of the states. So I guess we support the intent of Senator Carr's amendments. We have pointed out in correspondence to the parliamentary secretary's office that suggests that the government is unambiguous in making a private-public distinction. But in relation to any other providers specified in the regulations, we do not want to see that intent breached.

This legislation has been a long time coming. I have previously put on record our comments in relation to the sunset clause provision and, in the debate on that the last
time that extension was mooted, the Democrats’ concern that that was supported by Labor and the government. But I think it is high time the government made this progress. I look forward to monitoring the outcome and seeing what will happen hereon. I do not expect everyone in the industry will support all of these changes. If the government gives an undertaking or endeavours to work with them to try to sort out some of the difficulties and concerns they might have, when this legislation returns to the parliament we can re-examine it and see if there is anything else that needs to be fixed up. I have no doubt that the Senate committee process with respect to this legislation will continue, as it has done regularly for a number of years; thus giving people an opportunity to express their concerns and their views and to expose any problems that may exist with the legislation.

Senator CROSSIN (Northern Territory) (11.54 a.m.)—My comments this morning will be brief. The passage of these bills today signals the end of a lot of work in this area which was brought about by the concerns that have been raised over the years with respect to the operation of providers, what has happened to overseas students not only in this country but also overseas in relation to the take-up of courses, and in the pursuit of trying to ensure that we can guarantee quality of courses for those students who are undertaking such courses under the name of Australian education. But I do not think this should for one minute be an acceptance that this is the end of the problem. Once these bills have been passed, it should signal the start of an attempt to actually tackle some of the ongoing problems. Senator Carr is right when he mentions that some aspects will not apply retrospectively, but that does not mean you can turn a blind eye to what is happening in the industry. It lays a new groundwork and a new floor for those providers that may seek to operate in the future, but I also think it provides a good base from which to start to have a look at and to regulate what is happening.

I think the national code needs to be enforceable and to be meaningful. It needs to be owned by those people who are operating in the industry. But, even more so, it needs to have the commitment of those people who are operating in the industry. I do welcome what I understand will be an acceptance of our amendments in relation to the registering of approved providers—that is, to instigate a fit and proper persons test. This is of utmost importance in maintaining the quality of providers and the quality of educational services that are being delivered to students when they seek to study in this country. The amendments that we are proposing are fairly comprehensive in this area and will go a long way to satisfying our concerns about the status of these providers and their operation.

Let me just say in closing that there are a number of matters still outstanding that we have concerns about in this educational sector—for example, the regulation of courses and the way in which they operate overseas. When I delivered my speech on this matter in the second reading debate, Senator Patterson quite rightly commented that it is very difficult to do—and it is. I think it opens up another chapter of having to look at whether it is possible, how it is possible, what can be done to try to bring about some quality assurance and regulation of providers who operate overseas under the Australian education banner and whether or not, with respect to the registration they get as training providers and the accreditation of those courses when they are delivered overseas, we can actually enforce the quality standards on those courses that we would require if they were operating on Australian soil. The other outstanding matter, of course, was the length of time it takes for students to be notified by the Department of Immigration and Multicultural Affairs with respect to their visa being
withdrawn. I notice that that is not the subject of amendments today, but the way in which that is being applied to students will be monitored over the next 12 months or so—over the next coming months is probably too short a period—and in the estimates period to see whether that is a matter we need to revisit.

I reiterate what my colleagues have said in terms of cooperation from senators in relation to these bills. There has been a lot of hard work put into these bills this year with the draft discussion paper, with the inquiry we have had in the Senate and, obviously, by people who presented submissions to the Senate inquiry. Although we are not happy with some aspects of the bills, these people certainly did indicate to us that they were quite pleased that action was being taken and that the regulation of this industry was at least being tightened and scrutinised more than it had been in the past. I will leave my comments there and wait for answers to my questions.

Senator PATTERSON (Victoria—Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs and Parliamentary Secretary to the Minister for Foreign Affairs) (12.01 p.m.)—I also want to say how much I appreciate the cooperation, but I may need a little bit more cooperation by someone asking me another question. So we can speed this along, Senator Crossin may feel moved to do that if I cannot quite answer all the questions in my given time.

First of all I want to thank the leaders in the industry, who have spent an inordinate amount of time working with the government in a long series of consultations—days, in fact—on some aspects of the immigration parts of these bills and some more time on the education parts. They gave up an inordinate amount of time and I just want to put on the record my appreciation and to say to their membership that they were well represented in that process. I want to also thank the members on the other side and Senator Carr in particular, who has worked—I know at a busy time of the year—with us to try and make sure that we could come to some arrangement and actually get these bills through. We are not always going to agree on everything—life is full of compromises. We have compromised and the Labor Party has compromised—not, I think, against any moral issue, but we have been able to come to an arrangement to say, ‘Well, we think this is the best way to achieve what we all want to achieve.’ And that is to make sure that we protect bona fide students, that we protect the reputation of the majority of providers who are offering bona fide courses and that we prevent their reputations being besmirched by the very small number of people who are less than scrupulous in this area.

I want to make some preliminary comments about the minority report which the Labor senators attached to the report by the Senate Employment, Workplace Relations, Small Business and Education Legislation Committee in respect of these bills. It recommended:

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.

On Friday on 1 December, the Hon. Dr David Kemp, Minister for Education, Training and Youth Affairs, wrote to Senator Carr in respect of these concerns. I want to put a part of that letter into the Hansard for the public record. It says:

The Department of Education, Training and Youth Affairs lawyers have advised as follows: If the provider is a company, the department will only be able to serve the notice on the company giving notice of suspension of registration by relying on s109x of the Corporations Law. That section sets out procedures for serving documents on a company for the purposes of any law (s109x of the Corporations Law) and, therefore, it would be unnecessary duplication to repeat the provisions of section 109x in the ESOS bills.

Before I turn to the amendments, I should not forget to thank the officers of both departments who have had to work across departments and also to thank my staff, the Democrats’ staff and Senator Carr’s staff, because they have been on the phone, backwards and forwards, about the amendments. It has been an example of what you can do behind the scenes if there is cooperation.

The amendments that Senator Carr has introduced were, in the government’s view, I
have to say, unnecessary, because they would have been covered by the government’s provisions in the deal on the national code. Senator Carr said that he was moving the amendments because there should be a fit and proper person test. We agree there should be a fit and proper person test. There was no disagreement on that: the disagreement was on where it should be put. Senator Carr felt it should be in the legislation; we felt that it was covered in the national code, which is a disallowable instrument. But in the interests of getting the bills through, and to compromise, we have agreed that it would go in the legislation.

The government has agreed to these amendments, notwithstanding our view that they would have been better dealt with in the code following a proper consultation with the states and territories. We had agreed to consult with the states and territories about these issues and the code. So I put on the public record that that has been pre-empted a bit by having to move this into the legislation.

The fit and proper person test amendment which Senator Carr is proposing is the amendment to include in the ESOS bill a provision that the state designated authorities will advise DETYA that the provider has satisfied them that the provider is fit and proper to be registered. We had already, as I said, proposed such a provision for the national code, which will contain the rules regarding registration on CRICOS. The national code gives the rules for states, which will continue to approve providers for registration on the Commonwealth register. The national code also gives the rules for providers to comply with. The bill gives the legal framework for Commonwealth action and the legal basis for enforceability of the code. It would have been more sensible to include a fit and proper person test in the code along with the other requirements for registration on CRICOS, including the provider’s history, arrangements with other providers and who can be registered on CRICOS. The government would have preferred to continue to negotiate this provision with the states in the process of finalising the provisions of the national code. It is a matter of regret, because the states will have the key role in applying the test, but we could not justify delaying these important reforms. So we will be agreeing with these amendments.

With regard to the assurance fund exemptions, Senator Carr is introducing an amendment to incorporate in the bill exemptions from the requirement to belong to the assurance fund. The bill did not have a provision to place these exemptions in the regulations in the same way that the 1991 act provided exemptions in the regulations of the NTA requirements. Senator Carr has chosen to cut short the consultation which was in hand on this aspect in the regulations, and he has introduced an amendment into the chamber to achieve a purpose which could have been achieved through the regulations. Again, it was not something over which we thought we could justify delaying the bill, so we will agree to that amendment as well. The government also agrees with the purpose of national code amendment No. 4.

With respect to the questions—and I have bits of notes all over the place here—there was one point that Senator Stott Despoja made that I was not quite sure about. I think she mentioned that a private arm of a publicly funded provider did not have to go through the fit and proper test. I may be misrepresenting her here but, in case she did say that, I will clarify it: that is not the case. If she did not say that, I apologise to her. She has had to leave the chamber; she excused herself and told me she had something else on. Just to clarify that point, private arms of publicly funded providers do have to go through a fit and proper test.

Senator Carr referred to the issue of extraterritoriality, as did Senator Crossin, and Senator Carr mentioned it was an issue of discussion. Because of both the government’s desire and the desire of those on the other side to ensure that we move as quickly as possible on these bills, we have decided that is an issue that needs to be continued in debate. But, with regard to extraterritoriality, in the minority report the Labor senators argued that the bill should be amended at an early stage to provide for extraterritoriality. As I said, I am grateful for their recognition that this is a complex matter which we can-
not address today, but there are some complications and policy implications in such a proposal.

We gave Senator Carr a briefing note from the department of education on this issue, and we did say that we would approach A-G’s. Attorney-General’s advice was sought and incorporated into the DETYA brief. I do not know if Senator Carr actually heard me, because this was an issue.

Senator Carr—Sorry?

Senator PATTERSON—The advice from Attorney-General’s was sought and incorporated into the DETYA brief. Because of the time available today I will not go through the issues of extraterritoriality, but there are some problems. We have control by being able to issue visas here in Australia and now being able to stop visas being issued. But there is a problem in that you do not have that power if a student is studying in an institution overseas. There are some implications about how you inspect, how you monitor and how you enforce your authority in an overseas country. They are all issues that need to be debated and worked through, because I think they have a lot of implications and a lot of problems associated with them. So that is a debate for another day, but obviously those are of concern to people.

The other issue that Senator Crossin referred to was the 28 days that students have from when they are told they need to present themselves to explain why they have not been complying with their course requirements. Senator Crossin, I taught for over 15 years in tertiary institutions and I know that students are peripatetic, that they float around and that not even their families sometimes know where they happen to be living at the time as they move from one place to another. But we have required that the students advise the institutions where they are—and that is one of the requirements of their visa—so that we can actually expect that we can issue information to them to tell them that they have been seen to be in breach of their visa conditions.

It was my idea that it be 28 days. In the consultations, some people wanted it to be much shorter, and I said that students had Easter holidays and other holidays, so I was pushing for slightly longer. I have to say to you that it was my suggestion that it be a bit longer. We will test it and see. Hopefully, the students will be counselled beforehand that they are heading towards breaching their visa conditions. It is unlikely that they would be in breach of their visa conditions over a long holiday because they would actually be on holidays. We are hoping the 28 days will work.

We have put in place that they need to let the provider know where they are. We will have an automatic form that will go out to facilitate things for the provider so that it is a quick turnaround. We have done everything to ensure that it is not too onerous. But there are some people who are on the edges of the industry—the people we have been concerned about—who will use every single opportunity they can to extend a non-bona fide student’s time here so that they can continue working, and they use student visas for purposes other than for bona fide students.

We have to get a balance between the bona fide student who for some reason is not complying with their course requirements—if a student is ill or in hospital and they have a reasonable excuse for not complying with their course requirements, that will be covered—and other people who will try to abuse the system. Hopefully we have struck that balance; it is something that ought to be monitored. Getting the right balance is something that I am very cognisant of and concerned about. I understand your concern as it was a concern for me as well, but we have put in 28 days and we will monitor closely how that works. Senator Crossin and Senator Carr said that there was a new floor for providers. Yes, there is a new floor, a new test, for providers, but if the current providers breach the act or the code they are out. The senator said it was not retrospective, but if providers breach the code or the act they are out, and we have extensive new powers of monitoring and searching.

Senator Carr—It is for future action.

Senator PATTERSON—For future action, yes. We are not going back to register people but there are new powers. So there is a new test for people coming in, but we also
have more extensive powers to actually check the providers. Senator Carr says that he has been pushing this issue for 2½ years. I have to say, Senator Carr, that it has concerned me since I have been parliamentary secretary. As you know, these things take a long while by the time you do the consultation. But it is something that really needed to be done, since about 1991 or 1992—the early 1990s, anyway. I know that it is something that the industry has wanted. There are a number of people who are very keen to see this legislation in place, and it is a very important thing we have done by cooperating, by consultation and by what I think has been a very good process. It is just a shame the public—(Time expired)

Senator CARR (Victoria) (12.16 p.m.)—There are some other matters I do need to canvass on this. Senator McGauran’s comments were, as usual, of the imbecilic type. I have indicated before that he is a perfect example of the old adage about brains and a statue, and he keeps demonstrating that whenever he opens his mouth. I have been asked to raise some matters in regard to the response of the department to some of these concerns that have been pursued.

The latest example I have of this issue is a letter that was sent by the Parliamentary Secretary to the Minister for Education, Training and Youth Affairs, Ms Trish Worth, dated 22 November, to Mrs Julia Irwin, who raised some concerns in the House of Representatives about a particular provider college and the complaints she had received from one of her constituents. As a result, a letter was sent by DETYA to her asking for further and better particulars. In itself that is no particular issue, but this is a letter which is obviously from the same template as one that I received in October last year from the minister, with similar paragraphs and the like. Essentially, the concern that is being raised here is that the Commonwealth department of education appear to maintain a strong tendency to relapse on these matters. They go through a phase where they acknowledge how serious the problem is but occasionally relapse into a condition of denial. They raise justifications, if you like, with anyone who makes complaints, particularly members of parliament, and seek further details of any issue raised, in a manner which I think most members would see as a little unsettling.

I received a letter in similar terms from the minister last year, as I said. Basically I might describe it as a ‘put up or shut up’ letter. It has exactly the opposite effect on me, because it suggests that I am being asked to go back into the chamber and explain the detail of the allegations that are being raised, in a manner which I think affords a full public airing of these concerns. No sooner is a letter like this and the one in October received than it is usually followed up, if you are silly enough to reply to it, by an FOI request by the colleges that are named, the providers that are named, in these matters. The FOI request is then responded to by the government, and that subjects the member of parliament, I suggest, to judicial action.

We are not covered by parliamentary privilege in correspondence to the minister. Members should be aware of this, because that is exactly the situation that occurred in my case. When I responded to the minister, an FOI application was put in. In this particular instance, the circumstances concern Skywell College in Sydney, which has, as I have said before, a new college open in Melbourne, and the New South Wales Business College, an English college. Black Ace College was another. It is alleged that these places were effectively vehicles for the mobilisation of visa scams and that the scams involved Indian students who were working full time and were subcontracted out on a commission basis to work for various dubious employers. Other employers who may not be dubious are duped into employing people effectively illegally. I will deal with the particulars of that in the next bill. I wanted to raised this wider issue in this context because I think it is important that I voice my concerns, especially where ministers and parliamentary secretaries are signing off letters provided by the department without sufficient thought to the basis on which such correspondence is being sent and perhaps the consequences of correspondence being sent. If the member were silly enough to reply in terms detailing the allegations, that would then expose them to action in the
courts outside the provisions of parliamentary privilege.

It is important also to state my concern in regard to a recent strategic audit undertaken in Victoria under the Vocational Education and Training Act of a series of 20 providers providing services to international students. Not one was fully compliant. This information in the report to the Office of Post-compulsory Education and Training of 21 September, prepared by Rob Gullan and Andrea Bateman, highlighted the gross deficiencies of the system. We have a government now in Victoria that is actually serious about doing something about it. This is one year after it took office, and the report refers to the activities of 20 providers in Victoria in a period prior to when the government took office.

I raise the issue that, as it says in this report, there are endemic problems. I will quote directly:

The inaccuracy of qualifications and particularly statements of attainment across providers is endemic.

The issues relate to:

... inaccuracies of nomenclature, incorrect titles, non-existent in terms of curriculum modules and units, incorrect award structures ... In the latter case, qualifications were being awarded by providers where students have not successfully concluded all necessary modules as specified in curriculum documents.

There are serious problems with student welfare. There are very serious problems with regard to quality assurance. It says, for instance, in this report:

Where a quality assurance process does exist, it is often more focused on improvements in operational systems and customer service than on the educational assessment or the recognition of prior learning issues.

So there are quite serious issues yet to be addressed by states and this is why I am concerned to make sure the code is actually enforced and is enforceable. It is simply no good to maintain this fiction that it is a responsibility for the states and that if there are any problems it is because the states have to act alone. The Commonwealth has responsibilities in this regard as well.

What I am particularly concerned about are the reports on the CRICOS listing. It says here that the basis of the audited CRICOS listing and accuracy of the report are paramount. The CRICOS listing—that is, the Commonwealth Register of Institutions and Courses for Overseas Students—as we know is supposed to include information about the number of students, the course code, the course names, the fees and the duration of the course. The report says:

It would seem, however, that information on CRICOS listing is often inaccurate, at best inconsistent, and regularly appears to display differences of interpretation of criteria by people responsible for entering the data.

For example, it is not clear as to the meaning of the number of students specified on the CRICOS listing. That is a pretty fundamental issue, I would have thought, given the relationship between visas and the question of where students are actually studying. This is supposed to be the main registration body for the Commonwealth. It is a Commonwealth responsibility. It is clear that those interpretations are varied and lead to quite misleading information. It says, for instance:

Interpretations include the number of international students able to attend per shift, the number of international students able to enrol, the number of students domestic and international able to be enrolled ...

It says in respect of the course codes:

It is often difficult to determine which course is on the CRICOS listing or which curriculum document is applicable. The course name is often inconsistently abbreviated, truncated—— and so on. There are a range of abuses occurring within the existing arrangements of the Commonwealth registration lists which ought to be attended to in any process. This is not just a case of me making allegations. I would put to the Senate that the allegations I have made over the last 2½ years have been very widely supported, even though the department has not always had the capacity to prosecute. I do not think that there has been serious issue on the question of the accuracy of the issues that have been raised. Here we have an audit undertaken by a state government highlighting the concerns about the regime, which I am afraid is not really at-
tended to in this particular legislation. We are making an assumption in this legislation that the CRICOS listing is an accurate and effective means of providing a registration process. It is clearly an assumption that needs to be tested. So, Parliamentary Secretary, these are concerns that still need to be attended to. Administrative arrangements would require the Commonwealth to take responsibility.

Finally, on the issue of the franchising—that is, where institutions use CRICOS listing as a vehicle by which to attract students—it is critical that they be policed effectively and that the arrangements be enforced effectively, because the reputation of Australian institutions internationally is dependent upon the capacity to provide quality assurance in terms of the qualifications of graduates coming out of these colleges. If the situation that we have seen, for instance, at the Wesley Institute in Sydney, is any example—or the case of the ABTI and Ballarat University or a number of others I could go to—this suggests to me that in terms of the current arrangements, as far as the Commonwealth’s responsibilities are concerned, there is considerable work yet to be done by the department of education in these matters.

**Senator CROSSIN** (Northern Territory) (12.27 p.m.)—I might just use this opportunity to remind the parliamentary secretary of a number of questions I raised regarding the matter of the fund: the amount of contributions to be set in the annual fund and the contributions criteria, and whether those two elements will be included in the regulations and subject to a disallowable instrument.

**Senator PATTERSON** (Victoria—Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs and Parliamentary Secretary to the Minister for Foreign Affairs) (12.27 p.m.)—As I was saying when the clock interrupted me, it is just a shame sometimes that the public does not see this sort of debate—despite the fact that Senator Carr and I disagreed even within the debate—and this sort of reasonable cooperation to achieve an outcome. I will answer Senator Crossin’s question about the contributions. The contributions criteria will be determined by the contributions review panel, which will have an industry expert representative on the advice of the fund manager. It will not be disallowable and it will not be in the regulations; it will be developed on the basis of risk assessed, commercially assessed and actuarial predictions being taken into account. No, I do not know the answer to how that will then be controlled, but I presume the contributions review panel will set down the guidelines. The question Senator Crossin is really asking is: how is that going to be enforced or maintained? I will need some advice on that.

I will just go back to Senator Carr’s comments about the issue of the CRICOS registration. As he is aware, this is not an area of my responsibility, nor are the other issues that he has raised. I will draw Minister Kemp’s attention and Parliamentary Secretary Trish Worth’s attention to the comments he has made. I have to say, though, that we inherited a system that needed a lot of renovation. I was somewhat shocked that visas could be issued without our knowing how many we had issued for a particular college or provider. There are some problems with that. We are now setting up a system. It is quite difficult to get all the IT developed and in place, but we are working towards it. The department of immigration will know to which colleges or providers we have issued visas. In the past, when a student appeared and applied for a visa, with a confirmation of enrolment from a CRICOS registered college or provider they would get the visa. They could have been registered for 150 students and we might have given out hundreds of visas. We inherited that system. That was totally unacceptable. We are now working towards knowing how many are issued.

We have a problem with overlap, and this is one of the problems the states have in monitoring. I was talking to one of the monitors the other day at a function and they said that it is quite difficult. They may be registered for 200 students, but, as Senator Carr said, they have shifts: they have students who are coming and students who are just leaving. You cannot say, ‘You are registered for 200 students and we are only going
Senator Crossin referred to the assurance fund contribution. The bill says that the contributions review panel will determine the contributions criteria. The panel will have five industry members and five others, including people with expertise in financial services and fund management, and all the panel and fund managers will be bound by the purpose of the fund and the fund’s purpose is to protect the interests of overseas students. The criteria will be set to ensure that the funds are available to do this. But industry representatives will ensure that they will not be paying an increasingly higher level. So it really is not an industry monitored fund with this panel of 10.

Amendments agreed to.

Bill, as amended, agreed to.

MIGRATION LEGISLATION AMENDMENT (OVERSEAS STUDENTS) BILL 2000

The bill.

Senator PATTERSON (Victoria—Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs and Parliamentary Secretary to the Minister for Foreign Affairs) (12.34 p.m.)—by leave—I move government amendments (1), (2) and (3):

(1) Clause 2, page 1 (line 8), omit “This section and section 1”, substitute “This section, section 1 and Schedule 4”.

(2) Schedule 2, page 9 (after line 8), after item 1, insert:

1A  Subsection 116(1B)
Repeal the subsection.

(3) Page 33 (after line 29), at the end of the Bill, add:

Schedule 4—Satisfactory attendance and performance by students

Migration Act 1958

1  After paragraph 116(1)(f)
Insert:

(fa) in the case of a student visa:

   (i) its holder is not, or is likely not to be, a genuine student; or

   (ii) its holder has engaged, is engaging, or is likely to engage, while in Australia, in conduct (including omissions) not contemplated by the visa; or

2  After subsection 116(1)
Insert:

(1A) The regulations may prescribe matters to which the Minister may have regard in determining whether he or she is satisfied as mentioned in paragraph (1)(fa). Such regulations do not limit the matters to which the Minister may have regard for that purpose.

(1B) In paragraph (1)(fa):
student visa means a visa described in the regulations as a Student (Temporary) (Class TU) visa.

3  Application of amendments

The amendments made by items 1 and 2 apply in relation to all student visas, whether granted before or after the commencement of this item.
Special condition on certain student visas

(1) This item applies to the following visas (and only those visas):
   (a) all student visas that are in effect when this item commences;
   (b) all student visas that are granted after this item commences but before 1 July 2001.

(2) Condition 8202 of each visa to which this item applies is taken for all purposes to be as set out in subitem (3), instead of as set out in regulations made for the purposes of section 41 of the Migration Act 1958.

(3) The condition is that:
   (a) in the case of the holder of a Subclass 560 visa who is an AusAID or secondary school exchange student—the holder is enrolled in a full-time course of study; and
   (b) in any other case—the holder is enrolled in a registered course; and
   (c) in the case of a holder whose education provider keeps attendance records—the Minister is satisfied that the holder attends for at least 80% of the contact hours scheduled:
      (i) for a course that runs for less than a semester—for the course; or
      (ii) for a course that runs for at least a semester—for each term and semester of the course; and
   (d) in any case—the holder achieves an academic result that is certified by the education provider to be at least satisfactory:
      (i) for a course that runs for less than a semester—for the course; or
      (ii) for a course that runs for at least a semester—for each term or semester (whichever is shorter) of the course.

(4) In this item:
   student visa means a visa described in the Migration Regulations 1994 as a Student (Temporary) (Class TU) visa.

(5) Other expressions used in subitem (3) that are defined in the Migration Regulations 1994 have the same meaning as in those regulations, as in force from time to time.

(6) After this item commences, the Minister may cancel a visa under section 116 of the Migration Act 1958, on the ground that the Minister is satisfied that the condition set out in subitem (3) of this item has not been complied with, even if some or all of the non-compliance happened before this item commenced.

I also table a supplementary explanatory memorandum relating to the government amendments moved to this bill. The memorandum was circulated on 4 December 2000.

Senator CARR (Victoria) (12.35 p.m.)—The amendments the government has moved are ones that the Labor Party will be supporting. They are necessary, on the advice of the department, in response to the decision of the Federal Court in the recent case of Nong v. the Minister for Immigration and Multicultural Affairs of 6 November 2000. The issues go to the effect of this decision on the current arrangements in regard to an 80 per cent attendance requirement for students who are engaged in the education industry in the non-exempt provider category. On my reading of the advice tendered to us, if this position is carried forward you will see a fundamental pillar of the regulatory regime in regard to students visas being seriously undermined. The effect of the judgment, in terms of the advice tendered to me, is that an action cannot be taken until the end of a course if a student is in fact in breach, or alleged to be in breach, of the 80 per cent attendance requirement. Clearly, this would have very serious implications for those who wish to engage in fraudulent activity in regard to the education program.

The concern that we have expressed about this goes essentially to the current arrangements. It is our view that the 80 per cent attendance requirement ought to be enforced on a periodic basis—that is, over the duration of the course the student has undertaken—rather than at the end. The situation may well arise that if a bogus provider was able to enrol students for a three-year program and not have their attendance checked until the end of the three-year period, per-
sons could in fact be working illegally, undermining the wages and conditions of other workers in this country—a situation which we see all too commonly at the moment. Illegal workers are often placed in the most dangerous and vulnerable of circumstances and are not able to afford themselves the appropriate protection through trade union activity or to ensure that their wages and conditions are enforced at law, so they are obliged to take up the most menial of arrangements. We have seen this in the case of brothels, in the taxi industry, in security, in the restaurant trade and in the building industry.

My concern has been that the government actually does something about illegal workers in the sense that it looks at the persons who are organising these scams, at the employers who are engaging in these activities, and does not concentrate on removing the witnesses, if you like, to these crimes. As a result of issues that we pursued through the Senate estimates we had confirmation that Chubb Security, for instance, had 88 students working illegally on the city railway stations who were asked to leave. In the restaurant trade, in the hospitality industry and particularly in the building industry persons are used as low wage workers and are not able to defend themselves in those circumstances. In a college in Sydney with overseas students only six out of the 41 students were actually fulfilling their obligations under the visa. Six out of 41 were turning up to school. This program is about education, not about encouraging people to come here to work under the most appalling conditions.

Senator PATTERSON (Victoria—Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs and Parliamentary Secretary to the Minister for Foreign Affairs) (12.39 p.m.)—I thank the opposition for its indication that it will support the amendments. The explanatory memorandum outlines the intention of the amendments. Condition 8202, which we thought applied, was intended to enable the progressive assessment of a student’s attendance and academic performance to be assessed during their course. It was not intended that you had to wait until they had completed the whole course, which could be a three-year course.

The amendments to the bill will impose a new version of the condition 8202 on student visas. This version will allow a student’s compliance with condition 8202 to be assessed during their course. There are 138,000 student visa holders in Australia who have condition 8202 imposed on their visas. According to the Federal Court’s decision in Nong, it is not possible to take action against any of these 138,000 student visa holders who are not attending classes until the end of their course.

Finally, the amendments to the bill also introduce a new ground for the cancellation of a student visa under section 116 of the Migration Act 1958. This new power will permit the cancellation of a student visa where the holder is not, or is not likely to be, a genuine student or the holder has engaged in, or will engage in, conduct not contemplated by the visa. This will further promote the integrity of the overseas visa program, which all of us in this chamber are attempting to do. I commend the amendments to the chamber. More details are in the supplementary explanatory memorandum.

Senator BARTLETT (Queensland) (12.41 p.m.)—I realise that it would be desirable to get this bill completed before a quarter to 12, so I will just make this brief. As senators would know, on behalf of the Democrats I have responsibility for immigration issues which come into play in this legislation. In particular, we are talking about visa conditions. The primary carriage for the bills belongs to my colleague Senator Stott Despoja, who deals with education issues, and has done effectively for a long period of time, on behalf of the Democrats.

I just have one question of the parliamentary secretary in relation to the condition that she was just referring to. As I read it, subitem (3), under part 4, includes a condition that requires the holder of the visa to achieve
an academic result that is certified to be at least ‘satisfactory’ by the education provider for each semester. I want to ascertain whether, when you put that section together with subitem (6), it empowers the minister to cancel a visa simply if a student has a bad semester, or an unsatisfactory performance in that one semester. Does this now provide the minister with that power? Obviously, it is not automatic that he will do that, but does it give him that power solely on that basis? Is that correct?

Senator PATTERSON (Victoria—Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs and Parliamentary Secretary to the Minister for Foreign Affairs) (12.42 p.m.)—I stand to be corrected, but I believe it is if the provider indicates that the student has not satisfactorily completed the course. My advisers are nodding. You may have a bad semester, but if it is a cumulative thing over the whole year and you cannot redeem yourself, I presume they will say that you have not complied with the visa. The provider will advise the department if they have not complied.

Senator BARTLETT (Queensland) (12.42 p.m.)—Just to try to clarify a little more, the provision states that the visa holder has to achieve an academic result that is satisfactory for each term or semester of the course for any course that runs. So it is not whether or not they have completed the course satisfactorily—although that is certainly the case as well. But is it also the case that, even if they perform unsatisfactorily for one semester—and this is in terms of their academic result: this is not in terms of attendance—if they fail a few subjects, that will then empower the minister to cancel their visa?

Senator PATTERSON (Victoria—Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs and Parliamentary Secretary to the Minister for Foreign Affairs) (12.43 p.m.)—It is not an automatic cancellation of a visa. It is on the basis that the minister is satisfied that the student is a non-genuine student. Amendments agreed to.

Bill, as amended, agreed to.

Education Services for Overseas Students Bill 2000 and Migration Legislation Amendment (Overseas Students) Bill 2000 reported with amendments, and Education Services for Overseas Students (Assurance Fund Contributions) Bill 2000, Education Services for Overseas Students (Registration Charges) Amendment Bill 2000, Education Services for Overseas Students (Consequential and Transitional) Bill 2000 reported without amendment or requests; report adopted.
Third Reading

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

MATTERS OF PUBLIC INTEREST

The ACTING DEPUTY PRESIDENT (Senator Chapman)—Order! It being 12.45 p.m., I call on matters of public interest.

States: Commonwealth Funding

Senator EGGLESTON (Western Australia) (12.46 p.m.)—One hundred years ago, or thereabouts, the Australian colonies, as they were then, federated. In federating, the sovereign states ceded certain powers to the Commonwealth under five distinct headings and all other powers were to remain the prerogative of the states. This was in contrast to Canada where the Canadian Union was formed with the provinces having defined powers and all other powers remaining with the central government. As we approach the Centenary of Federation, I think it is interesting to consider the question of changes in sovereignty between the states themselves and in comparison with the rise in power and sovereignty of the federal government in our Australian federation. Within any federation there are tensions between the state and federal parliaments over the sovereignty and powers each possess. Bickering among levels of government over the intrusion of one level into a sphere that the other level regards as its own is very common in federations. One of the interesting dimensions to the recent American election has been the public display—as it is not often displayed—of differences in the sovereignty between the federal and the state governments. There we saw that the conduct of the elections, even in the federal sphere, is very much a role for the states.

In Australia, we have seen tensions between the state and federal governments—as occurs in all federations. Over the decades since Federation, we have witnessed a shift in the balance of power between the central government and the states, with an increase in the authority and power of the federal parliament at the expense of the states. The federal parliament has been seen in some quarters as intruding into areas which have generally been thought to be the primary responsibility of the states. There have been two main factors in this intrusion of Commonwealth power into state areas of responsibility: vertical fiscal imbalance and the interpretation of the Constitution by the High Court. The way in which the financial affairs of our federation have worked in recent years have been very much characterised by a high degree of vertical fiscal imbalance. This has occurred to a greater degree than in any other federation in the world. In fact, the states are responsible for around 45 per cent of total public expenditure, yet raise 20 per cent of the national taxation revenue; whereas the Commonwealth is responsible for around 50 per cent of public sector expenditure, but raises over 75 per cent of taxation revenues. This situation has arisen as a result of the states ceding power for taxation to the Commonwealth during the Second World War. Since then the Commonwealth—some say by playing off the large states against the smaller ones, and vice versa—has retained power over taxation and finance and, thus, increased its power and primacy within the federation.

It is interesting that in other countries the taxation powers of the federal government are fairly limited. For instance, citizens of the United States still pay quite substantial state taxes as well as local taxes for local government. The power over finance has given the Commonwealth a higher degree of leverage over the states than occurs, as I said, in almost any other federation in the world. Because of its power over finance, the Commonwealth has been able to wring concessions out of the states with the enticement of more money for given projects. Also, section 96 of the Constitution permits the Commonwealth to extend tied grants to the states, with specific terms and conditions in areas such as education and health where the Commonwealth has no specific powers. Vertical fiscal imbalance has helped the Commonwealth establish its dominance even in policy areas where it appeared to have no direct power, according to David Solomon in his work Coming of age: charter for a new Australia.

The Howard government’s guarantee that all the GST revenue under the new taxation
system will go to the states goes a long way to redressing the imbalance that has occurred over the years. It will give the states an independent revenue stream which they themselves can decide how to spend on projects within their own states. It will also reduce the dependence of the states and state premiers in pleading for money from the Commonwealth for various projects. That must be seen as a step which, as I said, does something to reduce the imbalance that has occurred between the Commonwealth and the states over financial matters.

One of the key institutions that has tended to grant more power to the Commonwealth at the expense of the states has been the High Court. Its judgments in general have had the effect of altering the balance of power between the central government and the states and have tended to increase the power of the Commonwealth at the expense of the states. Naturally, in some states, such as Western Australia, where I come from, there have been long discussions about the role of the High Court and the fact that the court has tended to favour the Commonwealth in its judgments. It is not uncommon in Western Australia to hear discussion of the need for reform of the High Court, perhaps limiting its powers in some respects and certainly considering a different method of appointing the judges so that there is a greater representation from the small states than has been the case so far in the history of the court.

In developing judgments which have tended to favour the Commonwealth, the High Court has used, certainly in recent years, the external affairs power of the Constitution as a means of extending the power of the Commonwealth. In this way, it has extended the interests of the Commonwealth into areas which the founding fathers of the Constitution a hundred years ago could not possibly have envisaged. The external affairs power can be used by the Commonwealth to give it 'power to legislate on matters which would otherwise be state responsibilities if this gives effect to international agreements', according to John Summers, in 'Federalism and Commonwealth-State Relations' in *Government Politics, Power and Policy in Australia*. In the famous Tasmanian dam case in 1983, the High Court interpreted the external affairs powers of the Commonwealth expansively. In a string of subsequent decisions, the High Court affirmed and re-affirmed an extremely wide interpretation of the external affairs power which enables the Commonwealth to pass laws implementing treaties regardless of their subject matter or whether they intrude deeply into traditional state jurisdiction. Also in the Tasmanian dam case, Justice Mason concluded:

... there are virtually no limits to the topics which may hereafter become the subject of international cooperation and international treaties or conventions.

In the same case, Justice Brennan said:

The position of the Commonwealth ... has waxed; and that of the states has waned.

The ALP, when it was in office for 13 years, facilitated this by entering into a raft of treaties at a rate between 30 and 50 per year, usually without any consultation with the states or the Commonwealth parliament. Those treaties provide a very fertile ground for the High Court to make judgments extending the power of the Commonwealth.

In the last year or so, the tendency of the federal parliament, through its own power, to seek to meddle in the affairs of the states has been exemplified by issues to do with native title and mandatory sentencing. Land and resource management is very much a primary responsibility of the states, yet we have found, under the amended native title legislation, that the state regimes that were provided for under section 43A of the Commonwealth Native Title Act have been subject to disallowance by the Senate. We have seen, in fact, that the WA and Northern Territory native title regimes have been disallowed and that the Queensland regime of native title legislation has been significantly amended by the Senate, again reducing the sovereignty of the states in terms of their own right to manage matters to do with land in their own jurisdictions.

Mandatory sentencing, which was an issue earlier this year, is another example where members of the federal parliament expressed a strong desire to interfere in what were seen to be areas of state responsibility in terms of management of criminal law matters. The
fact that the proposed laws providing for interference in the state jurisdictions in criminal law were not passed by the federal government does not take away from the fact that the federal parliament sought to interfere within the state criminal law jurisdiction. It underlines the fact that there is now a different view of the importance of and respect for the sovereignty of the states in those areas which, a hundred years ago, it was agreed should be the responsibility of the states alone, with the Commonwealth being confined to the matters of interest that were listed in the Constitution.

There is a different attitude, and I think it is fair to say in general terms that there has been a view that the sovereignty of the states is far less important than it was a hundred years ago. We have to ask ourselves whether that is really a good thing and whether it is in the interests of the good government of Australia. One would have to say that, certainly in Western Australia, there is a view that the states do have a very important and ongoing role to play in our federation and that there are very legitimate reasons for the respect of state sovereignty in the areas which, under the Constitution of a hundred years ago, it was agreed should be the areas of jurisdiction of the states.

For one thing, it is useful to have the opportunity for different states to take innovative approaches to problems which might be common throughout Australia. It can be argued very strongly that the capacity for flexibility and innovation given by the retention of power in various areas by the states is very important and very useful to the Australian people. It can also be argued that state governments are closer to the people whom they govern and that state governments thereby can make laws more appropriate to the individual needs of the individual states. That, too, is a very powerful argument. But there is a more powerful argument in terms of respecting the sovereignty of the states, and that is that the states act as regional watchdogs for the interests of their jurisdictions. It is often forgotten how big and vast a country Australia is and how different the regions of this country are. Were there not state governments with power and sovereignty, it would be very much the case that the Commonwealth would override the interests of the more remote areas of Australia and govern very largely for the areas where the people are located according to the number of federal voters in various electorates; states like Western Australia, South Australia and Queensland would be disadvantaged if the regional governments—that is, the state governments—were not preserved in the coming years.

AIDS Awareness and Prevention

Senator GIBBS (Queensland) (1.01 p.m.)—I wish to address the Senate on the efforts of the Queensland AIDS Council in holding the World AIDS Day Fair at the Pier Market Place in Cairns last Friday, 1 December. The World AIDS Day Fair, which I had the pleasure and great honour of opening, is a very important event. It seeks to raise greater awareness of HIV-AIDS in our community with regard to prevention and greater community acceptance of those who suffer from this disease. Whilst the event was an important part of increasing AIDS awareness in the community, fun and entertainment were key elements in delivering this message as well. This allowed the community to engage in all the fun and excitement of the day while still allowing the World AIDS Day Fair organisers to get their message across. I was certainly only too happy to assist to that end.

Most of the business community participated in the event. I was assigned to Ricci’s shoe shop, where I actually managed to sell a couple of pairs of shoes as part of the fund-raising efforts. I was also happy to help sell red ribbons marking World AIDS Day. A number of other guests gave up their time to help make the day a great success. This included Con the Fruiterer and the beautiful Marika, who met visitors to the fair and offered his own unique version of standup comedy that we all know and love. Other guests included Triple J’s Vanessa Wagner, Millie Minogue, the third Minogue sister, the Todd and Bridge Breaky Crew and Di Queen, who was Con’s fruit girl for the day and did an excellent job.
Senator Vanstone—But what about Voula, Soola, Doula, Houla—and Agape? Were they there?

Senator GIBBS—Senator. Di had the most magnificent basket of fruit on her head. I do not know how her neck was at the end of the day. I think she may have needed a chiropractor. She did an excellent job. We had a lot of fun on the day. It was such a good cause that we were happy to give our time. I am only a politician—I am not really an entertainer—but the other people were absolutely magnificent. I must admit that I am a great fan of Con the Fruiterer. It was such an important cause.

The World AIDS Day Fair, which I opened in Cairns, is part of a greater message promoted during World AIDS Day. The theme of this year’s World AIDS Day was ‘men make a difference’. A book reflecting this theme has been published to coincide with last Friday’s World AIDS Day. AIDS affects everyone, of course. As my colleague Senator Denman acknowledged in this place last Friday, the adoption of this particular theme is not a statement of gender disempowerment on behalf of women. In fact, the theme of ‘men make a difference’ recognises that in many cultures around the globe, the power relationships inherent in relationships dictate that men must take more responsibility for their behaviour, particularly if they engage in extramarital sex.

I would also like to emphasise that the theme of this year’s World AIDS Day is not directed specifically towards homosexual males for that matter either. AIDS awareness is not confined within certain national borders or segments of particular communities, socioeconomic or otherwise. It is incumbent upon all of us to do what we can. That being so, on this occasion, the AIDS Council has simply sought to highlight the dominant role men play in sexual relationships and, in turn, the effort they can and should make to make a difference. That is what it is really all about.

AIDS presents a huge cost to the community, not just in economic terms. The impact of AIDS on the family unit and within the community as a whole is of serious concern. That is why the efforts of those who work tirelessly to both create awareness and acceptance of AIDS as well as its prevention are so important. In discussing the importance of prevention, it should be recognised that Australia has enjoyed an exemplary record in the fight against the spread of AIDS. The response of public health authorities during Labor’s term in government has been hailed as one of the best in the world. That was reported in the Sunday Age on 2 July 2000. Education campaigns, safe sex messages and needle exchanges have seen the number of HIV diagnoses fall in this country from a peak of 1,276 cases in 1990 to 663 in 1998. The implementation of this campaign has meant that predictions that nationally 65,000 Australians would have contracted HIV by the mid-1990s were not borne out. Perhaps as a result of this success, there seems to be a new era of complacency in AIDS awareness and prevention by government. It has been recently reported that some young men are suffering from safe sex fatigue and that the rate of HIV diagnoses has been increasing in recent times. This should serve as a timely reminder to government that the fight against AIDS is not over yet; in fact, far from it. Complacency through reduced awareness and a reduction in funding for prevention programs could be disastrous.

Given this, it is disturbing, to say the least, that in more recent times the Commonwealth government has removed key conditions of HIV-AIDS funding that were previously in place.

Whereas the Commonwealth once dictated in providing funding that half the money be spent on HIV prevention education programs and, secondly, that the states match Commonwealth funding on a dollar-for-dollar basis, the government no longer has these conditions in place. As recognised in the federal government’s own national HIV/AIDS strategy of 1999, the toll on the community as a result of AIDS has been far from minimal. On the government’s own figures, approximately 5,700 Australians have died and a further 16,700 are living with chronic HIV infection. Those rates are far too high.

In monetary terms it has been estimated that the cost of treatment and care of HIV infection is in excess of $130 million, not to
mention the social cost. Yet despite this, the accountability requirements for the spending of Commonwealth allocated HIV-AIDS funding have been reduced to alarmingly loose levels by the Commonwealth government. The government cannot afford to shy away from its commitment towards promoting AIDS awareness and methods of prevention. This includes prevention education campaigns and assistance given to those such as the AIDS Council. Indeed, as Tony Keenan of the Victorian Ministerial Advisory Committee on Gay and Lesbian Health indicated in the Age on 16 October 2000:

... complacency and neglect were always going to be the greatest threats to HIV prevention ... I for one will not accept another AIDS death simply because we did nothing.

Moreover, whilst the continued awareness and prevention of HIV-AIDS are of importance at the national level, it would be remiss of us to ignore our international obligations in the war against AIDS. It is an absolute travesty that, where countries cannot afford public education campaigns or where governments have disallowed the broadcast of safe sex messages, HIV-AIDS has continued to rise dramatically. From a global perspective the statistics paint a frightening picture of the state of affairs. By the end of 1998 there were 33.4 million people living with HIV-AIDS, representing a 10 per cent increase on the figure for 1997. In 1998, 5.8 million new infections were reported, translating to 16,000 new infections a day or 11 every minute. In the same year 2.5 million people died from HIV-AIDS related illnesses. Even more disturbing, however, are reports that at least 2.7 million people aged between 15 and 21 became infected with the virus, as well as over four million infants and children under the age of 15 years, according to the World Health Organisation in 1998.

The United Nations has suggested that the world has never before experienced death rates of this magnitude amongst young adults of both sexes across all social strata. Statistical data from many Asian countries is becoming of increasing concern, but the pandemic in Africa continues to demonstrate the devastating effect of what AIDS can do if left unchecked. In countries such as South Africa and Zimbabwe, for example, where at least 20 per cent of adults are HIV infected, AIDS will kill about half of those who are currently 15 years old.

In concluding, I would like to reiterate the importance of maintaining a commitment to promoting HIV-AIDS awareness in the community and continuing to fight against its spread. This will involve continued support to the scientific community in funding important research programs into developing AIDS vaccines and ultimately a cure. Indeed Australia boasts many talented and hardworking scientists who are striving to make progress in this field. In addition to research funding, however, the importance of prevention is paramount and the government must improve and maintain its support in the implementation of prevention education programs. The AIDS epidemic may have been limited in the extent of its impact in the community, but its impact has still been substantial. I applaud the efforts of those who seek to turn around this epidemic and make a difference. I, along with my colleagues, will continue to support the efforts of the Queensland AIDS Council and the World AIDS Day Fair to that end, as every bit helps—we can all make a difference.

Australian Broadcasting Corporation: 24-hour Stop-work Meeting

Senator WOODLEY (Queensland) (1.14 p.m.)—I rise to speak today on a matter of great public interest, and that is the 24 hour stop-work meeting by ABC staff which is being held today. Indeed I am not sure if the debate today is being broadcast, as it would be if the staff of the ABC were not forced to hold a stop-work meeting to discuss the mutilation and vandalism of the ABC that is going on at the moment. I would like to have listened to the news bulletins over the last 24 hours because the ABC gives an excellent round-up of parliamentary news, but I could not because of the disruption that is being caused by the slash and burn regime operating at the present time.

I want to personally send a message of support to ABC staff whom I know personally, particularly in the press gallery and interstate bureaus, and also to the ABC stopwork meeting being held today. I share the
concern of all ABC staff who are worried about the direction the ABC is taking. I know how hard ABC staff work and they do not deserve this treatment. I am angry about the removal of Media Watch presenter Paul Barry; I am concerned about the axing of the science unit, and I am worried about rumours that other specialists and overseas programs and bureaus are for the axe. I especially want to mention the various programs produced by the religion bureau, as I know many of the staff and have been involved over many years as a participant in a number of their productions. I want to send a message to those who are causing the disruption, damage and, yes, vandalism of the national broadcaster. It is a serious matter to attack an Australian icon such as the ABC, and I believe that there will be a backlash to this attack. Perhaps we ought to remember the words of the famous Gloria Gaynor song I Will Survive.

Senator Payne interjecting—

Senator WOODLEY—If you heard my singing, Senator, you would not even ask!

Centenary of Federation

Senator PAYNE (New South Wales) (1.17 p.m.)—I am sure, Senator Woodley, that the chamber would be most entertained by a contribution from you on that basis.

I spoke during the adjournment debate last week about aspects of the celebration of the Centenary of Federation, basically as to context—where Federation really fits in our history and particularly reflecting on the indigenous traditions of this ancient land. My Liberal colleague from Western Australia Senator Eggleston has also spoken on the subject of Federation today but I think in slightly different terms from that which I am planning to pursue.

In relation to Federation and the system that was established at the time, as is typical with a new system in its infancy there were a few glitches to be worked through at the commencement of our newly federated Australia. After all of the politicking that was used to form the nation, it is not entirely surprising that there was not a smooth passage for the taking up of office of the first Prime Minister. For example, in late December 1900 one of the first tasks of the newly appointed Governor-General, Lord Hopetoun, who was the seventh Earl of Hopetoun and Lord-in-waiting to Queen Victoria, was to appoint the first Commonwealth ministry. It would appear that he may have been poorly advised and offered the then New South Wales Premier, Sir William Lyne, an opponent of Federation, the commission to form government. However, this decision turned out to be a particularly unpopular one. After much correspondence, predominantly on the part of Alfred Deakin, Edmund Barton became Australia’s first Prime Minister and Lyne was appointed Minister for Home Affairs.

I think it is important to note that, even before the first Prime Minister took office, Australians were ‘doing things our way’—we were not going to be dictated to by people beyond our shores. Lyne, who was, as I said, an adamant supporter of the no vote for Federation and who appeared never to have been too far from controversy, found himself in another fracas preceding Federation. So in some ways elements of Australia’s larrikin psyche were beginning to emerge in a way that differentiated us from the rest of the world.

The political commentary of the time displayed the robust and often personal perspective with which I suspect we are all too well accustomed these days. In the public debates many people came to realise that Federation would bring cheaper prices for various goods and services as a result of Australian intrastate free trade. So the price of goods and services was as much an issue then as it is now. One of the speakers at a league meeting was quoted as saying:

Gentlemen—

and they were—

if you vote for the Bill you will found a great and glorious nation under the bright Southern Cross, and meat will be cheaper; and you will live to see the Australian race dominate the Southern seas, and you’ll have a market for both potatoes and apples; and your sons shall reap the grand heritage of nationhood; and if Sir William Lyne does not come back to power in Sydney he can do you one pennyworth of harm.
Of course that leaves one wondering what the daughters were going to reap.

At the turn of the century, Australia had a population of 3.8 million and the income per head was amongst the highest in the world. So this world-envied level resulted in us enjoying a high standard of living and of course the reputation of Australia’s economy ‘riding on the sheep’s back’. But it was not long until tough decisions had to be made and troubles in Europe brought us into World War I. This was another defining step in our post-Federation development. Our forces may well have been commanded by the English but there were a couple of issues on which we were simply not prepared to be dictated to. Australian soldiers had developed somewhat of a larrikin reputation during the Boer War. By World War I the Australian government had instituted a policy that enabled the execution of Australian troops to be performed only under the express permission of the Australian Governor-General and not the English command, as had been the case in the Boer War—a scene that will be familiar to many of us from film in particular.

The second issue on which the Australian government stood firm was that no Australian units would be broken up and sent to serve with foreign units. After all it was important that Australian mateship and camaraderie be maintained and nurtured at all costs. It was Andrew Fisher, who was Prime Minister between 1908 and 1915, who pledged that:

Australia will stand beside our own to help and defend her to our last man and our last shilling.

It was precisely that sort of mateship that set us apart from the rest of the world—in many ways it is the way in which the Anzac legend was born and thrives to this day. To many Australians, Anzac Day is the essence of being Australian—the reliance of mates in times of trouble, the ability to sit down over a few, or a lot, of drinks and have a good yarn and then to be able to slap your friend on the back and call them a ‘bastard’ for telling such horrendous stories is Australian. I well recall the reminiscences of my father, a World War II veteran, and how he met the very best friend of his life on Anzac Day in the Earlwood hotel in 1946.

One of the next milestones in Australia’s development came in the form of the Great Depression. Whilst we fared poorly during the Depression, there were not any scenes of people wheeling barrows full of money from the bank due to hyperinflation. But our performance throughout this time was of sufficient concern to warrant a visit from the governor of the Bank of England and a subsequent inquiry into the banking system—probably the predecessor to the Wallis report, in many ways. We might have begun to break the military shackles, but we still had a while to go before we were financially autonomous.

The advent of World War II brought even greater challenges to Australia, including real threats of invasion. For the first time in the modern history of the country, Australian soil was being attacked. Australian troops, in conjunction with the Americans, were fighting throughout Asia and the Pacific and, in keeping with our military reputation, served their country with great honour. Still to this day there are jokes about the fact that the best our enemies could do to us on our own soil was to sink a Manly ferry. That is a wonderful representation of the irreverent ability that we Australians have to laugh at ourselves and it is precisely the ability that enables us to forge on under great hardship. The reputation of the Aussie battler is well deserved.

Of course during World War II Australian women were actively encouraged to join the work force to help the war effort. Needless to say, many women took up this opportunity with alacrity, participating enthusiastically in the work force. This point in time really saw the turning point of serious female participation in the work force.

Even when joined in combat with the Allied forces, for example, the Australian Rats of Tobruk had earned a formidable reputation. Whilst the British government and military authorities considered Australian troops to be part of the British force, the Australian general Sir Thomas Blamey pointed out that:
... his command formed part of a sovereign State, and that the requests of his government and its senior commanders in the field were to be accorded the respect due to them.

Needless to say, the British complied.

It was post-World War II that saw in the era of net migration and nation building—things like the birth of the Snowy Mountains Scheme and also the birth of the legends that surrounded the construction of that particularly impressive piece of infrastructure. Towns in my own state of New South Wales like Cooma and Tumut were transformed from agricultural support towns to vital business centres. But nation building and the development of a national psyche will not always involve major infrastructure projects. It is also about the gathering of various aspects of everyday life. After all—and we have seen this reported in recent days in the media in Australia—where would Australia and indeed the world be without the Hills hoist, which I understand is now facing endangerment, and that is of great concern? But even in the scientific world, Australia's pioneering efforts by people like Sir Frank Macfarlane Burnett and Howard Florey put us firmly on the scientific and medical world map, a position we continue to consolidate to this very day.

In terms of our post-Federation changes of character, I want to keep going through the nation's timeline, if you like, and look at another aspect of the post-World War II era in Australia. For the first time in our history, there was a substantial influx of non-Anglo-Saxon migrants, which essentially now represents the roots of our modern and diverse society. Many thousands of Greeks, Italians and eastern Europeans unwittingly became the catalysts of the formation of our modern society in the 1950s. They were later joined by thousands of Asian and Middle Eastern immigrants in the 1970s, 1980s and 1990s to form a society that fortunately I and many others regard as tolerant and harmonious, and one that is envied the world over. In fact, participating in a society like that is one of the bonuses of this particular role that we carry out as senators of the Commonwealth, particularly, for example, when I look around Greater Western Sydney.

I remember very early in my period as a senator going to St Felix's Primary School in Bankstown and being told by the principal of the school that, although there were 600 children sitting on the floor in front of me, they represented about 48 different national backgrounds. That is very much the diversity of Western Sydney and in my view the crucible of the future of Australia.

As Australians, through good fortune and perhaps our maturity, we have not been subjected to the sort of class or ethnic wars or troubles within our society that so many of our international brethren have. The vast majority of Australians really acknowledge that this is not part of our nation's psyche. The abolition of the White Australia Policy, by a Liberal government, crystallised the solid foundation of our multicultural nation. As I said, that diversity manifests itself in schoolyards, communities and streets all over this country—in culinary terms, in the street, in dress and in worship.

The developments from the time of Federation are also further reflected in the gradual reduction of our reliance on England as a trading partner, placing Australia in a solid economic position for the future. We spread our trade amongst numerous countries, not just a handful. We can weather the economic storms as witnessed in the recent Asian economic crisis. This is a pragmatic and rational approach to international trade that sees us flourish and prosper while many of our trading partners in the region have travelled a rockier path. The fact that market forces and not armed forces keep our wheels of industry turning is testimony to our ability to trade on an even playing field. We have the world's most efficient farmers and miners.

Since Federation Australia has matured as a nation but also as a people. We have managed to maintain our distinctive, irreverent and, these days, world-renowned sense of humour. Yet at the same time we have been leaders in so many fields. Our achievement in the arts, for example—whether we talk about world-renowned cinematographers like Dean Semler or directors such as Patricia Lovell and Bruce Beresford; our technical work and what we do in front of the camera—from the days of Peter Finch to Nicole
Kidman, demonstrates what a vital role Australia has played on the world stage. That is not to mention other areas of endeavour like medicine, technology, defence and so on.

Whilst as a nation we have come a long way, we still have many challenges ahead of us. Australia is now walking in a considered fashion down the road to reconciliation and, with time, I am sure we will achieve that aim. There are very important roles for young Australians, both Aboriginal and non-Aboriginal, to perhaps draw the nation forward on this issue.

On another matter, the 1998 Constitutional Convention brought together opposing sides of the constitutional debate to adopt a more mature approach to the issue of constitutional change—an issue that clearly is not finished. The years to come will see further debate on this topic and that will probably lead to another referendum. As long as the participants in the debate are mature and focused in their approach, the outcome will be beneficial for us as a nation. Personally I do not want to see revisited the ‘don’t trust politicians’ approach. I do not believe it benefited anyone. I remain and regularly describe myself as ‘an optimistic republican’—a glass half full rather than half empty sort of republican.

In another area, in the sporting realm, we amaze our opponents and sometimes ourselves time and time again, in cricket, in rugby union, in rowing and in tennis, to name a few. I think it was John F. Kennedy who remarked in the early 1960s what an extraordinary number of amazing sports men and women Australia turned out for a nation with such a relatively small population. He was absolutely struck by our capacity to compete and to win. We are one of a few countries to have hosted the Olympic Games and one of few still who have hosted them twice. Naturally, being a senator who represents New South Wales and based in Greater Western Sydney, I think the Sydney Olympics was by far the best, but my Victorian colleagues may seek to debate the point.

I think it is a mark of the nation’s development, the changes wrought over the decades and our maturity that many of the celebrations that will take place at the Centenary will involve those members of our modern and multicultural Australia. The images of the events of Federation dominated by Victorian pictures and Victorian scenarios will remain as part of the past. For example, I just recently attended a celebration of the Vietnamese community’s 25 years in Australia at the Casula Powerhouse of the Arts, marking their interest in the Centenary of Federation and the contribution that they could make. The path to the future involves all members of the community and so, next year, we are going to see and experience Chinese dragons, Zen Buddhist tea ceremonies, Zen meditation demonstrations, pipe bands, operas, a woven tapestry which will promote reconciliation and multiculturalism, the Yeperenye Dreaming Festival, which is a recognition of the first Australians and a welcome to all Australians, the Te Aka Matua and the Chinese Chao Feng orchestras, to name just a few of the events.

The path ahead, I think, is well lit. We have set in place solid ties that bind every one of us, and our mature and determined approach to most aspects of life is the envy of the world. I said in my earlier comments last week that our celebration must be about the past, the present and the future, taking all that is good from the past and the present, acknowledging and regretting the errors of the past, but, most importantly, having our diverse, dynamic nation looking optimistically towards its unbounded future.

Roads to Recovery Program

Senator BOSWELL (Queensland—Leader of the National Party of Australia in the Senate and Parliamentary Secretary to the Minister for Transport and Regional Services) (1.31 p.m.)—It is the third last day before the parliament gets up. The program is very heavy and, to assist the management of government business and the whips, I have agreed to make my remarks on Roads to Recovery at this particular time rather than burn up the clock when the time is needed for very important legislation that must get through before the end of this week. I know that we all want to go home and look after the things that we have to do in the electorate.
The Roads to Recovery program is the largest infrastructure investment program undertaken by a Commonwealth agency. Today we are looking at an investment of around $1.6 billion and that is on top of the government's contribution of $688 million for national highways, $141 million for roads of national importance or, as they are colloquially called, RONIs, and $40 million for that very popular black spot program that takes into consideration the worst accident areas on non-Commonwealth government roads. It is a great investment where you can put a set of lights in, put line markings on the road or do something that is relatively cheap that will alleviate accidental deaths and accidents. Our traditional $406 million to local government for their local government roads is a very popular program. On top of all those things, we are putting in $1.6 billion for local and arterial link roads in the outer metropolitan areas over the next four years.

I want to confine my remarks to the roads that are going out into rural and regional Australia. We have many roads that local governments are responsible for and those roads, it is well known, have been the subject of many discussions. Some of those roads have been recognised as being in appalling condition. Local government has not had the funds to maintain those roads other than run a grader over them every now and again. The opportunity in this package allows us to pick up some of the local roads that are in desperate need of repair. By chance, there is a federal local government conference on down here. We have had a process of local government people through our offices and we had breakfast with them this morning, and I can say that this package is universally applauded by everyone in rural and regional Australia and in every other part of Australia.

The Labor Party are so negative and can never praise any actions that this government takes. They demean this package and say that it is a boondoggle, it is not necessary, it is pork-barrelling, or you can smell pork frying. I want to give the Labor Party a few words of advice. I believe that to have a good government you must have a good opposition to keep the government on its toes, and I think the Labor Party are failing miserably because they have not got a direction. They are failing because they are against everything, even a $1.6 billion package. They are failing because they are against everything that this government does but then proceed to say that it is part of the policy. Out in the rural electorates there is confusion—no-one knows what the Labor Party stand for anymore. They understand that the Labor Party are against GST but are going to vote for it. They are against this package but I presume they will vote for it. They are against many things but in the end they vote for them—as with education. So they seem to be running a very negative line but then do not have any original ideas of their own.

This policy started off in a Moree conference that John Anderson called two or three years ago. It was not just a thing that was done on the spot. At that Moree conference on local government local roads became the issue of most importance. All levels of the conference brought local roads to the attention of John Anderson and they wanted boosting for local government roads. So that was the genesis of this program. It was not a matter of saying, 'There is an election coming up. Let us see if we can put some money out there.' This started two or three years ago. Then the regional summit held in October last year re-emphasised the critical importance to regional communities of their road links to the outside world both for social and economic purposes. Now we see the government delivering on this local government road program. It is one part of a series of packages that have been delivered to rural and regional Australia.

Some people complain about the excise on fuel. They believe that you can decouple the excise on fuel on 1 February and hold the 1½c a litre expected rise—it would cost the government $600 million. The price of petrol goes up and down and ranges around 10c a litre—a little more out in rural Australia—but when the price of fuel does go down the 1½c will not be recognised.

What will be recognised out there are the millions and millions of dollars for roads that are going into these various shire councils: Boonah, $970,000; Aramac, $1.258 million;
Fitzroy, which would be a Labor council, $1.709 million; Jericho, Livingstone—all those councils are getting this massive boost. That does not only provide roads, as Senator Ludwig would well know, because I do see Senator Ludwig out in the rural areas from time to time. He is always welcomed out there. No-one would vote Labor out there but they do like to see him out there.

Senator Ludwig—Some of them do.

Senator BOSWELL—Of course some of them do—the odd 10 or 12 per cent. Nevertheless, Senator Ludwig is always very welcome in rural Australia and rural Queensland. He has been on an exercise with me to Yuleba, Roma and other places. It is very good to see him out there taking an interest. Senator Ludwig would know, because he is a product of rural Australia, that this money does not only provide roads out there; this money provides jobs and opportunities. Many small towns are underpinned by the shire councils. If there is money for roads, there is money to have people working on the roads and there is money for the towns. The children go to the school, they keep the school open and they keep more teachers in the school.

I have one shire council in mind—Boulia. It is only a tiny town of about 400 people—200 white people, 200 black people—and it relies totally on road funding for the massive road infrastructure that they look after. I spoke to the mayor of Boulia only yesterday. They are absolutely delighted with this package. They see that, apart from the roads, it will give a huge boost to job creation in that town. They have about 70 or 80 people, depending on the time of the year, working in local councils out there. They are absolutely delighted that they will be able to maintain their work force and their road system and bring prosperity into the town.

The Labor Party’s response was par for the course: negative. The Labor Party as part of their policy also wanted to remove the black spot road funding—another $40 million from roads. I would hope when this debate comes on that Senator Ludwig and the other people who represent the Labor Party will get up and applaud this program for what it is: a great boost for rural roads that was needed so badly and a great boost to employment in rural Australia. If we have a healthy local government in rural Australia we will stop the drift away from and the closure of many of our small towns. I know that both sides of politics do not want to see the whole of Australia sucked out in the middle, leaving it empty like a doughnut, with everyone living on the coastal areas of Australia.

I must say that, apart from this $1.6 billion package that was delivered today, there has been a 24c a litre tax cut in the price of diesel. If the Labor Party had had its way, fuel would have been dearer by 10c a litre at the moment. It is all right to get out and cry crocodile tears and say, ‘We will cut the excise by 1½c a litre.’ You voted against a 24c a litre cut. You voted against a 6.7c a litre cut for fuel that would be used on business. You have absolutely lost any credibility out there. I want that to be put on the record.

We have also delivered a $560 million regional health package, $111 million to ensure farm families have access to family support, $120 million to strengthen family community support programs, $83 million for the sugar package, and $10 million for a trawling package. This government has delivered for rural Australia time and time again. I think it has been probably the most generous government to rural Australia in the history of Australian governments. It has always been there to offer a helping hand when various industries, whether it be the dairy industry, sugar industry or pig industry, got into trouble. This Liberal-National Party government has always been there to put out the hand of help and say to them, ‘Righto, we will give you a leg-up; the tough times are here.’ Even yesterday, a huge package went out for the people that were affected by floods.

I do not know where Country Labor are on these things. We have a nom de plume of ‘Country Labor’. It was a great idea at the time, but actions speak louder than words. Country Labor are there in name. They are certainly not there in any way supporting rural and regional Australia. This government has delivered many packages. This $1.6 billion is another example of how good
this coalition is to rural Australia. *(Time expired)*

**Environment: Queensland**

Englart, Mr Vince

Senator BARTLETT (Queensland) (1.37 p.m.)—I would like to address a few different subjects briefly in the time available to me this afternoon. They are mostly to do with the environment in my home state of Queensland. Firstly, I think it is important to draw attention to a very important conference that was held a few weeks back. Whilst I saw some coverage of it in the press, it really did not get the attention that it deserved. This was a meeting of coral reef experts from around the world in Bali a few weeks ago.

The Great Barrier Reef Marine Park Authority played a central role in that, as they should as a leading management agency of the world’s largest reef marine ecosystem. They were able to outline and explore a number of important issues there, including some of the planned changes to move from prescriptive tourism permits to a more self-regulatory system. This move, which the Democrats will certainly watch with interest, will protect the biodiversity of the region through the representative areas program, a program which has the potential to be very valuable. Like all programs, the test will be in how it is put together, but certainly the intent of it is something that needs to be supported.

There are also issues such as enforcement of regulations introduced to protect the Great Barrier Reef ecosystem, which is the crucial issue not just for Queensland but for the federal parliament, the authority and the government. There are also issues such as planning and environmental impact management and use of impact monitoring programs to minimise environmental risk during major developments. It is pleasing to see the Great Barrier Reef Marine Park Authority playing a leadership role in that area. Whilst I have been critical of the authority in the past—and I am sure I will be in the future—I think their expertise and the importance of their role does need to be recognised wherever possible. It is best to try and work with them rather than against them.

The protection of the reef is something that certainly the Democrats, and I believe most people in Queensland, believe is a crucial issue. The great concern that came out of that Bali conference was the uncertain future of reefs around the world. In many ways Queensland’s Great Barrier Reef, whilst having some problems and areas where it is under threat, is still performing better than many other reefs and ecosystems around the world, which are basically in serious decline and danger in many circumstances. There is a big threat to the reef not just from global warming and coral bleaching, which have been raised many times in this chamber in recent weeks, but in terms of the impact particularly of land based pollutants. At that conference the Great Barrier Reef Marine Park Authority themselves presented a paper which outlined some of the significant effects and potential threats that are now evident on inshore reefs, seagrasses and marine animals.

As an example, studies show that levels of chlorophyll A, which serves as a warning of nutrient overload, are up to three times higher in coastal waters near land with high human use compared with pristine catchments. Inshore reefs are subject to concentration of nitrogen and phosphorus up to 100 times greater than normal during flood peaks—levels that are known to damage coral ecosystems. Pollution loads are predicted to continue to increase and it is unlikely that current management regimes will prevent this. It is important to note that the authority itself said that the Great Barrier Reef Marine Park Act does not provide effective jurisdiction of the catchment. That is a serious issue and we need to look further at land based activities, whether they are coastal developments, agriculture such as cane farming or land clearing for cattle. Nobody is saying, ‘Close down the cane farms,’ or anything like that. But we do need to be aware that there clearly is an impact. It is not a matter of having a conflict over that; it is a matter of recognising it and changing our management regime so that the impact is reduced and, ideally, eliminated. The health.
of the reef is in the interests of all Queen-
slanders, and the economic benefits that flow
from the reef also need to be acknowledged.

Another issue in Queensland that I wish to
touch on briefly relates to what is unfortu-
nately still a widespread practice of killing
bats that are a threat to orchards. As Queen-
sland is quite rightly renowned for its magi-
cal and marvellous tropical fruits, such as
mangoes, pawpaws, bananas and lychees,
this is an issue that people, such as me, who
consume such fruits need to be aware of.
Obviously when we consume we are part of
the production process. One of the aspects of
the production process which concerns the
Democrats is the widespread practice of
killing bats. I will give one example that has
come from conservationists in North Queen-
sland: for three nights in a row, 300 to 500
dead bats, electrified and found hanging
from wiring or on the ground, were deliber-
ately killed each night. This was reported to
National Parks. It was discovered that the
orchardist did not actually have a permit to
kill the bats. National Parks
's response was to
go out and issue the orchardist with a permit,
which is a concern. The original application
had actually been to kill 5,000, but National
Parks reduced that to 500—which is some-
thing, I guess.

We need to look at alternatives. A little
while ago I spoke with Les Hall, from the
University of Queensland, who is an expert
on bats. He has concerns about the flying
fox—some of these species are threatened
and endangered, I should emphasise—and
about the threat that inappropriate manage-
ment by orchardists places on these bats.
There are alternatives, particularly netting. I
recognise there are costs involved, there is a
bit of updating and maintenance, but there
are also costs involved in slaughtering bats.
Studies show that in the long run—indeed,
within a couple of years—the costs of netting
are far less than ongoing slaughter, year after
year, so it is economical as well as saving the
environment and species. It is an area where
we need to look at changing management
practices. That is a message to National
Parks as well.

Finally, I would like to take the opportu-
nity to acknowledge and note the passing of
a great Australian and a great social activist,
Vince Englart. He was probably not known
to a lot of people but was a member of the
Democrats for most of the 1990s. His obitu-
ary was in the Sydney Morning Herald on
Monday this week, for people who would
like to look that up. I want to place on the
record the amazing contribution that Vince
made to society over his 76 years. He was—
and this will no doubt confirm Senator Bos-
well's deepest held suspicions about the
Democrats!—a member of the Communist
Party for about 50 years before moving
across to the Democrats. He was one of those
who voted to close down the Communist
Party, recognising that its time had passed.
But his commitment to social justice and,
indeed, to environmental issues—which the
Communist Party, for most of its existence,
did not have a particularly strong record
on—did not fade; if anything it got stronger.

His life and his record show that he was
clearly a victim of the Cold War mentality.
ASIO files show that his file was marked
'Never to be employed'. He was someone
who loved teaching. He was a highly quali-
fied teacher but, nonetheless, was not able to
teach because of his activity in the Commu-
nist Party. Whatever people may think, I
should remind them that the Communist
Party was a legal political party in Australia.
Teaching's loss was society's gain as a
whole. He worked as a builder's labourer for
most of his working life but his passion and
commitment to social justice and environ-
mental issues remained even when his health
did not fade; if anything it got stronger.
His legacy will live on in
terms of all the people that he has touched
and communicated with in getting people to
recognise the importance of those issues and
encouraging all of us to give such important
issues high priority.

Roads to Recovery Program

Senator TIERNEY (New South Wales)
(1.55 p.m.)—Like Senator Boswell, I rise
today to speak on the Roads to Recovery
program which was announced by the Prime
Minister and the Deputy Prime Minister. It
provides an extra $1.2 billion for rural roads
in Australia. I would expect Senator Mackay to be an enthusiastic supporter of this program as well. This funding is given to local councils over a four-year basis and is pro rata. I can imagine that, if the Labor government were running this program, they would be playing favourites all over the place. We are giving it on a pro rata basis and the councils can expect the first payments next year. Every cent of this $1.2 billion will go to roads. The councils for New South Wales, the area I represent as a senator, will receive another 72 per cent of funding. I expect Senator Mackay to congratulate us on that. Despite the enormous benefits, there are some senators—

Senator Mackay interjecting—

Senator TIERNEY—We are hearing Senator Mackay belittle this program. I was very surprised that Bob Horne, the member for Paterson, criticised a program that is delivering another $44 million to rural roads in the Hunter Valley. On ABC radio last week he criticised this project and said it would have little impact on local roads. Let us go to the experts and ask what they think about this program. The Mayor of Gloucester Shire Council—Gloucester is a town within the electorate of Paterson—wrote to the Deputy Prime Minister, thanking him for the $1.4 million they would receive under the program. I ask Senator Mackay in particular to listen to what the Mayor of Gloucester had to say. His letter said:

... on behalf of Gloucester Shire Council I wish to convey our appreciation for the provision of additional funding for local roads.

For many years funding to bring roads up to a satisfactory standard has been a big issue for local government.

Your government’s recent announcement will be welcomed by councils throughout Australia.

At last someone understands.

Gloucester Shire Council is one of five councils in the Paterson electorate. The whole area of Paterson will receive $8.8 million. Dungog Shire receives $1.4 million; Great Lakes, $2.3 million; Maitland, $1.8 million; and Port Stephens Shire receives $1.8 million. When you add up the funding for all the electorates in the Hunter, they receive $44 million.

I am really surprised that Senator Mackay is criticising this and also that Mr Horne, who is a member of the House of Representatives Standing Committee on Primary Industries and Regional Services, would be so critical. Why? His electorate is receiving an enormous amount of additional funding from a government that has been able to manage its priorities in such a way as to be able to deliver this—something that the Labor government could never do. They could never balance their books.

Mr Horne was a member of the Keating government from 1993 to 1996. Can you remember a rural roads package in those days? I cannot remember that. How about increased road funding? I can actually remember a cut to road funding. What about the Black Spots Program? That was a great initiative of the Keating government. They set up a Black Spots Program and two years later they scrapped it. This government has restored that program to Australia. If Labor were in power, would they bring it back? I doubt that very much. Under Labor roads were neglected. They have increasingly deteriorated. It is time that Mr Horne stopped his gasbagging, admitted that the Keating government did absolutely nothing for rural and regional roads and supported the Howard government’s Road to Recovery Program. This has benefited those who live in the Hunter Valley and those who travel through it.

QUESTIONS WITHOUT NOTICE

Australian Broadcasting Corporation: Funding

Senator O’BRIEN (1.59 p.m.)—My question is to the Senator Alston, the Minister for Communications, Information Technology and the Arts. Does the government support the decision of the ABC Managing Director, Jonathan Shier, to sack large numbers of senior managers while increasing the overall size of the ABC’s management structure; cut funding to ABC news and current affairs; cut funding for ABC in-house production; cut the Quantum program and abolish the ABC TV science unit; and sack Paul Barry from Media Watch? If this is part of an overall strategic plan for the future of the ABC, what is that strategic plan and will
the minister provide the Senate with a copy of it?

Senator ALSTON—I have something I can provide the Senate with a copy of in a minute. But let us just firstly establish how much in touch the Labor Party are with these critical issues. We had poor old Senator Forshaw the other day not even knowing the proper pronunciation of the chairman of the National Farmers Federation, and here we have Senator O'Brien not even knowing—

Opposition senators interjecting—

Senator ALSTON—I welcome those interjections because what they clearly demonstrate is that no-one in the Labor Party is prepared to defend Senator O'Brien or Senator Forshaw. In other words, they are acutely embarrassed about the fact that you are so out of touch. Can I say to Senator O'Brien, and I know that he will find this fascinating: the fact is we do not tell the ABC board how to run their business. There is a statute that provides a charter. It also guarantees a considerable degree of independence. So we are not the party that tells the ABC what programs ought to be on, how they ought to spend their money, or how they allocate resources. That is why—

Opposition senators interjecting—

The PRESIDENT—Order! Senators on my left will cease shouting. You are in breach of the standing orders.

Senator Carr interjecting—

The PRESIDENT—Senator Carr, that includes you. You can discuss this matter at the appropriate time.

Senator Faulkner interjecting—

Senator ALSTON—Well you can't. I mean it is just—

The PRESIDENT—Senator Alston, I draw your attention to the question and you should not be speaking across the chamber to other senators.

Senator ALSTON—Madam President, I thank you for that advice. The fact is that the Labor Party simply do not understand how the system works. They ought to have a crash course in reading the ABC statute. Do you know who appoints the managing director?

Senator Carr—Who are you trying to kid?

Senator ALSTON—I know it was Mick Young and Michael Lee in the old days, but not this time around. The board actually appointed Mr Shier. They conducted a worldwide headhunt. They chose the best candidate.

Opposition senators interjecting—

Senator Carr interjecting—

Senator ALSTON—I am being asked whether I could provide the Senate with any documentation and I can. I am happy to accommodate Senator O'Brien. I have here a press release dated 15 February 2000. It is from the ABC managing director appointed by the Labor supported board. It is headed ‘Opposition Intruding on ABC Independence’ and reads:

Statements by Opposition spokesperson Stephen Smith regarding a proposed content arrangement between the ABC and Telstra are misguided and wrong, Managing Director of the ABC, Brian Johns, said today.

And on he went:

I find it ironic that the Federal Opposition and others in the name of protecting the independence and integrity of the ABC are intruding on that very independence by seeking a Parliamentary inquiry—

In other words, there is one party here that has got form.

Senator Carr—You set up the inquiry.

Senator ALSTON—No, the Senate did.

Senator Carr interjecting—

The PRESIDENT—Order! Senator Carr! Senator Alston, I am speaking.

Senator Faulkner interjecting—

The PRESIDENT—It is the behaviour of Senator Carr that I am drawing attention to. I have asked Senator Alston to resume his seat. Senator Carr, you have been shouting throughout the answer to this question. Your behaviour is disorderly.

Senator ALSTON—Once again, Senator Carr bestows greater powers on me than I think any of us ever thought we had, certainly in opposition. The Senate established a committee, and when you are in opposition
you do not normally have the numbers to do that. That select committee—

Senator Carr—A select committee—you know how they are established. Who are you trying to kid now?

Senator ALSTON—I do remember that it got you into awful trouble, because that is what resulted in that defamation writ. Remember the one where you had to cough up big money—remember that? That was a very unfortunate move, because you were warned. You cannot say this was accidental. You actually got a phone call from me putting you on notice. You knew what you were doing.

Opposition senators interjecting—

Senator ALSTON—And he paid up. Well, I appreciate him paying up.

The PRESIDENT—Senator Alston, you are speaking directly across the chamber. You should be addressing the chair, not senators. I would draw your attention to the fact that you are answering Senator O’Brien’s question.

Senator ALSTON—As I said earlier, the ABC’s independence is guaranteed by legislation. We do not have a role to play in areas that are classically the responsibility of the board. In other words, the parliament votes them an allocation—this time around about $650 million triennial funding guaranteed—and then they decide how to spend it. They may say, as they do, new media is increasingly important. There may be other areas which are less important. There may be other areas where you can do more with less. In other words, productivity efficiency allows you. They are not judgments for us; they are judgments for the board. (Time expired)

Senator O’BRIEN—Madam President, I ask a supplementary question. I note that the minister says he has a document that can be supplied in answer to the question. I remind him that the document I was asking for was the overall strategic plan for the future of the ABC. So I look forward to him supplying that document in his supplementary answer. I ask: is it not the case that in 1996 and 1997 the government cut $66 million per year from the budget of the ABC? Is it not also the case that the government failed to provide the ABC with adequate funding for the transition to digital television in this year’s budget? Given that the board you now appoint agrees that the ABC is inadequately funded, will the government agree to today’s request from the board for additional funding? And if not, why not?

Senator ALSTON—We did not give them inadequate funding for digital conversion. In fact we have paid for their distribution and transmission costs. In terms of digital content, their submission to the government asked for minimal additional funding on the basis that their experience told them they could well and truly cope. Of course you have forgotten that the reason why virtually every government agency and department including the ABC had to take a 10 per cent cut was because of your $10 billion budget black hole: Mr Beazley’s—right? Never forget it. We know who was responsible. In terms of the request that came out today, can I simply say that we welcome the increased focus on regional areas and particularly business programming, which I think most people would concede is an area of neglect, and I am very pleased to see that they are concentrating in those areas. Obviously any request for funding has to be carefully considered and we will have a look at the detail of it when it comes through.

Defence: Government Policy

Senator LIGHTFOOT (2.07 p.m.)—As a former national serviceman and a life member of the Australian Defence Association, I am honoured to ask the Leader of the Government in the Senate, Senator Hill, the following question. Will the minister inform the Senate of steps taken by the Howard government to further strengthen Australia’s defence forces?

Senator HILL—Australia can be justifiably proud of the men and women who serve in our defence forces. The Australian defence forces have a long and distinguished history of service. The efforts of our forces currently stationed in East Timor, Bougainville and other parts of the world have only added to the public’s respect for the armed forces. In August this year, our government set up a community consultation process on Australia’s future defence needs. The public response was overwhelming, showing strong
community support for maintaining and strengthening our defence capabilities.

The report from this community consultation process has helped in the formulation of the government’s new defence white paper, which was released earlier today by the Prime Minister. The white paper is the most significant defence document ever laid down by an Australian government. It is a comprehensive statement of Australia’s defence strategy, and it is backed by a fully costed plan for capability enhancements. It provides certainty for the ADF and industry on acquisition and capability development. Importantly, it also builds on this government’s efforts to improve the accountability and effectiveness of the acquisition process.

In setting down a strategic direction for the ADF, the government has allocated the biggest increase in defence funding in 20 years. Defence funding will increase by an average three per cent per annum in real terms over the next 10 years. There will be an immediate increase of $500 million in the next financial year and a further $1 billion the following year. Over the next 10 years, defence spending is expected to increase by $23.5 billion in real terms. As I mentioned, we will continue to improve the financial management within the ADF to ensure the increased funding is spent effectively.

Key points of the white paper include: enhancement of land force readiness and sustainability; fire power, logistics and mobility will be improved; the number of battalions held at high readiness will be increased from four to six; two squadrons of armed reconnaissance helicopters and an additional squadron of troop lift helicopters will be purchased; the reserves will play a more important and challenging role in direct support of our deployment forces, maintaining Australia’s air combat capability as the best in the region; we will acquire four AWAC aircraft, with an option of three more later in the decade; the FA18 upgrade program will continue; provision for the acquisition of up to 100 new aircraft to replace the Hornets and possibly the F111s; enhancement of Australia’s strike capability, with improvements to the F111 electronic warfare self-protection system; strengthening of maritime forces; all six Collins-class submarines will be brought to a higher level of capability; a new class of at least three antiwarfare destroyers will replace the FFGs; maintaining our commitment to the knowledge edge, the recruiting and retention of skilled personnel; and, retaining Australia’s alliance architecture with the US as a key strategic asset. This is a very important statement and financial commitment for the future defence capability of our country.

**Electoral Matters: Fraud Allegations**

Senator FAULKNER (2.11 p.m.)—My question is directed to Senator Ellison, the Special Minister of State. Does the minister recall his statement to the Senate yesterday in relation to the allegations of a cash for preferences deal with the member for Cook, Mr Bruce Baird? The minister said:

I have seen that article and no-one has raised it with me. If the matter is raised with me, I will take appropriate action.

In relation to his referral to the AEC of a similar allegation involving the member for Lilley, Mr Wayne Swan, the minister said:

There is no difference of procedure applied to these matters ... I will look into the matter and get back to [Senator Faulkner].

Having had 24 hours in which to consider my raising the matter with him, will the minister confirm that the same procedures will apply and that he will refer the Baird allegations to the AEC? Alternatively, if he does not propose to refer these allegations to the AEC, will he advise the Senate of the material differences in these two allegations which justify such a different approach?

Senator ELLISON—What Senator Faulkner failed to tell the Senate was that yesterday he stated that the allegations were against the member for Cook when in fact they were not. I went back and looked at the article, which referred to an ABC report the night before. Checking on that transcript, it quoted Darren Boehm, the former Independent candidate involved in that, who said:

I was actually approached by this staffer from Riley Street, Woolomooloo and asked where my preferences would be going. I asked that staffer what he was offering and he said, “We can’t offer you money—however, we can offer you some printing.”
There is no mention of the member for Cook. There is no mention or allegation in relation to the member for Cook. It is a bit like blaming Senator Faulkner for what Eric Roozendaal might do at Sussex Street. If the opposition ask a question in question time, they should at least get that question right. They should at least set out the allegation correctly. I looked at the transcript—and I have just read it out to the Senate—and I have read it to the Senate—of the person who is the source of the article concerned and other articles, and he did not make that allegation. There is no allegation against the member for Cook. The member for Cook has issued a statement saying that neither he nor his staff made any approaches of this sort. The staffer concerned was not an employee of the member for Cook at the time. We have a very different situation here.

I say to Senator Faulkner that it is open to him to write to the AEC or to me on this matter, as other people have done on other matters, and I will consider the matter then. I said yesterday that I would look into the matter. I have, and that is the situation.

Senator Faulkner—You really are a gutless individual. You are gutless.

Senator Herron—Madam President, I raise a point of order. Senator Faulkner called Senator Ellison gutless, and that is unparliamentary. I ask you to ask him to retract.

Senator Faulkner—Madam President, on the point of order: I called the minister gutless because he won’t answer the question, properly directed to him, of who raised the Swan allegations with him. That is why he is gutless, and that is why I called him gutless.

The President—Senator Faulkner, I ask you to withdraw that.

Senator Faulkner—Madam President, I ask you: is ‘gutless’ unparliamentary?

The President—I believe so, and there is far too much name-calling in this chamber.

Senator Faulkner—I am not aware of ‘gutless’ being unparliamentary. In this case, the cap fits. The cap fits on this minister. He is gutless, but if it is unparliamentary, I withdraw the word ‘gutless’ and replace it with ‘spineless’.

Senator Herron—Madam President, I raise a point of order. Senator Faulkner not only ignored you; he turned his back to you and then repeated the statement that he made previously. I would ask you, Madam President: is the term ‘gutless’ parliamentary or not?

The President—I have asked him to withdraw it, and he withdrew it.

Snowy Mountains Hydro-electric Authority: Corporatisation

Senator McGauran (2.17 p.m.)—My question is to the Minister for Industry, Science and Resources, Senator Minchin. Will the minister advise the Senate whether the federal government—

Honourable senators interjecting—

The President—There are far too many people shouting in the chamber. It is disorderly and disruptive.

Senator McKiernan interjecting—

The President—I have called the chamber to order, Senator McKiernan.
Senator McKiernan—Madam President, I raise a point of order. I did actually interject, but we always hear the accusations and the yelling from Senator Macdonald, the black hole here. He very rarely is called to order, Madam President. I would ask you to, from time to time, direct your attention to that side of the chamber as well.

The President—I have called the Senate to order, and you know it. The behaviour in the chamber is unacceptable. We are supposed to be having question time.

Senator McGauran—My question is directed to Senator Minchin. Will the minister advise the Senate whether the federal government will be giving the go-ahead for the corporatisation of the Snowy Mountains Scheme? What environmental benefits will this bring?

Senator Minchin—I thank Senator McGauran for his question. I know he is very interested in this issue, as are other members of his family. The federal government is very strongly committed to the corporatisation of the Snowy Mountains Hydro-electric Authority. It is a matter that has been on the COAG reform agenda since about 1993. Corporatisation will allow our biggest mainland producer of renewable energy to participate fully and fairly in the national electricity market. Of course, corporatisation will also enable the repayment of some $900 million owed by the authority to the Commonwealth. Corporatisation has been contingent on agreement being reached between New South Wales, Victoria and the Commonwealth on the outcome of the Snowy water inquiry, which reported some two years ago. It did take until October of this year for the two states to agree on a proposal to put to the Commonwealth in response to that inquiry.

Today I am very pleased to announce that in-principle agreement has now been reached between the three governments. As part of that agreement, the federal government has decided to commit $75 million to deliver the first-ever dedicated environmental flow along the length of the Murray River. Under our in-principle agreement, the three governments will provide a total of $375 million over the next 10 years to carry out major water savings projects in the Murray-Darling Basin. This will be a major regional works program which will help reduce the huge loss of precious water from evaporation and leakage. The water saved by these projects will be used for environmental flows in the Snowy, Murray and Murrumbidgee rivers and key alpine rivers in the Kosciuszko National Park. Thus our agreement delivers not only corporatisation of the hydro-electric authority but a substantial environmental benefit for Australia’s most important river systems.

I am particularly pleased that the Victorian and New South Wales governments have responded positively to our insistence that the agreement provide for a dedicated environmental flow to the Murray, which is, as we all know, under severe stress. Our agreement is subject to several very important safeguards: first, the interests of irrigators must be protected; second, the rights and interests of the state of South Australia must be protected; third, the commercial viability of the hydro-electric authority will be maintained; fourth, water for environmental flows can come only from verified savings; fifth, water for environmental flows in the Snowy and the Murray cannot be consumed—they must flow right through the river systems to the sea.

I think this is a win-win agreement for everyone involved in the process. It is a win for those who want water to flow again in the upper Snowy. It is a win for those concerned about the health of the Murray. It is a win for irrigators and the people of South Australia. Most importantly—certainly from my point of view as Minister for Industry, Science and Resources—we have also delivered certainty in what I think will be a very exciting future for the hydro-electric authority and its workforce as a new corporation. I want to thank my ministerial counterparts, Candy Broad and John Della Bosca—the man now famous for being far too honest to ever be National President of the Labor Party—for their cooperation in reaching this historic agreement.

Electoral Matters: Fraud Allegations

Senator Cook (2.22 p.m.)—My question is to Senator Ellison, the Special Minister of State. Given the minister’s obligations under
the Prime Minister’s code of conduct, does the minister agree that, if he has allegations regarding criminal conduct brought to his attention, he should immediately refer those allegations to the appropriate investigating body, such as the police? Did the minister have allegations raised with him regarding forged signatures on WA Liberal Party membership forms and centred on the Peppermint Grove tennis club? Did the minister refer those allegations of criminal behaviour to the Western Australian police, as would have been proper? Can the minister respond to the claims from Liberal Party colleagues in Western Australia that the minister did not refer these serious criminal allegations to the police because he wished to cover up the matter?

Senator ELLISON—The Labor opposition is really getting desperate. It wants to deflect the attention away from the dodgy electoral practices that it has been engaged in. I can tell the Senate—

Senator Conroy—Who is the secretary of the branch, Chris?

Senator ELLISON—I will answer that in a moment. I have placed on the record what has taken place in relation to the affairs of the WA Liberal Party. There was an allegation in relation to an application form that went to the management executive. An explanation was given and it was accepted. Subsequently, a complaint was made to the Appeals and Disciplinary Committee about that matter. I do not have any part in that Appeals and Disciplinary Committee. That Appeals and Disciplinary Committee comprises five lawyers, two of whom are QCs. They considered the allegation as outlined by Senator Cook and they found no case to answer.

There have been a good many false allegations in relation to this. The Leader of the Opposition made a false allegation yesterday when he said that I was the campaign manager for the person concerned. I am not and have not been. That is a falsity. There has been no involvement by me in the deliberation about this complaint which was made within party processes, as I have outlined. I played no part in the enrolment, as some people have tried to suggest, nor have I played any part in relation to this inquiry other than to follow due process when it was sent to the management executive, of which I am just one member. This allegation by the Labor Party is totally spurious and a pathetic attempt to deflect attention away from its own problems in Queensland and elsewhere. The handling of this matter in Western Australia was entirely appropriate. Labor would do well to have the same sort of process in its own party ranks in the way it deals with matters of this nature. The opposition should take note of the fact that, when a matter is raised in our party circles, action is taken. At no time did I act to block that inquiry in any way.

Government senators interjecting—

The PRESIDENT—Senator Campbell and Senator Macdonald: I call you to order.

Senator COOK—Madam President, I ask a supplementary question. How does the minister respond to the claim—again coming from his party colleagues in Western Australia—that he rang around last weekend urging Liberal Party members not to speak out on this matter?

Senator ELLISON—This is absolutely pathetic. I am on the record, and I stand by what I have said. I did not act in any way to block the inquiry. I did not ring around last week, as alleged. This has been a matter of public record for some months now. It was pathetically raised by the Premier of Queensland in an attempt to deflect attention from what was happening in Queensland, after we had announced the reference to the Joint Standing Committee on Electoral Matters of the problems that were being faced in relation to electoral rorting. When that happened, in a pathetic attempt to try to deflect attention, the Premier of Queensland raised that in the parliament. Yesterday, the Leader of the Opposition, Mr Beazley, pathetically sank to the same low and tried to raise this matter again. It is something that has been on the public record for many months. Senator Cook, if there was some attempt to try to block it, it was a bit late—it has been public now for many months. (Time expired)

Zambia: Heavily Indebted Poor Countries Initiative

Senator WOODLEY (2.28 p.m.)—My question is addressed to the Minister repre-
presenting the Minister for Foreign Affairs, Senator Hill. Minister, would you advise the Senate of the government’s position on the Heavily Indebted Poor Countries Initiative with respect to Zambia, which will be reviewed by creditors, including the IMF, later this week? Is the government aware of the proposal being considered by the IMF and the World Bank for Zambia to increase its debt repayment from $136 million per year to $220 million per year? Will the government use its influence to ensure that Zambia’s debt repayments are cancelled or significantly reduced rather than increased?

Senator HILL—I will deal with the principle first and then Zambia subsequently. In April this year, the Australian government announced that it will provide 100 per cent bilateral debt forgiveness for countries which qualify for debt relief under the enhanced Heavily Indebted Poor Countries Initiative. Of the 41 HIPCs, only two—Nicaragua and Ethiopia—have debts to Australia and are expected to qualify. Australia strongly supports the World Bank-IMF enhanced HIPC Initiative, which aims to lower the debts of the world’s poorest countries, subject to satisfactory economic and social policies, and links debt relief to poverty reduction. Australia has pledged $A55 million, in nominal terms, to the HIPC. It follows from what I have said that Australia does not have any bilateral debts with Zambia. However, the government is aware of the situation in regard to Zambia’s application for HIPC debt relief. We understand that Zambia’s application is currently being considered by the fund and the World Bank. Without HIPC relief, there will be an increase in debt servicing next year. With HIPC debt relief, there will still be an increase but this will be smaller. The government is supportive of efforts in the HIPC context to reduce further the burden on Zambia should it qualify, given its particular circumstances.

Senator WOODLEY—Madam President, I ask a supplementary question. I thank the minister for this answer and particularly note that Australia is not one of the nations to which Zambia is indebted. Minister, would the government agree that the following statistics mean that in Zambia’s case the HIPC rules must be changed? Zambia has the highest rate of AIDS orphans in the world—about one in seven children—and one in five adults has HIV-AIDS. In 1998, 73 per cent of the population lived in households with monthly average adult expenditure of less than $A25 per month, and Zambia’s spending per head on health is about $A30 per year. Could you indicate whether you agree that the HIPC rules may not work in their case?

Senator HILL—I am not sufficiently familiar with the exact terms of such rules to be able to answer the specific question. I will refer that and get some advice. What I did say to the honourable senator is that we are supportive of the effort in the HIPC context to reduce further the burden on Zambia should it qualify, given its particular circumstances. It seems to me that Senator Woodley stresses particular circumstances that would be highly relevant under the HIPC criteria, but that is what I will seek further advice on.

Australian Taxation Office: Company Audits

Senator SHERRY (2.33 p.m.)—My question is to Senator Kemp, the Assistant Treasurer. I ask the Assistant Treasurer to repeat the assurance he gave the Senate yesterday in relation to two questions as to whether Mr Breckenridge of KPMG pressured the ATO to remove ATO auditors from audits of his big business clients that ‘on no occasion did the ATO remove an officer from an audit’. I would appreciate a repetition of that assurance. I also ask the Assistant Treasurer: have senior members of the ATO executive accepted hospitality from Mr Breckenridge? If so, what is the extent of that hospitality? Also, is it true that telephone surveillance was applied to ATO auditor Mr Robert Fitton and former auditor Mr Christopher Sage in response to pressure from Mr Breckenridge?

Senator KEMP—Senator Sherry raised a number of issues which I will need to seek further information on. On the other hand, there were a number of issues raised about which I do have a brief and I can inform the Senate. I think that is a perfectly reasonable
approach. First of all, there was a case in which a taxpayer had engaged Mr Breckenridge as a representative. The role of an auditor in the audit team on that case did change. The auditor remained working on the case but in a different capacity. The change in role did not hinder the tax office from taking appropriate action. A number of issues were raised and I am advised that it would not be appropriate to discuss the particular case or the reasons for the change in any detail.

Senator Conroy—So they misled you yesterday?

Senator KEMP—Also, I would not want to say anything which might identify the particular taxpayer or reveal any information about the taxpayer’s affairs. Of course, in any event, as Senator Conroy would know, the secrecy rules and the tax law prevent the tax office from providing me with any such information. In general, I am advised that it is not true that Mr Breckenridge has had auditors removed from cases. The Taxation Office denied that it had said, in response to other matters which have been raised, that it was an LB&I practice to automatically take an auditor off a case when a complaint was made. In the large business line, segment leaders are responsible for staffing decisions. Where there is a complaint, it can be expected that these decisions will be based on the circumstances of each case, taking into account the nature of the complaint, the role of the officer involved and the progress of the case, together with the broader issues of whether any such action could undermine the case officer and the best use of skilled resources. The large business line treats such as a matter of balance where the ATO has a responsibility to maintain public confidence in its professionalism and probity.

Senator SHERRY—Madam President, I have a supplementary question. The question does not go to identification of individual taxpayers but, rather, to the role of Mr Breckenridge and his relationship with certain tax officers, and the tax office’s responses to that relationship. Will you also give an unequivocal undertaking to report back to the Senate on your response to these allegations, which potentially have very serious implications for public confidence in the ATO’s commitment and capacity to ensure that big business pays its fair share of taxes?

Senator KEMP—We are very keen to make sure that people pay their fair share of taxes. It was Senator Sherry, of course, who led the campaign against the surcharge, which was a measure which required those on larger incomes to pay their fair share. So that is a very surprising allegation coming from you, Senator Sherry, in the light of your previous performance in this Senate. A number of issues have been raised by Senator Sherry and, as always, I will look at the matters which have been raised and, as appropriate, I will come back and inform the Senate of any response that we have to those matters.

DISTINGUISHED VISITORS

The PRESIDENT—I draw the attention of honourable senators to the presence in the chamber of a parliamentary delegation from the Cook Islands led by the Hon. Dr Robert Woonton MP. On behalf of honourable senators, I welcome you to the Senate. I trust your visit to this country will be informative and enjoyable.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Aged Persons: Savings Bonus

Senator KNOWLES (2.38 p.m.)—My question without notice is directed to the Minister for Family and Community Services, Senator Newman. Will the minister advise the Senate about the savings bonus and any alternative policies concerning older people?

Senator NEWMAN—I thank Senator Knowles for her question; it happens to be particularly relevant today. As the chair of the Senate community services committee, she—and I hope the rest of the Senate—will be very interested to learn that my office has received a number of complaints from angry recipients about the savings bonus for older Australians. Mind you, they are delighted at receiving the bonus but their complaints are about the opposition for trying to pass off their satisfied comments as complaints about the bonus.
Senator Abetz—Tell us more.

Senator Newman—It is interesting to hear this. A number of opposition MPs have distributed campaign letters asking that the constituents put their name and address on a letter which says that they are angry at not receiving the $1,000 aged persons saving bonus. In fact, many of the recipients have received the bonus and noted that on the letters which they duly returned to the originating MPs. Rather than check their facts or even look at these letters, these members have sent them on to the Prime Minister as ‘letters of complaint’. One complainant said recently:

My father is quite angered that Mr Murphy, the member for Lowe, appears to be deliberately misrepresenting the views of his electorate in order to score a few cheap political points.

That response is typical of the complaints that we have received about the opposition on this matter. It is also, of course, typical of the opposition to attempt to create fear, anger and uncertainty in a vulnerable sector of the community by spreading incorrect advice and raising false hopes. On Monday, only this week, they tried to create another scare on LPG prices for older Australians—another baseless and empty scare. That is all they have: a policy on scare tactics.

The members using these tactics should instead consider the facts, which are that almost two million people have now received a bonus, with nearly 75 per cent of them getting $500 or more. Almost 60 per cent of older Australians have received the full $1,000. Of the self-funded retirees, 67 per cent have received the full $2,000 and 77 per cent have received $1,500 or more.

Government senators interjecting—

Senator Newman—It is good news. In all, 2.4 million older Australians will receive the bonus. The originally estimated average bonus of $671 will be substantially exceeded, and the average will be some $931. The ALP have nothing constructive to say. Their scare tactics are baseless. They need to misrepresent positive responses to government policy as negatives just to get some media coverage. I will give them media coverage for being dishonest and frightening people.

Opposition senators interjecting—

Senator Newman—The coalition have delivered for older Australians higher real pensions by the linkage to the male total average weekly earnings, a two per cent real increase arising from tax reform and reduced income taxes on self-funded retirees. We extended the Commonwealth seniors health card. We provided a 30 per cent private health insurance rebate and we extended assistance for carers. There are many, many other positives but, no matter what their age, Australians should be asking the Labor Party over and over again: what is the Labor Party’s policy and how will they pay for it? It is only then that people will realise that the Labor Party are devoid of ideas. They have no policies and rely simply on scare campaigns to generate, or to attempt to generate, support for their lack of policies. They should be ashamed of themselves, and I urge them to spend Christmas thinking about a more moral position.

Electoral Matters: Fraud Allegations

Senator Faulkner (2.43 p.m.)—My question is directed to the Special Minister of State. Is the minister aware of the AAP report of 5 December which includes the following statements:

Darren Boehme, an independent candidate in the southern Sydney seat of Cook, claimed a staffer of Mr Baird’s offered to cover his $7,000 in printing costs in exchange for preferences ... last night, Mr Baird and his former staffer denied the claims ...

Minister, will you now explain to the Senate your lack of action on this matter?

Senator Ellison—What I quoted from earlier was a 7.30 Report direct interview with Darren Boehme where he made it very clear that the person he was approached by was ‘a staffer from Riley Street’, which in fact is the head office of the Liberal Party in New South Wales. What Senator Faulkner is now trying to do is to deflect us away from what he did yesterday when he misled the Senate by saying that the allegation was against the member for Cook himself when,
in fact, it was not. The direct evidence we have from Mr Boehme himself—on the record in the interview—does not say the member for Cook; it says ‘a staffer from Riley Street’. That is not a staff member of the member for Cook, and it is not the member for Cook.

Senator Faulkner—Madam President, I have a supplementary question. I have drawn to the minister’s attention the AAP story of 5 December. Could the minister now explain to the Senate why he referred the Swan allegations to the AEC and has not seen fit to refer to the AEC these allegations about the member for Cook and preference deals in his election campaign? Why did you refer the Swan allegations and not the Baird allegations?

Government senators interjecting—

The President—Order! Senators on my right will abide by the standing orders.

Senator Ellison—With the recent display of lack of regard Senator Faulkner has shown for the truth in the way he put that question to me yesterday, I will have a look at that AAP article. I will not take it on the advice of Senator Faulkner; I will have a look at that. The reason that I sought comment from the AEC in relation to the member for Lilley’s matter does go to the substance of the issue, and that is something I will not comment on because it is the subject of investigation.

Senator Faulkner—You know you are a liar.

Senator Alston—Madam President, I rise to complain about Senator Faulkner saying, ‘You know you are a liar.’ What we have seen consistently is Senator Faulkner trying to change the blame from Mr Beazley, who was too pusillaminous to allow you to raise issues in this chamber about Senator Hill but instead to scurry around. His performance on the 7.30 Report was disgraceful—

The President—What is the point of order, Senator?

Senator Alston—You should not allow Senator Faulkner to use that terminology in this place. He has consistently defied your rulings to date.

Senator Faulkner—On the point of order, Madam President: again we see Senator Alston using the guise of a point of order to try and cover up for the inaction of the Special Minister of State on this particular matter. The Special Minister of State cannot explain his lack of action in relation to these Baird allegations and cannot explain to the Senate why he has acted in one way in relation to Mr Swan and in a completely different way, with double standards, on Mr Baird’s allegation. What we have is an abuse of process where the minister and Deputy Leader of the Government is using the guise of a point of order inappropriately as an abuse of standing orders to try and cover up for the government’s action. You should rule him out of order.

Senator Alston—Madam President, I draw your attention to the fact that Senator Faulkner did not for a moment dispute the fact that he had used words calling another member of this chamber a liar.

The President—Both senators went beyond the point of order and beyond responding to it. If you have used the word alleged, Senator Faulkner, I ask you to withdraw it.

Senator Faulkner—If I did use it, I withdraw it.

The President—Senator, I ask you to withdraw it.

Senator Faulkner—As I always do if I use unparliamentary language, I withdraw it, and I would expect any government member to do the same thing. It is a very rare case where we see a government member withdrawing unparliamentary language.

Honourable senators interjecting—

The President—Order! The behaviour of the Senate is absolutely unacceptable by any standard.

Senator Vanstone—On the point of order, Madam President: I was just wondering if you could clarify for us Senator Faulkner’s response.

Senator Faulkner—I have withdrawn it.

Senator Vanstone—Is he saying he has got Dr Lawrence’s disease and he cannot remember what he called the person?
The PRESIDENT—He did not say that.

Senator Vanstone—All he said to you is, ‘If I used it, I withdraw it.’ Is he saying he cannot remember using it? Is he denying he used that word?

The PRESIDENT—Senator Faulkner, if you used that word, I ask you to withdraw the word that was alleged.

Senator Faulkner—Madam President, I indicated to you that, if I have used unparliametary language, I have withdrawn it.

Senator Alston—On a point of order, Madam President: this is not ‘if’. He did, he was caught cold, he has not denied it, and you should ask him to withdraw unconditionally.

The PRESIDENT—You are required to withdraw unconditionally, Senator, and I would ask you to do so.

Senator Faulkner—Madam President, I have withdrawn any use of unparliamentary language.

Government senators interjecting—

The PRESIDENT—Order! This is supposed to be question time, when senators have the opportunity to ask questions. Government senators will come to order.

Greenhouse Gases: Emissions Trading Scheme

Senator ALLISON (2.50 p.m.)—My question is to the Minister for Industry, Science and Resources. In August the minister announced that the government would not implement an early domestic emissions trading scheme, but he also said that he might change his mind if further analysis demonstrated that this would be in the national interest. Minister, the Senate’s environment committee report on greenhouse issues was released three weeks ago. Has the minister now read it? Does he agree that that report shows Australia’s economy as very vulnerable to climate change if there is no global agreement to limit CO2 emissions? Does he now agree that having flexible, market based instruments like emissions trading is in the national interest? Does he now agree with the South Australian and New South Wales governments, who say that a national emissions trading system would promote and reward investment change that will reduce greenhouse emissions? And does he now agree that deferring action will risk incurring much higher costs at a later stage?

Senator MINCHIN—Can I just clarify the government’s position. The government announced in the response to its formulation of an action agenda for the LNG industry that it would not introduce a mandatory domestic emissions trading scheme unless and until there was a Kyoto protocol that had been ratified by Australia and that there was an international emissions trading system in place. In other words, we would not act to introduce mandatory domestic emissions trading in advance of any international emissions trading system. Anyone who thoroughly examines this matter realises that it would be unbelievably damaging to Australia to act unilaterally in mandating a domestic emissions trading system. This is the utter fallacy and stupidity of the Labor Party’s position. I do not think those in the Labor Party who understand the importance of industries like aluminium and others to this economy have yet woken up to the policy which Senator Bolkus has inflicted upon that party. It will cost it an enormous number of votes in support at the next election.

In response to Senator Allison’s question, she should understand that we do believe that market based approaches are the best way to deal with the greenhouse gas issue worldwide and that we are approaching it on that basis. We do concede that there may well be a place for emissions trading systems, and we are doing an enormous amount of work through the Australian Greenhouse Office and the ministerial council on greenhouse to examine the appropriate settings and framework for emissions trading. There is unity within the government on that. We are united in our view that it would be potentially very damaging to the Australian economy and to the Australian people to move down the path of a mandated domestic emissions trading scheme in advance of an international system, as has been verified by any number of reports and analyses of what this could do. Particularly, may I say to the state of Victoria: if we introduced unilaterally, on our own, domestic emissions trading it would cause
untold damage to the aluminium industry, particularly in Victoria, and cost thousands of jobs.

Senator ALLISON—I ask a supplementary question. Minister, I wonder if I can ask you again whether you have read that report. In the report it also refers to ABARE, which says that it will cost our Australian economy 0.6 per cent over the next 50 years to comply with Kyoto commitments, and this is in a period in which 30 per cent to 40 per cent growth is expected. I ask the minister: did he consult before making that August statement? If so, with whom? Does the minister know that BHP, for instance, has said that there is currently no incentive for industry to act because of the lack of agreement on key domestic policies? Will you at least consider BHP’s suggestion that there be rewards for early action to reduce emissions?

Senator MINCHIN—The government have indicated, through Senator Hill and others, that we are examining in great detail the question of credits for early action. We do believe that there is a proper place for that. It is important for industry that we do have sensible arrangements for crediting early action, and we are proceeding down the path of examining how best to do that. It is very important for Australians to understand not only that we are committed to pursuing the Kyoto protocol in an appropriate way but that, if this is not handled sensibly and appropriately, there is a huge risk to the Australian economy and to the Australian people. As the government have said many times, unless there is progress on involving developing countries, all we risk doing is having a flight of capital from this country to countries to which investment might go, we could actually see an increase in greenhouse gas emissions. (Time expired)

Nursing Homes: Accreditation

Senator CHRIS EVANS (2.56 p.m.)—My question is to Senator Herron, the Minister representing the Minister for Aged Care. Why has the government, after announcing its new aged care policy in 1996, waited until this Friday to gazette changes to the rules for accreditation, coincidentally the day after parliament rises? Can the minister confirm that 30 to 40 nursing homes that currently are not accredited will have only three weeks to apply for and be granted exemptions to the accreditation deadline on 1 January? What will happen to residents in the nursing homes that have applications rejected and will lose funding on 1 January? Won’t those residents be left trying to find a new place over the Christmas-new year period? Can the minister confirm whether the Mont Calm and the Ritz nursing homes, which are currently under threat of closure, will now be able to apply for exemption to the 1 January deadline under the new rules to be gazetted on Friday?

Senator HERRON—I thank Senator Evans for the question because it is a very good one. There is a concern by some residents of nursing homes that, with the accreditation procedure, they may have difficulty in finding alternative accommodation. The government shares that concern. The minister is putting in place mechanisms whereby there will be alternative accommodation provided should those places not reach the standards that are demanded. For example, on 4 December this year the Uniting Church announced at a residents and relatives meeting that the Mont Calm Nursing Home would close by April 2001, as Senator Evans mentioned. This service will close earlier if all residents are relocated prior to this date. The approved provider has made priority arrangements for residents to be relocated to other accredited uniting church services, and discussions have also been held with Anglican and Catholic approved providers and with nearby services to obtain their assistance in the priority placement of Mont Calm residents. The approved provider has organised a team of counsellors to be available to assist residents and relatives during the relocation process, and this is the process that has been followed across the whole sector. It is incumbent upon the provider to find alternative accommodation should they not meet the accreditation guidelines.

Senator CHRIS EVANS—I ask a supplementary question. I thank the minister for
his answer, but I think his answer highlights the concern at the centre of my question, which is: why is it that the government is announcing changes to the rules next Friday when people are having to make decisions now? Is it not the case that both the Mont Calm Nursing Home, which you refer to, and the Ritz Nursing Home are closing because they cannot come up to scratch in time? Yet we hear, in information you gave me yesterday, that on Friday you will publish new rules that they may be able to apply for exemptions. Why is it that they get that notice with three weeks to go? Can they now apply, given that you are going to grant exemptions to these rules but have been denying you are going to do that for the last three years?

Senator HERRON—I thank Senator Evans for the supplementary, but that is not correct. The accreditation process has been going on for some time and all providers will be accredited by 1 January 2001. They have been aware of that and they may have been asked to put in place mechanisms to overcome those problems.

Australian Defence Force: Indigenous Australians

Senator TCHEN (2.59 p.m.)—My question is to Senator Herron, the Minister for Aboriginal and Torres Strait Islander Affairs. Will the minister outline to the Senate the contribution indigenous Australians are making to Australia’s Defence Force? Will he further inform the Senate on the career opportunities available within the armed forces to indigenous Australians?

Senator HERRON—I thank Senator Tchen for the question. It highlights something of which all Australians can be proud. I am sure all of us welcome the new defence white paper that was announced today. Indigenous Australians have an outstanding history of representing Australia in times of war and peace. In fact, there are many instances in our history of heroic deeds that Aboriginal and Torres Strait Islander service men and women have done. Many have won medals for their outstanding courage during action. One such was a fellow Queenslander, Warrant Officer Leonard Waters. A Murri fighter pilot in World War II, Warrant Officer Waters became a well-known combat pilot in his P40 Kittyhawk aircraft in the Second World War. It was named ‘Black Magic’.

There was also Reg Saunders, who served in the Second World War and is often hailed as the first Aboriginal commissioned officer to serve in the Australian forces. There are many more indigenous Australians of whom the nation can feel proud. Recognition was given earlier this year in renaming Canberra’s tallest building at Woden. It was named the Lovett Tower, in honour of the Lovetts, an Aboriginal family which saw 19 members serve originally in the Boer War and then across both world wars as well as in Japan, Korea and Vietnam. There was even a Lovett in East Timor recently. There is a very proud history of indigenous Australians serving in our armed forces.

The military has now become a major career alternative. I am pleased to be able to report that the Australian Defence Force is now the largest single employer of Aboriginal and Torres Strait Islander people. Indigenous enlistments are now at 1,207, the highest since the Second World War when around 4,000 indigenous Australians joined up to serve their country. This is more than double the 480 indigenous Australians four years ago, and includes senior ranks of a full colonel, a Navy lieutenant commander and an Air Force flying officer. I am advised that, until now, the Aboriginal and Torres Strait Islander Commission has employed the most indigenous people, but it has now been surpassed.

The increased enlistment levels are the result of the Defence Force Aboriginal and Torres Strait Islander recruitment and career development strategy which was implemented in July 1996 and named to encourage indigenous people to consider the Australian Defence Force as a career option. The strategy is jointly funded by the Australian Defence Force and the Department of Employment, Workplace Relations and Small Business, with quarterly achievements monitored by a joint steering committee. Aboriginal members presently comprise 1.2 per cent and Torres Strait Islanders comprise 0.3 per cent, making a total of 1.5 per cent Aboriginal and Torres Strait Islander representation. As the
disclosure of Aboriginal and Torres Strait Islander descent is optional, the actual proportion may be greater. Only a month ago Warren Entsch, the member for Leichhardt, and the Prime Minister hosted the Torres Strait Light Infantry Battalion representatives who were brought down from the Torres Strait in honour of their service during the Second World War.

The strategy that the government is now implementing contributes to the overarching employment equity target for indigenous Australians under the Aboriginal employment development policy and to the process of reconciliation. The Defence Force has set annual targets to increase the number of indigenous enlistments to two per cent, a level more representative of the indigenous proportion of the Australian population. The advantages of this initiative are the development of an Australian Defence Force more representative of the country’s population, increasing cultural diversity in the ADF and expanding the recruitment pool. A very proud membership of that is Norforce in the Northern Territory, with which I have had the honour to be present. They are contributing in the Northern Territory the advantages which are local to them and their knowledge of the local country. The Howard government is committed to creating greater opportunities for indigenous Australians. I commend the Australian Defence Force for playing its part and I welcome all those indigenous Australian men and women who wish to serve their country.

Senator Hill—Madam President, I ask that further questions be placed on the Notice Paper. 3.04 p.m.

ANSWERS TO QUESTIONS WITHOUT NOTICE

Centrelink: Employees with Disabilities

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (3.04 p.m.)—Yesterday I undertook to get answers for Senator Evans and Gibbs to questions they asked. I seek leave to incorporate the answers in Hansard.

Leave granted.

The answers read as follows—

Senator Chris Evans – asked the Minister for Family and Community Services on 5 December 2000:

My question is directed to Senator Newman, Minister for Family and Community Services. Is the Minister aware that two Western Australia Centrelink employees with disabilities have recently been made redundant from their positions and that casual employees are currently being contracted to perform their duties? Isn’t it true that these two employees have been deemed to be unsuitable because of their disability to perform tasks associated with customer service and multi-skilling? Can the Minister confirm that neither employee was offered redeployment or retraining or received any practical assistance from the APS Labour Market Adjustment Program?

Answer - I understand that the two cases in question are currently the subject of arbitration. As such, it would not be appropriate to comment on the specifics other than to say that Centrelink has informed me that all appropriate steps under the Centrelink Development Agreement redeployment provisions were followed.

Senator Evans also asked the Minister for Family and Community Services on 5 December 2000:

Madam President, I ask a supplementary question. I thank the Minister for her undertaking to investigate the matter. Can the Minister, when she is doing that, seek advice as to whether one of the employees was offered temporary placement with the Supported Wage System. Given that the aim of the supported wage scheme is to provide job opportunities for people with disabilities in the mainstream market, I would like to know why the department was offering to an existing employee of eight years experience a place under that scheme as compensation for being made redundant. If you could check that too, I would appreciate it.

Answer - As I indicated in my previous answer, it would be inappropriate for me to comment on these cases whilst they are the subject of arbitration. The Senator should however be aware that the Supported Wage Scheme has eligibility criteria requiring a certain level of disability. All applicants for the scheme are required by legislation to qualify against these criteria.

Senator Gibbs asked the Minister for Family and Community Services on 5 December 2000:

My question is to Senator Newman, the Minister for Family and Community Services. Is the Minister aware of statements made by the Centrelink Chief Executive Officer, Sue Vardon, which confirmed that the number of employees
with disabilities is diminishing within both the Australian Public Service and Centrelink? Will the Minister confirm for the Senate that, since March 1996, the percentage of people with disabilities employed by Commonwealth departments fell from five per cent to 4.2 per cent, or a reduction of approximately 2,200 people.

Senator Gibbs also asked the Minister for Family and Community Services on 5 December 2000:

While you are checking that – and I thank you for that – would you also agree with the statement by Centrelink Chief Executive Officer, Sue Vardon, that the declining level of Commonwealth employees with disabilities can directly be attributed to the outsourcing of many of the functions that were previously undertaken by people with disabilities, including mailroom duties and filing? How does the minister’s portfolio intend to lead by example and employ more people with disabilities when their current multiskilling and outsourcing policies clearly exclude them?

Answer - I am aware that Centrelink’s Chief Executive Officer made reference to a letter received from the Public Service and Merit Protection Commission which indicated that the percentage of people with disabilities employed in the Australian Public Service was 4.2% in June 1999.

Despite repeated requests today, the Public Service and Merit Protection Commission has been unable to confirm yearly figures on the employment of people with disabilities in the APS for the period 1990 to 1999.

Further questions on the state of employment for people with disabilities within the Australian Public Service and broader issues about public service employment should be directed to the Minister Assisting the Prime Minister on public service matters.

Centrelink has provided the following data in relation to its own employment arrangements. This confirms a small decrease since 1997-98 in the proportion of employees who have a disability.

It should be noted that although there has been a decline, the share of people with a disability in the Centrelink workforce is higher than that of the Australian Public Service average, reflecting the nature of the opportunities in Centrelink and its ongoing commitment to the employment of people with a disability.

<table>
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<tr>
<th>Period</th>
<th>Percentage of staff with a Disability</th>
<th>Total staff with a Disability</th>
<th>Total Staffing</th>
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<tr>
<td>1998-1999</td>
<td>5.9</td>
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My portfolio’s commitment to its employees with disabilities has been recognised in a number of ways. The Department of Family and Community Services won the Public Service and Merit Commission’s National 1999 Workplace Diversity Award, primarily for its programs and support for staff with a disability. Centrelink has also been recognised in Workplace Diversity Awards over the past three years.

As lead agency for the Commonwealth Disability Strategy, the Department of Family and Community Services, in all its activities, is committed to ensuring that the rights and interests of people with disabilities are appropriately taken into account. This affects people with disabilities, whether as direct employees of the Department, or as employees of those organisations from which goods and services are purchased.

**Australian Taxation Office: Company Audits**

Senator SHERRY (Tasmania) (3.05 p.m.)—I move:

That the Senate take note of the answer given by the Assistant Treasurer (Senator Kemp), to a question without notice asked by Senator Sherry today, relating to the Australian Taxation Office.

We should note that Senator Kemp, the Assistant Treasurer, is supposedly, at least, responsible for the administration of the Australian Taxation Office. Not just today, but over the last week, we in the Labor opposition have raised a number of matters relating to the way in which tax is collected at tax office level in this country by the ATO—that is, the tax office. In particular, we have raised the matter of a Mr Breckenridge of KPMG, who apparently has many high wealth clients that he represents. That is his prerogative. Our particular concern relates to the matter of the auditors in the tax office who oversee the auditing, hence the collection, of the tax of certain high wealth individuals that Mr Breckenridge represents. Senator Kemp has been very careful to say that Mr Breckenridge did not remove an auditor from cases of high wealth individuals. In this case, we believe it is eight. Of course, the Labor opposition do not contend
that Mr Breckenridge directly removed an auditor or auditors. What we are asking is: is it correct that he put pressure on certain officers in the tax office who then removed Mr Fitton from certain audits of high wealth individuals? That is what the Labor opposition is asking about. We also dealt with certain other questions today, which I hope Senator Kemp will speedily respond to, because at least in this instance it appears the Labor opposition know more about what is happening in the tax office than the minister himself.

It is particularly important when collecting taxation in this country that we have clear, fair and equitable tax laws. It is particularly important that Tax officers, particularly auditors in the ATO, are able to go about collecting that taxation in a fair, equitable and unhindered manner, free from pressure. I know from my personal observations at committee hearings in this place that the vast majority of ATO officers are able to do this. However, it is with regret that I do say that in recent times, at least, there is emerging evidence of particular problems in the tax office. These are problems that Senator Kemp should be aware of. He is responsible, as Assistant Treasurer, for the administration of the tax office.

A number of tax-effective schemes have been highlighted in recent times in the area of employee benefits, non-complying superannuation trusts located both here and overseas, and also in relation to trusts more generally. There is very clear evidence, including from the tax office itself, that these vehicles are being used overwhelmingly by high wealth individuals—not low and middle income Australians—to minimise or totally evade tax. For example, in the case of non-complying superannuation trusts the evidence available is that high wealth individuals contributing to these vehicles can avoid contributions tax, the surcharge tax about which Senator Kemp is always so obsessed. This was a tax brought in by the government, allegedly to make the tax system fairer, but high wealth individuals have been avoiding it—they have been avoiding the government’s own tax. Senator Kemp still has not given a satisfactory explanation as to why that new Liberal Party tax was under-collected by $130 million in the first year. I would suggest they have been going into non-complying superannuation trusts. We know the difficulties that the Liberal-National Party is having more generally with respect to trusts. I am sure my colleagues will touch on that.

The Labor opposition is extremely concerned that it appears that some individuals representing high wealth cases in this country are able to pressure and have removed auditors of tax cases in this country. That process is not available to the ordinary man and woman in Australia on the street. Why is it happening with respect to certain high wealth individuals in this country? That goes to the very heart of, the confidence in, the Australian tax system. They are the sorts of issues that Senator Kemp should be dealing with. (Time expired)

Senator CHAPMAN (South Australia) (3.09 p.m.)—This afternoon we got the Labor Party raising the furphy of alleged maladministration in the Australian Taxation Office and consequential tax avoidance. We have heard these allegations before. Earlier we had the allegations made on the *Sunday* program, which subsequently became the subject of an inquiry by a Senate committee. That Senate committee found there was absolutely no substance in those allegations.

Senator Conroy—Rubbish! It was all held in camera and they couldn’t talk about it. You are joking!

The DEPUTY PRESIDENT—Senator Conroy, I am sure that if you want to speak you will get an opportunity.

Senator CHAPMAN—Senator Conroy, you know very well that the evidence that was taken by that committee was that there was absolutely no substance to those allegations by the *Sunday* program and here we have the Labor Party again trying to attack the Australian Taxation Office. Why are they doing this? This is what we have to examine. Why is Labor adopting this approach? It is clear that it is because of the complete bankruptcy of their own policy positions generally and, in particular, their policy positions on tax. The Labor Party seek to criticise the
government—in this case a government department, the Australian Taxation Office—because the Labor Party have no policy alternative whatsoever to offer the Australian people. That is no wonder, because they are absolutely confused on tax policy. They are extremely disappointed at the success of the government’s positive policies, not only in relation to tax reform but policies generally. Those policies have delivered so many positive benefits for the Australian community.

Recent economic figures show the strength of the Australian economy under the positive policies of the present government and also as a consequence of our tax reform and our introduction of the new tax system. In the Australian economy today, unemployment has reached a 10-year low of 6.3 per cent as a result of some 800,000 new jobs having been created during the life of the present Howard government. The trade figures out today for October show a trade surplus of some $324 million. As we know from the mid-year economic review that was published a week or two ago, economic growth is expected to be higher than was predicted when the budget was handed down in May. Instead of 3.5 per cent, it is now estimated that economic growth for the current financial year will be four per cent—very strong economic growth. That in turn is leading to further employment growth of three per cent for this year.

This is all undergirded, very importantly, by an outstanding productivity performance. Productivity growth is 2.3 per cent, compared with just 1.5 per cent in the 1980s, when Labor were in office. The reason for that is not only our economic management but it is also a consequence of the significant reforms to industrial relations that this government has introduced. Our workplace relations legislation has freed up the workplace and allowed individual firms and enterprises to negotiate with their employees to establish terms and conditions of employment, subject to the required minima, that best suit the individual workplace and remuneration based on the productivity of that individual workplace. The direct consequence of that is this dramatic improvement in productivity.

So Australia’s productivity growth now exceeds that of the United States. Inflation remains under control. Importantly, company profits before interest, depreciation and tax rose by 30.7 per cent in the year to the June quarter—again, directly showing the benefits of this government’s management and the positive way enterprises are responding to that management by lifting their production and profits.

Yet on the other side of the chamber we have a Labor Party completely devoid of policy alternatives, completely devoid of any valid criticism of this government. Therefore, they raise these unjustified furphies and criticise the administration of the Australian Tax Office. The Australian people will not fall for that pathetic form of opposition. They are looking for an opposition that is going to present some alternatives, at least to give them some element of choice. I am confident that, irrespective of what the Labor Party does over the next 12 months, the Australian community appreciates what this government has done for them, including the economic and jobs growth it has achieved and the benefits that this is delivering. I am sure that it will continue to support the government. (Time expired)

Senator CONROY (Victoria) (3.15 p.m.)—We saw today in question time the Assistant Treasurer come crawling into the chamber to admit that he misled the chamber yesterday. He came crawling in here and admitted that in answering my question yesterday he had misled the chamber. He was forced today to admit that in actual fact his answer yesterday that nobody had ever been removed from a tax audit because of complaints from Mr Breckenridge was not the case. They had been moved aside and somebody else had been put in charge. That is the nub of the question here. The Assistant Treasurer demonstrated exactly how out of control the Australian Taxation Office is under his leadership.

It took months and months to get a definition of the Assistant Treasurer’s job when this mob got elected. You could understand that because who would want to actually work their way through the responsibilities and say, ‘Oh, my God, we cannot give that to
Senator Kemp. Quick, change that one? We are seeing here the administration of the tax office by the minister responsible and the tax office themselves in an absolute mess. We have the example of employee share ownership where this tax office have deliberately avoided turning up or answering the questions and coming clean on the extent of tax evasion that has gone on since 1996 when the surcharge was introduced. We have had to have four hearings and we are now slated to have a fifth, because they will not come clean, they will not be honest. We have had the Commissioner of Taxation appear before estimates and hide behind the argument, ‘The DPP says I should not answer these questions.’ He has used legal privilege to prevent himself from having to answer a simple question: ‘Did Mr Petroulias have a security clearance?’ All of a sudden it is a matter of national secrecy. It is a simple matter of fact; it is not a debating point in a court of law. But, no, we have the government and the tax commissioner hiding behind the fact that there is a case going on involving Mr Petroulias. How long is the parliament going to have to put up with having the DPP tell it what it can ask questions about? This is a disgrace and the whole parliament should be ashamed that the government are complicit in using a legal case to avoid scrutiny of the affairs in the tax office.

We have this debacle about private binding rulings that have proliferated. The tax office, in the few answers that we have been able to get, have now admitted that they have given out private binding rulings contrary to the tax law. This is an extraordinary set of circumstances. The Sherman report went through them like a dose of salts, saying that there has got to be far more transparency, far more accountability and far more honesty in the tax office in how they have been applying private binding rulings. Yesterday in the parliament we witnessed the Treasurer himself having to admit that this government are going to go soft on taxing trusts because, if they do not, all their mates in the National Party and all their branch members out there who are into these trusts will be in uproar. Peter Costello did a deal with the Labor Party—we have his signature. But what we are seeing is the Liberals pandering to their tax avoidance mates.

Senator Woodley interjecting—

Senator CONROY—Perhaps we were naive, Senator Woodley, and you have made that point. We know they misled you repeatedly on the GST. We should have learned our lesson, Senator Woodley. They misled you extensively on the impact of the GST and we were perhaps naive, but we are still hoping that the Treasurer will show some backbone and stand up to the National Party and stand up to his branches, especially in Toorak, and those famous battlers in Brighton who organised the massive write-in campaign a couple of years ago at the prospect of paying some tax. Then we see Mr Jordan and all the other people on the tax board who must, by definition, have massive conflict of interests in how they have now been put in place to try to muzzle and destroy the confidence of the tax office. What we are seeing here are conflicts of interests from all the Liberal Party spivs who just simply want to not pay tax. It is that fundamentally simple.
reject the character assassinations that are essentially directed against a man who I have a lot of respect for, and that is the present Commissioner of Taxation. He has a big job. Very few people appreciate the scope of the change that has occurred in the tax office in recent years, the challenges that have been put upon them by the great legislative changes that have occurred. I pay tribute to the leading officers—not only to the tax commissioner but right through the senior echelons and right down into the more senior ranks—for the manner in which they have handled those changes, cooperated with the outside world and attempted to communicate most effectively to make sure that everybody understands their obligations.

I come in here and, time and time again, hear attacks about the tax office and some of those officials. I hear attacks when their hands are tied behind their backs because they are taking court action against one of their number who is alleged to have erred. I get worried. I hope it is not the case, but one almost wonders whether some individuals in this place have an interest in trying to upset the proceedings so the whole matter can get thrown out. We have been warned about mentioning names, asking for documents, using those documents and circulating those documents. We just have to start asking what is the agenda of some of the people on the other side. Are they no longer interested in the due process of law? Are they no longer interested in upholding one of our very important independent—in a sense—administrative agencies that has the responsibility of discharging and applying the law fairly right across the spectrum?

This is indeed unfortunate, because there have been attacks on large professional accounting firms and some of their number. I remind the Senate that the tax laws are so complex nowadays that the tax office, like the Australian National Audit Office, like so many arms and agencies of government, have to rely on the special expertise out there in the community to get some feedback as to how the laws are working, what the difficulties are. It is not surprising that we find people from professional firms brought on board in a number of capacities. It is unfortunate that we link those particular names with their partners in firms involving hundreds and hundreds of people working right across Australia. I ask the Senate to think of the concept of the application of a Chinese wall. This concept is very strong in the accounting and legal professions, and I can assure you it applies pretty strongly. (Time expired)

Senator MURPHY (Tasmania) (3.25 p.m.)—Senator Watson seems to have quite misconstrued the points that we have raised in the questions we have asked of the would-be Assistant Treasurer in regard to this matter related to the tax office. We have never sought to attack any officer of the tax office; rather, we are seeking to ensure that they can actually get on and do their job. The allegations that have been reported in the paper are that a Tax officer, an audit officer, was removed from a particular case assessment of a very large business at the request of Mr Breckenridge. Yesterday, the Assistant Treasurer—he never could be Treasurer—came in here and said:

Let me make a couple of observations. The advice I have received from the tax office is that there are very few instances in which the ATO has been requested to remove an officer from an audit. When such a request is made, a decision is made by the ATO based on the merits of the case. Let me make it clear—and this is the advice I have received—that the ATO would only consider removing an officer from an audit if the officer’s behaviour was considered inappropriate or if there was a conflict of interest.

That is a very clear statement. But I have to say that the Assistant Treasurer, in response to the question he was asked today, which was almost the same, gave a totally different answer. Yesterday, he said:

Let me make a couple of observations. The advice I have received from the tax office is that there are very few instances in which the ATO has been requested to remove an officer from an audit. When such a request is made, a decision is made by the ATO based on the merits of the case. Let me make it clear—and this is the advice I have received—that the ATO would only consider removing an officer from an audit if the officer’s behaviour was considered inappropriate or if there was a conflict of interest.

That is a very clear statement. But I have to say that the Assistant Treasurer, in response to the question he was asked today, which was almost the same, gave a totally different answer. Yesterday, he said:

In regard to the eight occasions referred to in the article, the ATO has advised me that on no occasion did the ATO remove an officer from an audit.

The fact of the matter is that it did. That is the problem. In the case of Mr Fitton, even a court case considered his actions. I congratulate him on the statement he made, if that is what he said, in respect of the phone call that he was taking. He said that the situation was just like National Textiles and that in the circumstances it must be hard to see the directors voting themselves big pay rises. Exactly. I totally agree with that state-
ment. How does that constitute someone who wants to act with vigour in respect of the audit that they are asked to do on a high wealth individual, large business or international division, particularly large businesses? We know—and there is ample evidence that has been presented to Senate committees that Senator Watson and others sit on—that there have been circumstances where large businesses and high wealth individuals are avoiding paying their fair share of tax. We know that to be a fact.

Senator Watson—I didn’t dispute that. That’s part of their job.

Senator MURPHY—Senator Watson says he acknowledges that to be the case. That is why the integrity of the tax office must be protected. That is why we, the government and the Assistant Treasurer, responsible for the tax office and the administration of tax law, should be on top of these types of issues. But the Assistant Treasurer is not. He has had nearly a week to consider this matter—to make himself aware of exactly what the circumstances are. Yesterday he said one thing; today he said something else. This situation that the tax office often finds itself in is very serious. If there is one thing that the tax office is charged with—and I have said this before—it is applying the taxation law of this country equally to all Australians. There are enough allegations that the tax office has to deal with in respect of that.

I have chaired one inquiry, in respect of the Sunday program allegations that Senator Chapman raised. The reality is that there was sufficient evidence presented to that committee to suggest that there are problems, yet this government has failed to address those problems either legislatively or administratively. You cannot have an Assistant Treasurer who cannot make himself aware but also cannot deal with the problems at hand. How can you expect the tax office to administer this great thing called the GST you have lumped on them when you will not provide them with the assistance they need to maintain integrity and apply the taxation law equally to all Australians? We will have another inquiry for Senator Watson’s benefit and I hope he will come along to some of the hearings and take part in fixing some of this up. (Time expired)

Question resolved in the affirmative.

Zambia: Heavily Indebted Poor Countries Initiative

Senator WOODLEY (Queensland) (3.30 p.m.)—I move:

That the Senate take note of the answer given by the Minister for the Environment and Heritage (Senator Hill), to a question without notice asked by Senator Woodley today, relating to the foreign debt of Zambia.

I want to speak about the issues behind the question I asked Senator Hill today dealing with the debt that Zambia is saddled with. Zambia is due to receive debt relief soon, but that is very much debt relief in inverted commas. This is under the Heavily Indebted Poor Countries Initiative, which is supposed to ensure that these HIPC countries have debt reduced to what creditors call ‘sustainable levels’. The proposal is being considered by the IMF and the World Bank, but unfortunately it is for Zambia to pay more in debt servicing, when it gets debt relief, than it is currently paying. This is because its earlier debt problems were dealt with through new loans which are soon to come up for repayment. Instead of recognising the country could not afford to pay, yet again rules set by the IMF and the World Bank matter more than the survival of people.

Zambia is one of the world’s poorest countries. I gave some statistics this afternoon, but let me add to them. Life expectancy in Zambia is 44 years, and dropping. I spoke about the level of AIDS in Zambia. Its spending on health is, despite the AIDS epidemic, about $A30 per head per year. This compares with about $A3,000 per year in this country. If the debt could be cancelled then that health budget could be more than doubled.

The creditors, in particular the IMF, are facing considerable pressure from the Zambian government and also from Jubilee 2000, which I have spoken about before as a very worthy worldwide campaign, to address this case and acknowledge that it exposes the wider inadequacy of the enhanced HIPC Initiative. Gordon Brown, chairing the key
committee of the IMF/World Bank meetings in Prague in September this year, promised that:

in the case of Zambia where we see the figures, we recognise that there has got to be something done; in other words, that the debt payments have got to be looked at given the way their flow is going to come over a number of years.

However, the IMF has failed to reach consensus on a way out of Zambia’s problem. This is because any real solution would involve breaking the current HIPC rules, and they are not prepared to do that for fear of setting a precedent. Four options were proposed by the IMF, but Dr Katele Kalumba, Zambia’s Finance Minister, refused to accept any of them on the grounds that all would leave Zambia with unaffordable repayments. Citing the extent of poverty and HIV infection, Dr Kalumba argued that Zambia needs 100 per cent debt cancellation and anything less than that will destroy the country. The most likely outcome from the critical board meetings in the next two weeks will be that the IMF will heavily front-load Zambia’s debt repayments over the next ten years. This just means delaying the problem, not solving it. This country is due to reach decision point. It is essential and critical that Australia uses its influence to do something about a problem which is only going to get worse unless we can come up with proper answers. Anything that the Australian government can do to help Zambia and other highly indebted poor countries would certainly be supported by the Australian Democrats.

Question resolved in the affirmative.

NOTICES
Presentation

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

That the Environment and Heritage Legislation Amendment Bill (No. 2) 2000 be referred to the Environment, Communications, Information Technology and the Arts References Committee for consideration and report by 4 April 2001.

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

That the Senate—

(a) notes the restructure of the Australian Broadcasting Corporation’s (ABC) executive and program output areas;
(b) expresses its concern:
(i) over the costs associated with this restructuring, the increase in the salaries of several members of the executive and the $6.1 million in total costs of redundancies for the 26 people who have left the organisation since 1 July 2000, and
(ii) that, while the Chair of the Board has stated that there would be no increase in the overall salary budget of the ABC, this statement appears at odds with the increase in the size and salaries of the new executive,
(iii) at the number of reported job losses to be made in non-executive areas of the ABC, and
(iv) that further staff reductions may result in a decrease in the ABC’s program quality and quantity, despite the efforts of journalists, production and administrative staff;
(c) notes:
(i) that the reduction in overall staff numbers will not lead to an increase in cash or other resources available to the corporation, since the ABC’s output is directly and inextricably linked to the number of people connected with content production, broadcasts and administrative support functions, and that in the short term, the costs associated with staff severance can be extremely high, and
(ii) that the level of morale within the corporation appears to be at an all time low, with staff increasingly concerned that costs are being diverted from program production to funding the restructure and other consultancies and headhunting activities, as demonstrated in the extremely low number of first run television program hours the ABC currently has in its inventory;
(d) expresses its concern that the ABC may be considering commercial ventures in order to supplement its budget shortfall; and
(e) calls on the Government to increase the ABC’s budgetary appropriation.
Senator Bourne to move, on the next day of sitting:

That the Senate—

(a) notes the 20th anniversary of Australia's specialist multicultural broadcaster, the Special Broadcasting Service Corporation (SBS);

(b) congratulates the SBS for the role it plays in bringing about a sense of multicultural understanding and increased awareness of the diversity of cultures in the wider community through all its programs and services; and

(c) notes:

(i) the importance SBS places on news and current affairs programming,

(ii) the role SBS plays in commissioning documentaries, drama and other programs, which adds to the collection and broadcasting of Australian culture to Australian and international audiences.

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

That the following bill be introduced: A Bill for an Act to amend legislation relating to the environment, and for related purposes. **Environment and Heritage Legislation Amendment Bill (No. 2) 2000.**

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

That the following bill be introduced: A Bill for an Act to establish the Australian Heritage Council, and for related purposes. **Australian Heritage Council Bill 2000.**

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

That the following bill be introduced: A Bill for an Act to repeal and amend certain Acts as a consequence of the enactment of the Australian Heritage Council Act 2000, and for related purposes. **Australian Heritage Council (Consequential and Transitional Provisions) Bill 2000.**

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

That the following bill be introduced: A Bill for an Act to amend the National Crime Authority Act 1984 and the Ombudsman Act 1976, and for related purposes. **National Crime Authority Legislation Amendment Bill 2000.**

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

That the following bill be introduced: A Bill for an Act to amend the social security law and certain other laws in relation to social security concession cards, and for related purposes. **Social Security Legislation Amendment (Concession Cards) Bill 2000.**

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

That the following bill be introduced: A Bill for an Act to amend the Therapeutic Goods Act 1989, and for related purposes. **Therapeutic Goods Amendment Bill (No. 4) 2000.**

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

That the National Crime Authority Legislation Amendment Bill 2000 be referred to the Parliamentary Joint Committee on the National Crime Authority for inquiry and report by 1 March 2001.

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

That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on air safety be extended to the last day of sitting in March 2001.

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

That the following bills be referred to the Environment, Communications, Information Technology and the Arts Legislation Committee for inquiry and report by the first sitting day in 2001:

- Environment and Heritage Legislation Amendment Bill (No. 2) 2000
- Australian Heritage Council Bill 2000

Senator CAL VERT (Tasmania) (3.35 p.m.)—On behalf of Senator Coonan, on behalf of the Standing Committee on Regulations and Ordinances, I give notice that at the giving of notices on the next day of sitting I shall withdraw business of the Senate notices of motion Nos 1 and 2 standing in my name for 10 sitting days after today for the disallowance of the Fisheries Research and Development Corporation Amendment Regulations 2000 (No. 1), as contained in Statutory Rules 2000 No. 270 and the Fishing Levy Amendment Regulations 2000 (No. 3), as
contained in Statutory Rules 2000 No. 271. I seek leave to incorporate in Hansard the committee’s correspondence concerning these regulations.

Leave granted.

The correspondence read as follows—

Fisheries Research and Development Corporation Amendment Regulations 2000 (No. 1), Statutory Rules 2000 No. 270

2 November 2000
The Hon Warren Truss MP
Minister for Agriculture, Fisheries and Forestry
Parliament House
CANBERRA ACT 2600

Dear Minister

I refer to the Fisheries Research and Development Corporation Amendment Regulations 2000 (No. 1), Statutory Rules 2000 No. 270, that specify the research component for the levies attached to the Corporation for the 1997/98 and 1998/99 financial years, and correct an error in the commencement date for amendments made relating to the 1996/97 financial year.

The Explanatory Statement notes that ‘the Attorney-General’s Department has previously provided oral advice that such a retrospective commencement is both legally valid and, from a policy perspective, acceptable.’ Given the substantial retrospective application of these amendments, the Committee would appreciate receiving written confirmation of this advice. The Committee would also appreciate an explanation for the apparent delay in calculating the research component of the levy for the relevant years.

The Committee would appreciate your advice as soon as possible but before 27 November 2000 to allow it to finalise its consideration of these Regulations. Correspondence should be directed to the Chair, Senate Standing Committee on Regulations and Ordinances, Room SG 49, Parliament House, Canberra.

Yours sincerely
Helen Coonan
Chair

4 December 2000
Senator Helen Coonan
Chair
Senate Standing Committee on Regulations and Ordinances
Parliament House
CANBERRA ACT 2600

Dear Helen

Thank you for your letter of 2 November 2000 seeking clarification on the Fisheries Research and Development Corporation Amendment Regulations 2000. (No. 1), Statutory Rules No. 270.

In your letter you sought a written copy of the advice provided by the Attorney General’s Department as to the legality of the retrospective commencement of the amendments made to the 1996/97 FRDC regulations. I have enclosed a copy of the advice received from the Attorney General’s Department on this matter.

You also queried the apparent delay in calculating the research component of the levy for the 1997/98 and, 1998/99 financial years. The Australian Fisheries Management Authority (AFMA) has advised that this delay was due to an oversight on their behalf. These amendments are usually provided as soon as possible after the levy has been reconciled for a financial year, however due to a change in staff at AFMA this did not occur. This oversight was not identified for some time, which subsequently led to a delay in the drafting of amendments.

I trust that this information clarifies the situation for the Standing Committee.

Yours sincerely
WARREN TRUSS

OLD 9908208A
24 November 2000
Ms Kelly Crosthwaite
Legal Officer
Australian Fisheries Management Authority
3rd Floor, John Curtin House
BARTON ACT 2600

Dear Ms Crosthwaite

FISHERIES RESEARCH AND DEVELOPMENT CORPORATION AMENDMENT REGULATIONS 2000 (No. 1): SENATE COMMITTEE QUERIES

I refer to your letter dated 20 November 2000, asking for written confirmation of oral advice provided by this Office to the Authority in relation to the retrospective commencement of the Fisheries Research and Development Corporation Amendment Regulations 2000 (No. 1) (“the amending Regulations”).

2. As requested, I confirm that the amending Regulations do not infringe subsection 48 (2) of the Acts Interpretation Act 1901, and that in the circumstances it seems reasonable to make the amending Regulations retrospectively.
3. The Commonwealth imposes levies in relation to Commonwealth fisheries under the Fishing Levy Act 1991 (“the Levy Act”). The rates of those levies are set by Regulations made annually under that Act (“the Levy Regulations”). For the financial years beginning on 1 July 1996, 1997 and 1998, these were, respectively, the Fishing Levy (All Fisheries) Regulations (Statutory Rules 1996 No. 316), the Fishing Levy Regulations (Statutory Rules 1997 No. 312) and the Fishing Levy Regulations 1998. The Levy Regulations operate prospectively in relation to the financial year in which they are made. In accordance with section 81 of the Constitution, all amounts of levy received are paid into the Consolidated Revenue Fund.

4. Subsection 30A (1) of the Primary Industries and Energy Research and Development Act 1989 (“the R&D Act”) provides, in part, that:

(1) There are to be paid to an R&D Corporation established in respect of the fishing industry amounts equal to:

(a) where a levy is attached to the Corporation — the amounts from time to time received by the Commonwealth, under the Collection Act, as:

(i) the research component of that levy; and

(ii) amounts (if any) paid, on behalf of a person liable to pay that levy, by another person, in respect of the research component of that levy; and

(iii) amounts of penalty for non-payment of that levy, to the extent that the penalty is attributable to the non-payment of the research component of that levy; and...

5. Subsection 30A (3) of the R&D Act provides that:

(3) Amounts payable under subsection (1) are to be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

6. Subsection 5 (3) of the R&D Act provides, in part, that:

(3) …[W]here a levy or class of levies is declared by the regulations to be so attached, the regulations must declare:

(a) the whole or a specified proportion of the levy, or of each levy included in the class, as the case may be, to be the research component of the levy; and

…

7. The Fisheries Research and Development Corporation Regulations 1991 (“the principal Regulations”) establish the Fisheries Research and Development Corporation under section 8 of the R&D Act (regulation 4) and provide that the levy imposed by section 5 of the Levy Act is attached to that Corporation (subregulation 4A (1)). The amending Regulations do not materially alter those provisions of the principal Regulations. The amending Regulations retrospectively amend the principal Regulations to provide that, for the financial year beginning on 1 July 1997, the research component was 9.5% of the levy imposed under the Levy Act and, for the financial year beginning on 1 July 1998, the research component was 7.2% of the levy imposed under the Levy Act. In the absence of the amending Regulations, the principal Regulations would not have provided for any research component for those financial years.

8. The amending Regulations also amend the Fisheries Research and Development Corporation (Amendment) Regulations (Statutory Rules 1998 No. 90) (“the 1998 Regulations”) to provide that the 1998 Regulations were to be taken to have commenced on 1 July 1996 rather than 1 July 1997. This was necessary because the 1998 Regulations amended the principal Regulations to set the research component for the financial year beginning on 1 July 1996. Their original commencement date of 1 July 1997 had been set in error.

9. The amending Regulations do not impose any new levy or increase the amount of levy payable by any person. They merely provide that an amount must be paid from consolidated revenue to the Corporation. Subsection 48 (2) of the Acts Interpretation Act 1901 provides:

(2) A regulation, or a provision of regulations, has no effect if, apart from this subsection, it would take effect before the date of notification and as a result:

(a) the rights of a person (other than the Commonwealth or an authority of the Commonwealth) as at the date of notification would be affected so as to disadvantage the person; or

(b) liabilities would be imposed on a person (other than the Commonwealth or an authority of the Commonwealth) in respect of anything done or omitted to be done before the date of notification.

10. The only material retrospective effect of the amending Regulations, and the 1998 Regulations as amended by the amending Regulations, is to impose a liability on the Consolidated Revenue Fund. As that Fund belongs to the Commonwealth, the amending Regulations, and the 1998
Regulations as amended by the amending Regulations do not infringe subsection 48 (2) of the Acts Interpretation Act 1901.

11. Subsection 5 (3) of the R&D Act requires the research component to be expressed as a proportion of the total levy. It does not allow the research component to be expressed as a fixed number of dollars. I understand from my conversation with the Authority’s Mr Hyland on 25 October 1999 that it is not practical to prescribe a proportion of the levies imposed under the Levy Act that must be directed to the Corporation as the research component of those levies until after the end of the financial year for which those levies are imposed, as the Authority does not know in advance how much levy will be collected in respect of each fishery.

12. I note also that information is provided to levy payers and the general public by way of notes in the Levy Regulations stating the amount of each levy that is intended to form the research component. Although these notes do not have the status of law and cannot bind the Government when it amends the principal Regulations, they provide some transparency about how the money raised by the levies will be used.

13. In these circumstances it seems reasonable to use the latitude given by the Acts Interpretation Act 1901 and make the Regulations as soon as possible after the end of the financial year in question.

14. If you have any queries about this advice, please do not hesitate to contact me.

Yours sincerely

Christopher Sant
TelephoneNumber: 6250 5632
Legislative Counsel Facsimile: 6250 5935
Drafting Unit 2 Email: chris.sant@ag.gov.au

Dear Minister

I refer to the Fishing Levy Amendment Regulations 2000 (No. 3), Statutory Rules 2000 No. 271, that specify the levy payable for each permit for the South Tasman Rise Fishery

The Committee notes that Explanatory Statement to these Regulations advises that the levy has been set following a review by AFMA in consultation with the South Tasman Rise Australian Trawl Association and all permit holders. However, there is no explanation of the actual basis on which the $3,000 amount has been determined. The Committee would therefore appreciate your advice on the basis used to determine the levy amount.

The Committee would appreciate your advice as soon as possible but before 27 November 2000 to allow it to finalise its consideration of these Regulations. Correspondence should be directed to the Chair, Senate Standing Committee on Regulations and Ordinances, Room SG 49, Parliament House, Canberra.

Yours sincerely

Helen Coonan
Chair

30 November 2000
Senator Helen Coonan
Chair
Senate Standing Committee on Regulations and Ordinances
Parliament House
CANBERRA ACT 2600

Dear Helen

Thank you for your letter of 2 November 2000 seeking clarification on the levy payable for the South Tasman Rise Fishery under the Fishing Levy Amendment Regulations 2000 (No. 3).

I have sought advice from the Australian Fisheries Management Authority (AFMA) in responding to your query. AFMA has advised that the basis for calculating the levy rate for the South Tasman Rise Fishery was changed at the end of last year from 10 cents per kilo of orange roughy to a flat rate collected from each permit holder. This transition was due to AFMA’s concern that the previous levy system did not accurately reflect the costs of managing the fishery. As a result of the inaccuracy of the old system, the levy collected for the 1999/2000 financial year was in surplus of the management costs incurred in the fishery.

As the new structure was introduced part way through a season, the $3,000 levy figure represents a transitional figure that is related to only
part of the year. The flat levy rate of $3,000 per permit holder was calculated on the basis of the cost of staff managing the fishery and included costs associated with the development of long term management arrangements and the monitoring of vessels and catch levels. The total budgeted levy amount of $42,000 included all of these costs, plus a percentage that AFMA and the South Tasman Rise Australian Trawl Association (STRATA) agreed would be added to the 1999/2000 surplus to develop a dedicated research fund for the fishery.

The next levy amount, which is set out in the upcoming Fishing Levy Regulations 2000, will be significantly more as that amount will relate to the costs of managing the fishery for an entire fishing year.

I trust that this information clarifies the situation for the Standing Committee.

Yours sincerely

WARREN TRUSS

COMMITTEES

Selection of Bills Committee

Senator CALVERT (Tasmania) (3.36 p.m.)—I present the 21st report of 2000 of the Selection of Bills Committee.

Ordered that the report be adopted.

Senator CALVERT—I seek leave to have the report incorporated in Hansard. I thank members of the committee for their cooperation during the year.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE

REPORT NO. 21 OF 2000

1. The committee met on 5 December 2000.
2. The committee resolved to recommend—that the following bills not be referred to committees:
   • Communications and the Arts Legislation Amendment Bill 2000
   • Roads to Recovery Bill 2000
The Committee recommends accordingly.
3. The committee deferred consideration of the following bills to the next meeting:
   (deferred from meeting of 5 September 2000)
   • Maritime Legislation Amendment Bill 2000
   (deferred from meeting of 3 October 2000)
   • Human Rights (Mandatory Sentencing for Property Offences) Bill 2000
   (deferred from meeting of 31 October 2000)
   • International Monetary Agreements Amendment Bill (No. 1) 2000
   (deferred from meeting of 5 December 2000)
   • Aboriginal and Torres Strait Islander Commission Amendment Bill 2000
   • Migration Legislation Amendment (Integrity of Regional Migration Schemes) Bill 2000
   • Migration Legislation Amendment (Migration Agents) Bill 2000
   • Pig Industry Bill 2000
   • Remuneration Tribunal Amendment Bill 2000
   • Veterans’ Affairs Legislation Amendment (Application of Criminal Code) Bill 2000
(Paul Calvert)
Chair
6 December 2000

NOTICES

Postponement

Items of business were postponed as follows:

General business notice of motion no. 786 standing in the names of Senators Bourne and Allison for today, relating to nuclear weapons, postponed till 7 December 2000.

COMMITTEES

Employment, Workplace Relations, Small Business and Education Legislation Committee

Meeting

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

That the order of the Senate of 28 November 2000, authorising the Employment, Workplace Relations, Small Business and Education Legislation Committee to further consider the 2000-2001 budget estimates, be varied to omit “10 am to 12.45 pm” and insert “9 am to 11.45 am”.
LAW AND JUSTICE LEGISLATION
AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2000

First Reading

Motion (by Senator Ian Campbell) agreed to:
That the following bill be introduced: A Bill for an Act relating to the application of the Criminal Code to certain offences, and for related purposes

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

Bill read a first time.

Second Reading
Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts) (3.39 p.m.)—I table the explanatory memorandum and move:
That this bill be now read a second time.

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

Leave granted

The speech read as follows—

One of the more exciting and ambitious projects within my responsibility has been the development of the Model Criminal Code. Since 1996 model offences concerning a wide range of topics, including conspiracy to defraud, assault, stalking, abduction, sexual offences, homicide, perjury, threatening witnesses, drug trafficking, the contamination of goods, slavery and sexual servitude have been developed following extensive nation-wide consultation.

The Model Criminal Code discussion papers and reports contain a comprehensive review of the law on each topic in Australia and overseas. The work has come to the notice of the High Court and is now recognised throughout Australia and overseas as one of the more worthwhile contemporary law reform projects.

All of these areas of criminal law deserve, and will benefit from, greater clarity and consistency across Australia, and the Model Criminal Code project is a vital step towards this goal. We have seen the benefits flowing from this project through the adoption by the States and Territories of various components from the Model Criminal Code, thus giving Australians greater certainty, protection and confidence under the criminal law.

We can anticipate that still greater benefits will flow as this project continues.

At the Commonwealth level this project has seen the continuing development of the Criminal Code. When finalised, the Criminal Code will codify the most serious offences against Commonwealth law and establish a cohesive set of general principles of criminal responsibility. This represents a significant improvement on existing Commonwealth criminal law, where existing serious criminal offence provisions are scattered throughout the broad range of legislation and of which it cannot be said that they are created, or interpreted, in a consistent manner.

An important step in the process of finalising the Criminal Code is to ensure that all offence-creating and related provisions throughout Commonwealth legislation are drafted in a manner which makes them work under the general principles established by the Criminal Code. While a majority of offences will operate as they always have without amendment, there are some that will require adjustment. It is important that all such amendments are made prior to the application of the Criminal Code’s principles to all offences against Commonwealth legislation on 15 December 2001 in order to ensure there is a seamless transition.

The purpose of this Bill is to apply the Criminal Code to all offence-creating and related provisions in Acts falling within the Attorney-General’s portfolio, and to make all necessary amendments to these provisions to ensure compliance and consistency with the Criminal Code’s general principles. The amendments will ensure that existing criminal offences and related provisions continue operate in the same manner as at present after application of the Criminal Code. This Bill will be one of a series designed to apply the Criminal Code on a portfolio-by-portfolio basis.

A number of amendments to offence-creating and related provisions within the Attorney-General’s portfolio have been identified as necessary. These amendments are made in the Schedule to the Bill.

Significantly, this Bill is to remove duplications of the Criminal Code’s provisions. For example, there are a large number of offences of attempt scattered throughout Commonwealth legislation. The Bill will repeal these superfluous provisions and instead place reliance on the Criminal Code’s provisions.

An important component of the Bill is to provide clarity about the application of strict liability or absolute liability to some offence-creating provisions. Under the Criminal Code an offence must
specifically identify strict liability or absolute liability as the case may be, or the prosecution will be required to prove fault in relation to each element of the offence. This is necessary to ensure that the strict or absolute liability nature of some provisions are not lost in the transition to application of the Criminal Code’s general principles. If relevant offences are not adjusted in this manner many will become more difficult for the prosecution to prove, and therefore reduce the protection which was originally intended by the Parliament to be provided by the offence.

This Bill will similarly improve the efficient and fair prosecution of offences by clarifying the physical elements of offences and amending inappropriate fault elements. I anticipate that this measure alone will save many hundreds of hours of court time otherwise spent in complicated, and sometimes inconsistent, interpretation of offence-creating provisions. It follows that courts will enjoy significant savings in time, costs and resources as a result of the amendments.

The Criminal Code is a significant step in the reform of our system of justice, and it is important that it be implemented in a way that is considered and pays careful regard to the way Commonwealth offence provisions are to work in practice.

This Bill is an important step in that process. I commend the Bill to the Senate.

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

Economics References Committee

Extension of Time

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

That the time for the presentation of the final report of the Economics References Committee on the provisions of the Fair Prices and Better Access for All (Petroleum) Bill 1999 and the practice of multi-site franchising by oil companies be extended to 8 February 2001.

AUSTRALIAN BROADCASTING CORPORATION

Senator BROWN (Tasmania) (3.40 p.m.)—I ask that general business notice of motion No. 789 today, which condemns the Australian Broadcasting Corporation management, be taken as a formal motion.

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

Senator O’BRIEN (Tasmania) (3.40 p.m.)—by leave—My understanding was that this matter was to be postponed until tomorrow. I must say that I only received that understanding a short time ago. I had communicated with Senator Brown’s office that we were not happy for this matter to proceed today. It is his right to seek to proceed, but I indicate that if he does wish to proceed we will call this matter not formal.

Senator BROWN (Tasmania) (3.40 p.m.)—by leave—I indicate to the opposition that I understood the concern was the wording of the amendment. It is a strongly worded amendment, but it expresses the concern that the Greens have about what is happening in the ABC. If the opposition is looking at minor word changes, I am sorry I do not have those. But if it is looking at a redrafted amendment, I want to proceed with this one.

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

Senator O’Brien—Yes.

The DEPUTY PRESIDENT—There is an objection.

Suspension of Standing Orders

Senator BROWN (Tasmania) (3.41 p.m.)—Pursuant to contingent notice, I move:

That so much of the standing orders be suspended as would prevent Senator Brown moving a motion relating to the conduct of the business of this Senate, namely a motion to give precedence to general business notice of motion No. 789.

I do that because the matter is not only important but extremely urgent. Almost daily, we are hearing from the ABC about the dismantling of more of its intellectual and experiential capital. We have seen in just the last 24 hours a nationwide strike as the ABC personnel defend their interests in what is a tortuous process of dismantling of the ABC by the Howard government and by its appointees, not least the managing director, Mr Jonathan Shier. Enough is enough. At some
stage a stop has to be put to this rapid attrition of an organisation which is extraordinarily important to the Australian community.

We all have to take note of the now enormous alarm in the Australian community that the ABC is being plundered by Jonathan Shier and his appointees, who are diverting money from the ABC itself into their own pockets in terms of management getting precedence over the funding of the ABC.

I would condemn this government for its cuts to the ABC full stop. But it is not just the cuts. It is the death by a thousand cuts being employed by successive appointees of Prime Minister Howard’s government that alarms the people of Australia. We do not need a fourth or fifth commercial entity. We need public broadcasting that is fearlessly independent and which gives alternatives both in news and programming performances across the spectrum to the Australian people. The ABC is time honoured, it is loved and it is wanted for what it is. In the past years of this government, the Australian people have seen an accelerated dismantling of the intellectual capital, the faithful service and the wanted performance of the ABC. It is a process that we have to stand up against.

It is time to stand with the people in the ABC who have given their service to this country against these second-rate corporate people—some of whom are corporate failures—now being injected into the ABC to do a hatchet job for this government. It is time that we stood against that. Toying with words in this place is not going to help that job. I am amazed that there has not been a bigger uproar in this parliament about what has been happening in the last few days, as the ABC’s most popular personnel make a joint appeal to stop the dismantling of the broadcaster’s independence, integrity and intellectual capital. What is going to happen in the next year? After the last year, anything could happen, but the successive sacking of people who have been in the creative as well as administrative management of the ABC and the replacement with hacks from the big end of town, in the interests of conservative politics alone, has to be a matter which this parliament debates, and it has to be a matter in which we are empowered to intervene, if necessary. If there is one place to do that, it is in the Senate, where the government does not have total control, at the end of the day, of what happens.

I am not going to take umbrage at the fact that this is not going to move on to a full debate, but I think it should. I am not taking umbrage, because I understand that an alternative will be brought forward tomorrow by the Labor Party and/or the Democrats. If that happens, it will get my support, but we should have a debate on this, and we should have a clear message going to the government and we should have a clear message going to Managing Director Shier: you are doing the wrong thing by the Australian Broadcasting Corporation, you are doing the wrong thing by the Australian viewing and listening public, and you are doing the wrong thing by the experts in the ABC whom you are sacking because you do not like what they have to say. (Time expired)

Senator O’BRIEN (Tasmania) (3.47 p.m.)—The opposition will not be supporting a suspension at this time. We did indicate, as senators would have noted, that the opposition wished to have the opportunity to discuss the words of the motion. There are many aspects of the motion with which we can agree. The reason Senator Brown chose to pursue this matter today is unclear to me. Perhaps it was to have a five-minute contribution, and he has had that. If another motion comes up tomorrow, we will be able to deal with it, but he clearly understood the consequences of moving today. We will not be supporting suspension to deal with this matter today. This matter could have been dealt with tomorrow with a formal motion, hopefully with which we could concur and, subject to the views of other senators, carried overwhelmingly if not unanimously.

In terms of the reason that we are not prepared to deal with this matter, I think I would leave that to others to explain privately to Senator Brown, but the fact is that I have no instructions to proceed. As Senator Brown knows, I am the whip, I am not the shadow minister in this matter. I have no instructions to proceed to a debate at this time. Indeed, there are some other matters—whether or not they are as important—coming before the
Senate today, and obviously we have to allocate the time according to what can best be dealt with today.

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (3.48 p.m.)—I just want to say briefly—because it is clearly unfair to allow the opposition to accept all the acrimony which will obviously flow from Senator Brown because he will feel aggrieved that we are not supporting his motion—that the government will not be supporting Senator Brown’s motion either. We are very much in support of the reasons Senator O’Brien has just outlined. Could I also make the point—and there are always exceptions to this, to be fair to Senator Brown—that generally the whips will run through programming issues, particularly in relation to formality of notices. We generally are alerted to the issues that may arise and to the possibility of suspensions, and this was very much out of left field for the government. It was not expected, and I think that generally these things are better handled by negotiating between the parties so that we know what we are dealing with. Otherwise it is very hard to manage what is always a busy schedule in this place but which of course is far more busy because a deadline looms with the rising of the Senate for the summer recess in what is becoming a matter of hours.

Senator Brown—Madam Deputy President, I raise a point of order. I would like to point out that as recently as an hour ago I could not get from the opposition what their position was on this. I agree that the opportunity is there to discuss the matter and come to an agreement, but the opposition is going to have to be a bit faster.

The DEPUTY PRESIDENT—There is no point of order. The question is that the motion moved by Senator Brown be agreed to.

Question resolved in the negative.

COMMITTEES
Procedure Committee Report

The DEPUTY PRESIDENT—I present the second report of 2000 of the Procedure Committee.

Ordered that the report be printed.

Ordered that consideration of the report be made a business of the Senate order of the day for the first day of sitting 2001.

Scrutiny of Bills Committee Report

Senator CALVERT (Tasmania) (3.51 p.m.)—On behalf of Senator Crane, on behalf of the Scrutiny of Bills Committee, I lay on the table Scrutiny of Bills Alert Digest No. 18 of 2000, dated 6 December 2000.

MINISTERIAL STATEMENTS

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts) (3.51 p.m.)—by leave—On behalf of Senator Robert Hill, the Leader of Government in the Senate and the Minister for the Environment and Heritage, I table the National Greenhouse Strategy 2000 Progress Report. In the interests of time, I seek leave to incorporate the minister’s tabling statement.

Leave granted.

The statement read as follows—

Today I am tabling the first report on progress in implementing the National Greenhouse Strategy—NGS—which was launched by all Australian Governments in 1998. Through the NGS, the strategic framework for advancing Australia’s greenhouse response, governments have agreed to forge major reductions in Australia’s projected emissions growth.

The tabling of this report provides a good opportunity to reflect on the seriousness of climate change as an issue for Australia and the rest of the world.

There is no doubt that the world’s climate is changing more than could be expected from natural causes. There is clear evidence that the amount of carbon dioxide in the atmosphere is now higher than it has been for over 420,000 years. And it is increasing faster than at any time during the last 20,000 years. More than two thirds of the increase registered in the last 20 years is due to fossil fuel burning.

It is also clear that the world’s temperature has increased and that the 1990s was the warmest decade since records began in the 1860s. Meas-
urements show that sea levels increased during the 20th Century and that there have been changes in rainfall patterns across the globe such as the decline in winter rainfall in south-western Australia. There is every sign that these changes will continue this century.

The First Report on NGS progress

It is because Australian governments have decided that there is too great a risk not to act that they have committed themselves to action.

The report makes clear the Commonwealth Government has been leading by example on climate change. Through the NGS and subsequent initiatives the Commonwealth has invested nearly $1 billion in our greenhouse response over five years.

The Prime Minister’s 1997 Safeguarding the Future package of measures is a central element of the NGS. The package provides $61.4 million for the support and development of renewable energy through creating markets, funding industry development and commercialisation. The Government also has introduced legislation to require that, by 2010, Australia sources an additional 9,500 gigawatt hours (GWh) of electricity from renewable sources.

On energy efficiency, minimum energy performance standards for equipment and appliances are expected to reduce emissions by over five megatonnes per year, on average, over the next decade and a half. Following agreement by all States and Territories this year, energy efficiency performance standards are to be introduced into the Building Code of Australia. Further, power station energy efficiency standards are expected to cut emissions by about four megatonnes each year equivalent to taking one million cars off the road.

Consumer awareness of motor vehicle fuel efficiency is also being promoted. From 1 January 2001, all new passenger cars and light commercial vehicles sold in Australia will carry a fuel consumption label on their windscreen.

Australia’s capacity to store carbon in vegetation is further being enhanced through the innovative Bush for Greenhouse and Plantations-2020 Vision programs.

The NGS is about partnerships between governments and industry and between different levels of government. In the voluntary Greenhouse Challenge program to abate greenhouse emissions over 45 per cent of Australia’s total industrial emissions are now covered. By the end of 2000, industrial end user Challenge participants are expected to reduce emissions by around 23.5 Mt per year.

Ninety-nine Australian local governments - covering nearly half of Australia’s population - have joined the Cities for Climate Protection™ program, representing the largest number of participating local governments in the world.

Last year, the Commonwealth substantially increased its commitment to greenhouse response with the Measures for a Better Environment package. This policy package is consistent with the principles and framework of the NGS and provides nearly $800 million towards programs to support renewable energy and alternative fuels, and the Greenhouse Gas Abatement Program designed to stimulate large abatement projects across the economy. The report on Commonwealth initiatives under the NGS is, therefore, far from the full story of what we are doing.

The NGS is also, crucially, about a partnership between the Commonwealth and States and Territories. States and Territories have key responsibilities in the areas of energy policy, land use change, transport planning and waste management. These areas are critical to Australia meeting its greenhouse target.

There have been some important steps forward by States and Territories in responding to greenhouse with all implementation plans now finalised and available on the NGS website - at http://ngs.greenhouse.gov.au.

But a much greater level of effort is required from States and Territories. States and Territories need to be prepared now to commit funding to making progress on greenhouse reductions. Only relatively limited funding targeted at greenhouse is identified by States and Territories in this report.

States and Territories have indicated a number of areas in the report where they expect to make emissions reductions by 2008 and beyond. However, assessments of their implementation plans indicate, they must strengthen their commitment.

The Government is Looking Ahead

Although international climate change negotiations have not progressed as quickly as we would have liked Australia’s strong domestic efforts to achieve substantial greenhouse gas reductions continue - as this report makes clear. Staying on track to meet our Kyoto target will depend on Australian governments, industry and the broader community staying committed to reducing greenhouse emissions.

As part of maintaining the momentum for containing growth in emissions, the Commonwealth is consulting on important new measures.

The Government has agreed in principle to the development of arrangements that would allow
industry to earn credit for actions that help reduce Australia’s greenhouse gas emissions profile. Credits would be exchangeable for emission allowances that would be assigned to Australia if the Kyoto Protocol enters into force, and would be useable within a trading system. Participation by industry in early crediting arrangements would be entirely voluntary.

Conclusion

This first report on the implementation of the National Greenhouse Strategy indicates that Australia is making headway in implementing a range of measures which will contribute significantly to constraining growth in Australia’s greenhouse gas emissions. It recognises that the Commonwealth is taking the lead and has made the greatest commitment both politically and in committing real finance. It also recognises that there is much yet to do under the strategy’s broad-ranging measures. To stay on track to meet the Kyoto target will certainly require continued effort on the part of governments, industry and the broader community. The Commonwealth Government is committed to this effort.


Senator BOLKUS (South Australia) (3.52 p.m.)—by leave—I move:

That the Senate take note of the report.

It is somewhat ironic that, less than two weeks after coming back from the failed climate change negotiations in The Hague, Senator Hill in his report today is trying to put a positive spin on his role in greenhouse abatement. Yet it was the position taken by the United States, Japan and Canada—and supported by the Australian government—that stalled those critical talks. It is the government’s inflexible approach, for instance, to renewable energy legislation which has stalled that legislation in the Senate. More importantly, the National Greenhouse Strategy, which Senator Hill has come here today to promote, has failed to deliver outcomes—despite many positive aspects. Not one measure reported on by Senator Hill this afternoon has been fully implemented.

Australia’s per capita greenhouse gas emissions have shot to the highest in the world, and they are growing faster than the rate of growth in the economy. While the rest of the world moves to break the nexus between economic growth and energy consumption, we in Australia have increased our use of greenhouse-intensive fuels, and emissions are skyrocketing. The executive summary of the report just tabled states:

Growth in emissions ... was higher than anticipated as a result of a higher than expected rate of economic growth.

Yet, for the first time in almost a decade, the emissions per GDP have increased. So emissions growth was not just a result of economic growth; it was a result of less efficient use of energy. Not only are we among the most inefficient users of energy in the OECD, but we appear to be going backwards.

The recent Senate inquiry into climate change examined the implementation of the NGS and its adequacy in addressing the greenhouse challenge confronting us. Evidence presented to the committee highlighted significant limitations in the strategy, including: the slow pace of implementation planning; the haphazard approach taken by governments in developing greenhouse policy; the gaps in the programs and inaction; and the lack of integration of greenhouse into other strategic Commonwealth policy objectives, including energy market reform, competition policy, taxation, resource management, industry development and transport. The committee noted the slow progress by the states in implementing agreed measures under the strategy. The committee noted that there was qualified endorsement of the strategy by some states, with Western Australia, for instance, seeking a 240 per cent increase on 1990 emissions, offset by some three million hectares of plantation sinks. The committee also noted that there were inadequate resources devoted by the states to ensure the effective implementation of greenhouse abatement measures and that there was ineffective coordination by the Commonwealth over design, progress and adequacy of measures.

A key aim of the NGS is to reduce duplication across government activities and programs. This is where the government is obviously failing. Senator Hill claims:
The Commonwealth has invested nearly $1 billion in our greenhouse response over five years. Once again, this is a spin by the minister. It is simply not true. The money may have been promised, but it has not yet been invested. The government’s five-year package has only just started. If the NHT is anything to go by, it will be a long time before the government puts the money into it. In 1997, for instance, we had the Prime Minister’s Safeguarding the Future package of measures. These measures are central to the National Greenhouse Strategy. More than three years later, those measures remain largely unimplemented.

The legislation which I referred to earlier is stalled in the Senate, and the government has no flexibility to pick up some fairly reasonable amendments by Labor and it has no capacity to pick up the amendments moved by the Democrats and the Greens. Minimum energy performance standards for equipment and appliances have been in the development phase for years and they seem to be going nowhere fast. Energy efficiency performance standards were promised to be introduced into the Building Code of Australia, but are years off completion. Power station energy efficiency standards were expected to be in place by this year, but they will not be fully implemented for a number of years. The voluntary Greenhouse Challenge program has been extended, with questionable achievement of emissions reductions over business as usual. Current reduction estimates include business as usual efficiency improvements. Senator Hill has called for increased financial commitment from the states and territories, but that is somewhat inconsistent with experience to date.

In conclusion, what is needed internationally and nationally is some real measures showing true leadership. We did not see that at The Hague. We do not see that in this strategy.

Question resolved in the affirmative.

Defence 2000: Our Future Defence Force

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts) (3.57 p.m.)—by leave—I table a statement by the Prime Minister, Mr Howard, entitled Defence 2000—Our Future Defence Force together with a white paper on Defence policy with the same title. I seek leave to incorporate the statement in Hansard.

Leave granted.

The statement read as follows—

DEFENCE 2000 – OUR FUTURE DEFENCE FORCE


This White Paper represents the most comprehensive reappraisal of Australian defence capability for decades.

It announces major increases, over a long time scale, in defence funding. And it complements the Governments strategic view of the circumstances in which Australia is now placed in our region and beyond.

At the outset, I acknowledge the Government’s debt to the Minister for Defence, the Hon John Moore MP, for his tireless commitment to both policy and management reform within the defence area.

As a people, Australians have never taken their freedom for granted. As an independent and self-reliant nation, we’ve accepted the unique demands placed upon us as the privileged occupants of an island continent. We’ve accepted responsibility for defending ourselves, our homes, our way of life and, when called upon, to defend the rights of others.

Today’s White Paper ensures we can continue to do so. The Government’s purpose is to provide Australia with the Defence capability it will need over the first few decades of this new century.

We are grateful for the role played by many Australians during the process of preparing the White Paper. Under the leadership of Andrew Peacock, former Minister for Foreign Affairs and Ambassador to the United States, we undertook the most extensive public consultation on defence issues in Australia’s history.

His report, published a few weeks ago, shows that a strong national consensus on defence issues exists throughout the country. The views gathered were extremely useful in making our decisions on Australia’s future defence force needs and I would like to personally thank all those who took part in this important consultation process.
It must be said, we have not undertaken this defence review because we face an urgent strategic crisis. There are of course some important challenges, yet Australia remains a secure country.

In peaceful times it is sometimes easy to forget how essential a strong military capability is. However, as we were all reminded last year, there are times when the whole country looks to our service men and women to do extraordinary things under exceptional circumstances.

That does not happen by itself. We recognise a responsibility to recruit and retain the best people possible, to equip and train them to world standards and to ensure that all is done so that they may successfully face whatever tasks lie ahead.

But all of that costs a great deal. Defence is one of our most expensive national undertakings. We have an equal responsibility to ensure that Government funds are spent wisely.

Over the past few years, the Government has given high priority to reforming the Defence organisation and we have regarded this as an essential precondition for serious consideration of our long-term defence and funding needs.

Important reforms have begun. Management practice has improved, waste and inefficiency cut, and responsibility and accountability tightened. Great credit is due to the Minister for Defence, and also to his predecessor, Ian McLachlan.

The Government has ensured that the Defence Force was able to meet the demands placed upon it. Defence alone was exempted from the budget cuts necessary in our first years in Government, and we have maintained defence spending in real terms ever since.

Early last year we took what proved to be a prudent and far-sighted decision to increase the readiness of our land forces, so that we were ready to meet the crisis in East Timor when it arose. And we have provided substantial additional funding to support our East Timor commitments.

But, at the same time, the Government has been determined to step back from the day-to-day demands and review the basics of our strategic policy. For the past twelve years Australia’s defence funding has been flat in real terms, and indeed fell slightly in the early 1990’s. Over the same period, costs have increased in real terms in many areas of the defence budget.

The result has been a long-term squeeze on our capabilities, and on the people in uniform. The Government became concerned that our defence budget was no longer adequate to sustain the existing set of capabilities. Without action, defence spending as a percentage of GDP would have continued to decline. So we have undertaken a comprehensive review of all aspects of our strategic policy, force structure, and funding needs.

Our basic objective was to provide a stable and sustainable basis for our defence policy by aligning our strategic objectives, our capability requirements, and our defence spending. That is the essence of this White Paper.

We have taken a long-term view of all these issues. Our key defence decisions are not just about what we need this year or the next; the reality of a modern combat capability highly dependent on advanced technology is the need to plan for the next decade, and even the decade after that.

We started by acknowledging the many positive trends in our strategic environment. Economic growth and regional integration augur well for the future security of the Asia-Pacific. But they cannot be taken for granted. The relationships between the region’s major powers will be critical for the stability of our entire region, and they pose challenges as well as providing opportunities in the years ahead. Continued US engagement in the Asia-Pacific will be the single most important factor in maintaining security in the region over that period.

Closer to home, several of our most important neighbours are confronting new and difficult circumstances. Indonesia’s political transition and economic situation obviously pose major challenges to its Government. Australia’s commitment to supporting Indonesia’s stability and territorial integrity remains steadfast. PNG and many of the island states of the Southwest Pacific likewise face a range of domestic challenges.


The White Paper reaffirms that Australia seeks to work with other countries to achieve our strategic objectives, and it recognises the strategic interests and objectives we share with our friends and neighbours in the region. It places strong emphasis on our international defence relationships, including our key alliance with the United States, our bilateral and multilateral regional linkages and the importance we place on cooperating with a strong New Zealand Defence Force. We emphasise particularly our long-term interest in good defence relations with Indonesia.
The Government believes that Australia’s armed forces will continue to have a vital role in our overall strategic and foreign policy. We cannot easily predict when or where Australia might need to deploy its armed forces. We think it important to both clearly establish our enduring strategic interests and objectives, and ensure we have forces to protect them under a wide range of circumstances.

This has been the approach we have taken in this White Paper. We have aimed to provide a clear and comprehensive statement of our strategic imperatives, and to spell out the principles that guide our force-development decisions.

The Government has reaffirmed the primacy in our defence planning of self-reliance in defending our own territory from direct attack. Such an attack is not at all likely under current circumstances, but Australia should, as a matter of enduring national policy, maintain the capacity to independently defend its sovereign territory against any threat that may emerge.

This means the maintenance of air and naval forces able to deny maritime approaches to any hostile forces and the capability to defeat any incursions onto our soil, without relying on help from the combat forces of other countries. But while the self-reliant defence of Australia remains the basis of our defence policy, it is not the limit of that policy. Our security equally depends on developments in our neighbourhood and beyond.

Over recent years the demands on the ADF, especially for peace keeping and other lower-level operations, have increased sharply. Many of these operations have been far from home – in Africa and the Middle East, including the Gulf. But the most pressing demands have been for operations in our immediate neighbourhood.

Today the ADF is deployed on operations in East Timor, Bougainville and Solomon Islands. These operations serve important Australian security interests, as well as urgent humanitarian needs. We may be called upon again to take a leading role in such operations. The Government is determined to ensure that our defence forces are adequately prepared and equipped to work with our neighbours to protect shared interests and fulfil our responsibilities in the immediate region.

Beyond our immediate neighbourhood, Australia has important interests in helping to support the stability of Southeast Asia, the wider Asia-Pacific, and the global security framework. The Government is realistic about the scale of contribution Australia can make to the security of the wider region and beyond.

We will not develop capabilities specifically to undertake operations beyond our immediate region. But where our interests are engaged and circumstances warrant, Australia will be prepared to contemplate providing forces to coalitions supporting regional security. The forces we develop for the defence of Australia will give us a significant range of options to make such contributions.

To meet all these strategic objectives, the Government has decided that Australia needs to maintain two key sets of capabilities.

First, we need high-technology air and naval forces that can defend Australia by controlling our air and sea approaches. These forces can also contribute to regional coalitions in higher-level conflicts, as well as support forces deployed in our immediate neighbourhood.

Second, we need highly deployable land forces that can operate both in the defence of Australia and to undertake lower-level operations in our immediate neighbourhood.

To do this, we need to maintain the full range of military capabilities we have today, and significantly enhance many of them over the coming decade. We need to increase the readiness, deployability and combat weight of our land forces, and progressively upgrade our air and naval forces to keep pace with evolving technologies and capabilities. The government is determined to ensure that the ADF will have the capability to both fight and win.

This will require an increase in Defence spending. The effective use of that increase, as well as the existing level of expenditure, also requires a new approach to defence planning to provide Defence with a clear long-term program of development to meet Australia’s strategic objectives.

The Government has provided this in the Defence Capability Plan, which is set out in the White Paper. The Defence Capability Plan sets goals for the development of each major group of capabilities, and provides detailed, costed programs for their development. It tells Defence exactly what the Government expects, and provides a much clearer basis for financial management and programming within Defence itself.

The Defence Capability Plan covers the next ten years, and takes account of the need to invest within that period on new capabilities which will only come into service in the decade commencing 2010. Within the disciplined framework of the Plan, the Government has made major decisions about the future of all our major capabilities.

The Army will be maintained at the increased levels of readiness that it has reached following the INTERFET deployment. Under this plan six
battalion groups will be held at high readiness including a parachute battalion, two light infantry air-mobile battalions, a motorised battalion and a mechanised battalion. The current SAS regiment will be maintained and the commando battalion will be fully developed. The logistics capacity for the support of these units will be greatly improved.

Their firepower and mobility will also be enhanced. Two squadrons of Armed Reconnaissance Helicopters will enter service, providing the Army with a major new capability. An additional squadron of troop lift helicopters will also be deployed.

To better protect our forces, the Armoured Personnel Carrier fleet will undergo a major upgrade: new air defence missile systems and highly mobile mortar systems will enter service in the coming years, and our battalions will receive advanced thermal surveillance systems.

Soldiers within our deployable land forces will receive improved body armour, weapons, night vision equipment and communication systems. In combination, these systems will ensure the Australian soldier remains one of the world’s most effective combatants – in both peacekeeping and war.

The capabilities of our soldiers will be further improved by development of an enhanced combat training centre at which sophisticated computer systems will allow the most advanced simulated training possible. This will be a world class facility.

The Government has given particular attention to the Reserves. They will be given a major new role in providing the follow-on troops to sustain long-term deployments. Legislative changes we have already announced will enable the Government to call forward reserves in a much wider range of circumstances, to help meet the demands which may well be placed on the ADF over coming years. For those who join, the Reserves will become a more demanding, but also a more rewarding commitment.

The Defence Capability Plan commits the Government to a sustained program of investment in the air and maritime capabilities so important to the defence of Australia. The plan includes upgrades and eventual replacement for the F-18 and F-111 aircraft, new air refuelling aircraft, a major upgrade to our surface fleet including the construction of a new class of major warship later in the decade, and a program to bring the Collins submarines up to their full potential.

And, after careful consideration, the Government has decided to proceed with the acquisition of four AEW&C aircraft, with an option of up to another three at a later date.

All of this will cost a great deal. To achieve the capability enhancements set out in the Defence Capability Plan, the Government will increase defence spending by $500 million in financial year 2001-02 and by a further $500 million in 2002-03, providing an additional $1 billion that year. Thereafter defence spending will continue to rise by 3 per cent in real terms in each year of the remainder of the decade.

The capability enhancements in this White Paper will result in a $23 billion increase in Defence funding over the coming decade – a significant increase in defence funding by any standard.

This is a much more specific funding commitment than in any White Paper over the past twenty-five years. It will provide the first significant real increases in defence spending in fifteen years. And we have taken the unprecedented step of providing funding projections over the entire decade.

On the basis of current expectations that the economy will grow about 3 per cent per annum over the decade, Defence spending will therefore be maintained at its present percentage of around 1.9 per cent of GDP.

This firm commitment to realistic increases in Defence funding will be welcomed by the vast majority of Australians, who recognise the importance of our armed forces to Australia’s long-term future. It will, of course, be especially important to those men and women who accept the special challenge of a career in our Defence Force.

This White Paper places special emphasis on the people of Defence. They are a tremendous national asset. The Government intends that this White Paper will make clear not just what the Government expects of them, but also that the Government understands what they need to do the job. They are immensely committed to the vital work they do – I hope the decisions and commitments we are announcing today will demonstrate how strongly we value their contribution.

The White Paper also details a range of measures and initiatives to address some of the real issues, which confront our service personnel. The men and women of the ADF do a job unlike any other, and they are in so many ways exceptional people. But they are also people like the rest of us, who wish to raise families, own homes and educate their children. We need to make sure that the special demands of service life do not make these things harder than they should be. Getting these things right, so that we can recruit and retain good
people into the ADF, will be one of the keys to our future military strength.

The Government has decided to increase support and funding for the Australian Services Cadets Scheme. It believes the scheme provides worthwhile and challenging experiences for many young Australians and can result in a lifetime interest in the Australian military.

The Government believes that the White Paper’s decisions and commitments will also provide certainty to those in industry who make a vital contribution to our defence. The ADF needs to rely on a wide range of people and businesses to develop and deliver the capabilities needed, and the Government places high priority on building effective partnerships between Defence and the private sector.

We also want to use our defence investment to help foster skills, innovation and technologies in Australia and, of course, provide jobs where possible. The programs announced in this White Paper will have important consequences for many sectors of Australian industry. For example, our shipbuilding industry should benefit from plans to undertake major upgrades and new construction work.

Of course there are many more important elements to this White Paper. They are detailed in the document and will be spelled out in more detail by the Minister for Defence and his colleagues, the Minister assisting him, the Hon Bruce Scott, and Senator Abetz. I would like to thank them and their team in Defence for the work that has gone into this White Paper. I would also like to thank my colleagues in the National Security Committee of Cabinet and officials from the departments of Prime Minister and Cabinet, Foreign Affairs and Trade, Treasury and Finance and the Office of National Assessments, all of whom have made a major contribution.

In addition, I particularly thank the Chief of the Defence Force and the three service chiefs for their valuable input in the course of preparing the White Paper.

The Government has every reason to be proud of this White Paper. It is one of its major achievements.

It sets new standards in the clarity with which the fundamentals of our strategic policy are explained.

It sets new standards in the detailed program we have set down for the development of our defence forces.

It sets new standards by providing specific and unambiguous long term funding guidance for Defence.

And it sets new standards in the way in which the people of Australia have been drawn into the policy process.

I believe the result should maintain the healthy level of bipartisanship on the basics of Australia’s strategic policy that we have seen in this place for many years.

The decisions set out in this White Paper ensure Australia will gain and maintain, well into this new century, the capabilities needed to defend this nation and make a responsible contribution to the security of our region.

Senator IAN CAMPBELL—I seek leave to move a motion in relation to the statement.

Leave granted.

Senator IAN CAMPBELL—I move:

That the Senate take note of the document.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

COMMITTEES

Report: Government Response

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts) (3.57 p.m.)—I present the government’s response to the President’s report of 29 June 2000 on outstanding government responses to parliamentary committee reports, and I seek leave to incorporate the document in Hansard.

Leave granted.

The document read as follows—

GOVERNMENT RESPONSES TO PARLIAMENTARY COMMITTEE REPORTS RESPONSE TO THE SCHEDULE TABLED BY THE PRESIDENT OF THE SENATE ON 29 JUNE 2000

Circulated by the Leader of the Government in the Senate
Senator the Hon Robert Hill
6 December 2000

COMMUNITY AFFAIRS REFERENCES

Access to Medical Records

The response was tabled on 30 November 2000.

Report on Proposals for Changes to the Welfare System
The response will be tabled as soon as possible.

Rocking the Cradle – A Report into Childbirth Procedures
The response was tabled on 31 August 2000.

CORPORATIONS AND SECURITIES (Joint Statutory)
The response will be tabled soon.
Report on the Mandatory Bid Rule
The response was tabled on 9 November 2000.

ECONOMICS REFERENCES
Report on the Operation of the Australian Taxation Office
The response will be tabled as soon as possible.
Report on the Provisions of the Fair Prices and Better Access for All (Petroleum) Bill 1999 and the Practice of Multi-site Franchising by Oil Companies
A Government response is not required.

ELECTORAL MATTERS (Joint Standing)
The Joint Standing Committee on Electoral Matters Report on the 1998 Federal Election contained a significant number of recommendations on a broad range of issues. The Government wishes to give full consideration to the issues raised in the report before responding. It is expected that a response will be tabled by the end of this year.

EMPLOYMENT, WORKPLACE RELATIONS, SMALL BUSINESS AND EDUCATION REFERENCES
Jobs for the Regions: A Report on Regional Employment and Unemployment
The response is expected to be tabled in the Spring Sittings.
The Government is considering the report.

ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS LEGISLATION
Report on the Postal Services Legislation Amendment Bill 2000
The Government is still considering the recommendations.

ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES
The response has been delayed by the need to consider the report in the context of the new Environment Protection and Biodiversity Conservation Act 1999. It should be tabled in the 2001 Autumn Sittings.
The response was tabled on 12 October 2000.

Report on the Development of Hinchinbrook Channel
The response should be tabled in the current sittings.

Inquiry into ABC On-line – Interim Report
The Minister for Communications, Information Technology and the Arts tabled a letter in the Senate on 14 August 2000 stating that the recommendations in the interim report would be addressed in the response to the final report.

Inquiry into Gulf St Vincent
The Government is finalising its response and plans to table in the 2001 Autumn Sittings.

FINANCE AND PUBLIC ADMINISTRATION REFERENCES
Inquiry into the Mechanism for Providing Accountability to the Senate in Relation to Government Contracts
The interim report does not contain any recommendations and therefore not requiring a response. The interim report will be addressed in the response to the final report.

FOREIGN AFFAIRS, DEFENCE AND TRADE (Joint Standing)
Australia and ASEAN: Managing Change
The response is expected to be tabled shortly.
Funding of Australia’s Defence
The response is to be made in the context of the Defence White Paper, due for publication in December 2000.

Australia’s Trade Relationship with India
The response is expected to be tabled shortly.

Report on the Loss of HMAS Sydney
The response was tabled on 29 June 2000.
Military Justice Procedures in the Australian Defence Force

The response will be tabled as soon as possible.

Defence Sub-Committee Visit to Defence Establishments in Northern Australia, 26-29 July 1999.

The response was tabled on 5 October 2000.

Bougainville: The Peace Process and Beyond

The response was tabled on 2 November 2000.


The response was tabled on 7 September 2000.

FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES

Report on the Proposed Sale of Australian Defence Industries Ltd to Transfield Thomson-CSF

The response was tabled on 5 October 2000.

INFORMATION TECHNOLOGIES (Select)

Netbet: A Review of On-line Gambling in Australia

The Government will respond to the Senate Committee’s report once it has fully considered its options for imposing a moratorium on new interactive gambling services and the feasibility and consequences of banning interactive gambling.

In the Public Interest: Monitoring Australia’s Media

The Government has decided it would be appropriate to consider the common issues raised in the reports of the Senate Select Committee on Information Technologies Report In the Public Interest: Monitoring Australia’s Media; the Productivity Commission’s Report on Broadcasting and the Australian Broadcasting Authority’s Final Report on its Commercial Radio Inquiry together.

The Government expects to be able to respond to all three reports in the near future.

LEGAL AND CONSTITUTIONAL LEGISLATION

Family Law Amendment Bill 1999

The response will be tabled shortly.

INFORMATION TECHNOLOGIES (Select)

Inquiry into the Commonwealth’s Actions in Relation to Ryker (Faulkner) v The Commonwealth and Flint

The Attorney-General is considering the report and an appropriate response.

Inquiry into Sexuality Discrimination

The Government response to the Report will be considered in due course.

Inquiry into the Australian Legal Aid System (3rd report)

The proposals in the report are under consideration. It is expected that a response will be tabled in the 2001 Autumn Sittings.

Privacy and the Private Sector: Inquiry into Privacy Issues, including the Privacy Amendment Bill 1998

The response has been revised to take account of the Privacy Amendment (Private Sector) Bill 2000, which was introduced into Parliament on 12 April 2000. The response will be tabled shortly.

Inquiry into the Human Rights (Mandatory Sentencing of Juvenile Offenders) Bill 1999

The response will be tabled as soon as possible.

A Sanctuary Under Review: An Examination of Australia’s Refugee and Humanitarian Determination Processes

The response will be tabled as soon as possible.

Report on the Anti-Genocide Bill 1999 and Related Matters

The response to the report of the Senate Legal and Constitutional References Committee on the Anti-Genocide Bill 1999 and related matters has been delayed pending a decision by the Government on the content of the legislation to enable Australia to ratify the statute of the International Criminal Court. On 25 October 2000 the Government announced that the legislation would include provision to enable Australia to investigate and prosecute the crimes within the court’s jurisdiction, including genocide. The legislation will form the basis of the Government’s response to the Committee Report, which it is expected will be tabled shortly.

MIGRATION (Joint)

Deportation of Non-Citizen Criminals

The response was tabled on 17 July 2000.

NATIONAL CAPITAL AND EXTERNAL TERRITORIES (Joint Standing)

Island to Islands: Communications with Australia’s External Territories

A response is expected to be tabled shortly.

NATIONAL CRIME AUTHORITY (Joint Statutory)

Third Evaluation of the National Crime Authority
The response was considered by the Inter-Governmental Committee on the National Crime Authority at its meeting in November 1999 and drafting of legislation to give effect that the response is well advanced. However, a number of new issues have come to light necessitating a review of the Government’s response and further consultation with the States. A revised response will shortly be circulated to the Inter-Governmental Committee on the National Crime Authority. It is anticipated that the Government response will be tabled in the 2000 Spring Sittings.

**NATIVE TITLE AND THE ABORIGINAL AND TORRES STRAIT ISLANDER LAND FUND (Joint Statutory)**

CERD and the Native Title Amendment Act 1998

The Attorney-General is considering the report.

**PUBLIC ACCOUNTS AND AUDIT (Joint Statutory)**


A response is not required.


A response is not required.


The final response to this report was contained in the Executive Minute tabled on 10 May 2000.

**CORPORATE GOVERNANCE AND ACCOUNTABILITY ARRANGEMENTS FOR COMMONWEALTH GOVERNMENT BUSINESS ENTERPRISES, DECEMBER 1999 (REPORT NO. 372)**

It is expected that a response will be tabled early 2001.


A response is not required.


A response is not required.


A response is not required.

**RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION**

**REPORT ON THE ALBURY-WODONGA DEVELOPMENT AMENDMENT BILL 1999**

The response will be tabled as soon as possible. The major recommendation was realised with Royal Assent to the Bill on 3 May 2000.

**AN APPROPRIATE LEVEL OF PROTECTION? THE IMPORTATION OF SALMON PRODUCTS: A CASE STUDY OF THE ADMINISTRATION OF AUSTRALIAN QUARantine AND THE IMPACT OF INTERNATIONAL TRADE ARRANGEMENTS**

The Government is considering the report.

**RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES**

**DEREGULATION OF THE AUSTRALIAN DAIRY INDUSTRY**

The response is expected to be tabled before the end of the Spring 2000 Sittings.

**REPORT ON THE DEVELOPMENT OF THE BRISBANE AIRPORT CORPORATION’S MASTER PLAN FOR THE FUTURE CONSTRUCTION OF A WESTERN PARALLEL RUNWAY**

The response is expected to be tabled in the Spring Sittings.

**SCRUTINY OF BILLS (SENATE STANDING)**

**FOURTH REPORT OF 2000: ENTRY AND SEARCH PROVISIONS IN COMMONWEALTH LEGISLATION**

The proposals in the report are under consideration. It is expected that the Government response will be tabled in the 2001 Autumn Sittings.

**SOCIO-ECONOMIC CONSEQUENCES OF THE NATIONAL COMPETITION POLICY (SENATE SELECT)**

Final Report – Riding the Waves of Change

The response was tabled on 11 August 2000.

**TREATIES (JOINT)**

**TREATIES TABLED ON 18 MARCH 1997 AND 13 MAY 1997 (8TH REPORT)**

The response is expected to be tabled shortly.

**AGREEMENT WITH KAZAKHSTAN, TREATIES TABLED ON 30 SEPTEMBER 1997**
The response is expected to be tabled shortly.

**Australia-Indonesia Maritime Delimitation Treaty (12th report)**

A response is not required. The Australia-Indonesia Maritime Delimitation Treaty has been overtaken by subsequent developments in East Timor.

Treaties Tabled 1 April and 12, 13 and 26 May 1998 (15th report)

The response was tabled on 29 June 2000.

**UN Convention on the Rights of the Child (17th report)**

The response will be tabled in the 2001 Autumn Sittings.

**Two Treaties Tabled on 26 May 1998, the Bougainville Peace Monitoring Group Protocol and Treaties Tabled on 11 November 1998 (20th Report)**

The response is expected to be tabled shortly.

**Amendments proposed to the International Whaling Convention (23rd report)**

The response was tabled on 17 August 2000.

**Eight treaties Tabled on 11 August 1999 (25th report)**

The response was tabled on 5 October 2000.

**Termination of Social Security Agreement with the United Kingdom; and International Plant Protection Convention (27th report)**

The response was tabled on 29 June 2000.

**Singapore’s use of Shoalwater Bay. Development Co-operation with PNG and Protection of New Varieties of Plants (29th Report)**

The response was tabled on 5 October 2000.

**Treaties Tabled on 8 and 9 December 1999 and 15 February 2000 (30th Report)**

The response was tabled on 5 December 2000.

**Three Treaties Tabled on 7 March 2000 (31st Report)**

The response is expected to be tabled shortly.

**Six Treaties Tabled on 7 March 2000 (32nd Report)**

The Government expects to respond to the report shortly.

**Social Security Agreement with Italy and New Zealand Committee Exchange (33rd Report)**

A response is not required.
and the concurrence of the Senate in the amendments made by the House.

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

House of Representatives message—
HOUSE OF REPRESENTATIVES REASONS
FOR DISAGREEING TO THE SENATE AMENDMENTS

Senate Amendment 1
The Bill was originally to commence 12 months after Royal Assent or on 1 July 2001, whichever is later (now, effectively, 12 months after Royal Assent). This amendment amended the Bill so that it will commence on 1 July 2001.

The 12 month lead in time is essential for business to get ready for the legislation. Organisations will need to reassess their practices and procedures and develop new ones that comply with the legislation. Organisations may also wish to develop privacy codes for approval by the Privacy Commissioner.

The Privacy Commissioner will also need this 12 month period to educate business and consumers, develop guidelines and assist business with the development of privacy codes.

Accordingly, the House of Representatives does not accept this amendment.

Senate Amendment 2
The objects clause in the Bill currently describes the objects as being to establish a national scheme for the appropriate handling of personal information in a way that:

— meets Australia’s international privacy obligations;

— recognises individuals’ interests in protecting their privacy; and

— recognises important human rights and social interests that compete with privacy.

The amendments to this clause made by the Senate are unnecessary. They are already encompassed by the broad object statements in the current objects clause and add nothing of substance. Accordingly, the House of Representatives does not accept this amendment.

Senate Amendments 3, 6, 7, 8 and 32
These amendments insert new provisions into the Bill to define ‘DNA sample’, ‘family member’ and ‘genetic information’. The amendments also insert ‘genetic information’ into the existing definition of ‘health information’ and insert two new sub-principles into National Privacy Principle 10 to deal with the disclosure of ‘genetic information’.

When enacted, the Bill will apply to information about individuals that is derived from genetic technologies to the extent that the information could constitute ‘personal information’ about an individual. To the extent that genetic information constitutes ‘health information’, it will be subject to the same level of privacy protection afforded to ‘sensitive information’ under the Bill.

The House of Representatives acknowledges that genetic information and, more generally, advances in gene technology, raise unique and complex privacy and discrimination issues. The resolution of these issues will affect a wide range of sectors of the Australian community and therefore merit a more specific response.

The House of Representatives notes that the Government has announced that it will refer the complex issues raised by developments in gene technology to a joint inquiry of the Australian Law Reform Commission and the Australian Health Ethics Committee of the National Health and Medical Research Council. The House of Representatives considers that until it has the benefit of the result of the inquiry, it would be premature to accept the amendments proposed by the Australian Democrats. Accordingly, the House of Representatives does not accept these amendments.

Senate Amendments 4, 5, 17 and 18
These amendments operate to change the structure of the employee records exemption in the Bill and significantly narrow it. As a result of the amendments, the only types of employee records that would be exempt from the Bill would be those relating to an employee’s engagement, training, discipline, resignation, termination, performance and conduct. All of the other information on a typical employee record would be subject to the provisions of the Bill. This will impose unnecessary administrative and financial burdens on Australian employers.

The Government has announced that it will review existing Commonwealth, State and Territory laws to consider the extent of privacy protection for employee records and whether there is a need for further measures.

The House of Representatives does not consider it necessary or appropriate to impose such burdens on Australian employers without giving proper consideration to the need for such controls. Accordingly, the House of Representatives does not accept these amendments.

Senate Amendment 9
This amendment deletes the current definition of ‘personal information’ in the Privacy Act 1988 and replaces it with a new definition that includes reference to ‘directly or indirectly’ identifying an
individual by reference to information or an opinion. The current definition of ‘personal information’ in the Act has worked well in the public sector for over 12 years. This definition is also used in the Freedom of Information Act 1982 and referred to in the Customs Administration Act 1985.

The definition is fundamental to the operation of the Privacy Act, which regulates ‘personal information’ contained in records. Changing the definition would require an in-depth analysis of possible ramifications as well as consultation with the Office of the Federal Privacy Commissioner. This analysis and consultation has not been undertaken. Accordingly, the House of Representatives does not accept this amendment.

**Senate Amendment 10**

This amendment inserts a definition of ‘tenancy information’ into the Bill and is related to other amendments to the small business exemption that would deny the exemption to small businesses in relation to any tenancy information that they hold.

The House of Representatives is of the view that it is not appropriate for one particular group of businesses to be singled out in the Bill which is of general application. The Bill provides the Attorney-General with the power to prescribe small businesses or particular acts or practices of small businesses that should be brought within the ambit of the Bill. This is the appropriate mechanism to be used to address the issue of tenancy databases in the event that, after this Bill comes into effect, there is evidence that such action is necessary. Accordingly, the House of Representatives does not accept this amendment.

**Senate Amendments 11 and 12**

These amendments amend the definition of ‘organisation’ in the Bill. They provide that a ‘small business operator’ is deemed to be an organisation (and therefore subject to the Bill) in relation to acts and practices concerning employee records and tenancy information it holds. In addition, amendment 12 deems a small business operator to be an organisation if it accepts online payment for goods or services.

The effect of amendments 11 and 12 will be that a small business could be exempt in relation to some of the information it holds and subject to the Bill in relation to other information. The House of Representatives considers that these amendments will create unnecessary complexity and uncertainty in relation to the application of the Bill. The House of Representatives also notes that simply accepting payment online has nothing to do with real privacy risk and is not a proper basis for subjecting a small business to privacy regulation. Accordingly, the House of Representatives does not accept these amendments.

**Senate Amendments 13 and 14**

These amendments alter the small business exemption in the Bill. Amendment 13 deletes paragraph 6D(4)(c) of the Bill and substitutes a provision which provides that a small business will be denied the benefit of the small business exemption if it discloses personal information other than with the consent of the individual or as required or authorised by or under legislation. Amendment 14 deletes sub-clause 6D(7) of the Bill.

These amendments narrow the scope of the small business exemption and effectively introduce a new, broader consent based element into the exemption.

The small business exemption in the Bill has been balanced to ensure that small businesses that pose a particular risk to privacy will not be able to benefit from the exemption. Accepting these amendments would mean that many small businesses would be denied the small business exemption without any evidence that they pose a risk to the privacy of individuals. Accordingly, the House of Representatives does not accept these amendments.

**Senate Amendments 15 and 16**

These amendments remove the mechanism that allows a small business that has chosen to opt-in to the coverage of the Bill to revoke that choice. The opt-in facility is designed to enable otherwise exempt small businesses to take advantage of the commercial benefits that sound privacy practices can generate. It is not appropriate to remove choice from small businesses. As the small business opt-in facility is voluntary, the House of Representatives considers that these amendments would be a significant disincentive to small businesses opting-in to the legislation. Accordingly, the House of Representatives does not accept these amendments.

**Senate Amendment 20**

This amendment restricts the circumstances in which related bodies corporate are able to share personal information. It provides that related bodies corporate can only share personal information with each other if (i) National Privacy Principle 1 (NPP 1) has been complied with; and (ii) it would not exceed the reasonable expectations of the community.

Addition of the Senate’s blanket requirement to comply with NPP 1 is unnecessary.

Under the Bill as amended by the House of Representatives, an organisation subject to the Bill will be required to comply with NPP 1 when col-
lecting information regardless of whether it intends to take advantage of the ability to share information with a related body corporate or not. Further, where an entity that is not required to comply with the National Privacy Principles shares the personal information with a related body corporate, the receiving body corporate must comply with the National Privacy Principles (or code equivalent) relating to collection when accepting that information.

An objective reasonable expectations test would seem to add little to the protection that is already afforded by NPP 1. Accordingly, the House of Representatives does not accept the Senate’s amendment.

**Senate Amendments 27 and 28**

Amendment 27 gives the Privacy Commissioner power to issue a breach notice where, in the Privacy Commissioner’s opinion, an organisation has failed to comply with a determination issued by him/her. Amendment 28 provides for the Federal Court to impose a maximum penalty of $50,000 where the breach notice is not complied with.

The amendments allow a court to issue a penalty based only on the fact that the time for compliance nominated on a breach notice issued by the Privacy Commissioner has expired. This arrangement denies the court the ability to determine for itself whether there has been an interference with privacy. That is, the court is unable to make an independent assessment of the basic allegations made against the organisation before the penalty is imposed.

These amendments go well beyond the regulatory approach in the Bill and attempt to impose a penalty provision that is not justified. Accordingly, the House of Representatives does not accept these amendments.

**Senate Amendments 29, 30 and 31**

These amendments separate the provisions dealing with access to health records from the general access and correction provisions in the Bill. They insert new sub-principles into National Privacy Principles 6 which deal specifically with access to health information. The amendments would have the effect of limiting the ability of record holders to legitimately deny an individual access to health information. In addition, the amendments seek to provide that an individual may access health information of a factual nature regardless of when it was collected, but may only access health information containing matters of opinion if the information was collected on or after the date of commencement of the Bill.

The House of Representatives considers the treatment of access to health records in the Bill to be balanced and appropriate. The House of Representatives notes that extensive consultation was undertaken in the development of the part of the Bill dealing with health information, including extensive consultation by the Privacy Commissioner. The amendments disrupt the balance achieved through that consultative process. Accordingly, the House of Representatives does not accept the amendments.

**Senate Amendment 33**

This amendment introduces a new National Privacy Principle into the Bill designed to provide special protection for the personal information of children. On a preliminary examination of the proposed amendment, the House of Representatives considers there are problems with it. For example, there is no definition of ‘commercial service’. Any organisation providing services to children on a for-profit basis would potentially be covered, including childcare centres, schools and medical practices. The provision could impact on the rights of the child, for example, the child’s right to free speech and the child’s right to seek medical assistance or professional advice on their own behalf.

The House of Representatives is also concerned about the possible interaction of such a provision on the operation of State and Territory laws, particularly those dealing with the protection of children and reporting of child abuse. Privacy legislation should not be used as a basis for inhibiting a child’s right to impart personal information to a responsible person if that child is suspected of being at risk of abuse.

The House of Representatives agrees that the notion of children’s privacy has merit (subject to the necessary consultation occurring in relation to the issue) and could be examined further. However, there has not been sufficient consultation in relation to the proposal to allow the amendment to be accepted. Accordingly, the House of Representatives does not accept this amendment.

**AMENDMENTS MADE BY THE HOUSE OF REPRESENTATIVES IN PLACE OF SENATE AMENDMENTS NOS 19 AND 21 TO 26.**

(1) Schedule 1, item 42, page 27 (after line 22), at the end of subsection (6), add:

Note: To avoid doubt, this section does not make exempt for the purposes of paragraph 7(1)(ee) an act or practice of the political representative, contractor, sub-
contractor or volunteer for a registered political party involving the use or disclosure (by way of sale or otherwise) of personal information in a way not covered by subsection (1), (2), (3) or (4) (as appropriate). The rest of this Act operates normally in relation to that act or practice.

(2) Schedule 1, item 54, page 35 (after line 9), after subsection 16C(1), insert:

(1A) National Privacy Principle 2 applies only in relation to personal information collected after the commencement of this section.

(3) Schedule 1, item 54, page 35 (lines 16 to 18), omit subsection 16C(3), substitute:

(3) National Privacy Principle 6 applies in relation to personal information collected after the commencement of this section. That Principle also applies to personal information collected by an organisation before that commencement and used or disclosed by the organisation after that commencement, except to the extent that compliance by the organisation with the Principle in relation to the information would:

(a) place an unreasonable administrative burden on the organisation; or
(b) cause the organisation unreasonable expense.

(4) Schedule 1, item 58, page 39 (line 29), omit “nature and outcome”; substitute “and nature”.

(5) Schedule 1, item 58, page 39 (after line 31), after paragraph (k), insert:

(ka) the code requires the report prepared for each year to include, for each complaint finally dealt with by an adjudicator under the code during the relevant financial year, a summary identifying:

(i) the nature of the complaint; and
(ii) the provisions of the code applied in dealing with the complaint; and
(iii) the outcome of the dealing;

whether or not the adjudicator made a determination, finding, declaration, order or direction in dealing with the complaint; and

(6) Schedule 1, item 58, page 39 (line 32), omit “a person who is”; substitute “an adjudicator for the code or another person as the person”.

(7) Schedule 1, item 58, page 42 (after line 18), after section 18BG, insert:

18BH Review of operation of approved privacy code

(1) The Commissioner may review the operation of an approved privacy code.

Note: The review may inform a decision by the Commissioner under section 18BE to revoke the approved privacy code.

(2) The Commissioner may do one or more of the following for the purposes of the review:

(a) consider the process under the code for making and dealing with complaints;
(b) inspect the records of an adjudicator for the code;
(c) consider the outcome of complaints dealt with under the code;
(d) interview an adjudicator for the code.

(8) Schedule 1, item 58, page 42 (after line 18), after section 18BH, insert:

18BI Review of adjudicator’s decision under approved privacy code

(1) A person who is aggrieved by a determination made by an adjudicator (other than the Commissioner) under an approved privacy code after investigating a complaint may apply to the Commissioner for review of the determination.

Note: The review of the adjudicator’s determination will include review of any finding, declaration, order or direction that is included in the determination.

(2) Divisions 1 and 2 of Part V apply in relation to the complaint covered by the application as if the complaint had been made to the Commissioner and subsection 36(1A) did not prevent the Commissioner from investigating it.

Note: Divisions 1 and 2 of Part V provide for the investigation and determination of complaints made to the Commissioner.
The adjudicator’s determination continues to have effect unless and until the Commissioner makes a determination under Division 2 of Part V relating to the complaint.

Schedule 1, item 59, page 42 (after line 32), after paragraph (ac), insert:

(ad) to review the operation of approved privacy codes under section 18BH;

(ae) on application under section 18BI for review of the determination of an adjudicator (other than the Commissioner) in relation to a complaint—to deal with the complaint in accordance with that section;

Motion (by Senator Ian Campbell) proposed:

That the committee does not insist on its amendments Nos 1 to 33 to which the House of Representatives has disagreed and agrees to the amendments made by the House of Representatives in place of amendments Nos 19 and 21 to 26.

Senator BOLKUS (South Australia) (4.01 p.m.)—The opposition will not be resisting this message. The package that the government has finally accepted is not one that we see as an ideal package. We still see that there are some major flaws in it and we think that the government’s response has been tardy and inadequate and has major gaps. However, there is one factor that the Senate needs to consider in addressing the message from the House of Representatives and that is, essentially, that we have a government that does not really want legislation in this area. We have a government that for years has dragged its feet in terms of trying to address private sector privacy issues and a government which in opposition resisted the previous Labor government’s attempts to cover this area and to provide effective regulation. So, in essence, we are in a situation where those who want legislation have to accept what is basically a horse and buggy model for a high-tech era and environment. That is, in essence, what we have with this legislation. We have tried to take a constructive and balanced approach in this debate and we do recognise that the government has accepted some of the changes we have proposed. But these changes are nowhere near adequate to address the state-of-the-art technology that basically governs the collection of data on private individuals in the modern world.

In terms of the government’s concessions, I turn to the most important one and, we think, the most valuable, and that is the creation of an automatic right of appeal from the industry code adjudicators to the Privacy Commissioner, together with the abolition of the existing administrative review mechanisms contained in the Privacy Amendment (Private Sector) Bill 2000. The bill proposed a formal, inflexible process focusing not on matters of substance but only on matters of procedure. In our consultations on the bill, we received strong representations both from business and from consumer groups that the review mechanisms prescribed in the bill were unsatisfactory. Business groups, for instance, argued that decisions of the industry code adjudicators should not be reviewable by the Federal Court because the court would have imposed a formal, inflexible and unfamiliar review process on what were intended to be flexible and informal processes undertaken by code adjudicators.

It is always interesting how businesses run off to the courts for redress against each other, but they do not like consumers to have a capacity to seek redress against them when they break the rules of the game. Consumer groups, such as the Australian Consumers Association, have pointed out that, without the Privacy Commissioner having a central role, multiple and conflicting interpretations of similar code provisions in the various industry codes could develop. Therefore, we think providing the Privacy Commissioner with a supervisory jurisdiction over decisions of code adjudicators addresses the problem of interpretations of similar code provisions being applied differently across the different codes. We think this result is good for consumers and good for business but, most importantly, it will assist in the protection of privacy. We are pleased to have been able to force the government to accept it.

There will now also be additional reporting requirements for code adjudicators. Code adjudicators will be required to provide a summary of each complaint finally dealt with by the adjudicator in the code’s annual report. This will provide the Privacy Com-
missioner with a better picture of how industry codes are being applied and it will give the commissioner a better understanding of where practices are not up to scratch. There will also be a concession by the government to pick up Labor’s proposal in respect of the power of the Privacy Commissioner to review operations of industry codes. The commissioner will now have a broad power to review the operation of such privacy codes. This is a general power which the commissioner can exercise in response to concerns about the operation of the code or which, in fact, the commissioner could rely on as part of a process of random audits. This new power, once again imposed by Labor on the government, will strengthen the role of the Privacy Commissioner within the coregulatory framework established by the bill.

We have also been able to achieve a concession in respect of the right of access and correction to existing information—a critical area of protection of privacy and protection of citizens. The government has conceded that more should be done to allow Australians greater access to pre-existing information and the right to correct that information when it is wrong. The bill will now provide for individuals to access and correct personal information collected before the commencement of the bill where that information is used or disclosed by the organisation after the commencement date. This is an important amendment which does reach somewhat back in time. It does not go far enough, but it does provide enhanced protection.

Finally, in response to concerns in relation to the breadth of the exemption for political parties, the government has agreed to insert a legislative note to clarify that the exemption will not permit the sale or disclosure of personal information collected by virtue of the exemption in a way not covered by the exemption. Once again, we were seeking something tougher. The legislative note will be an aid for courts to interpret this particular clause. We expect that that clause will be interpreted by the courts in the same way as our amendment, which was proposed at the earlier part of this process, would have been.

We support these amendments. There is, however, a lot of unfinished business—a lot of other areas remain unaddressed. We have frequently criticised this legislation as being the weakest of all attempts at privacy legislation. It was always on again, off again, and when it finally arrived it was riddled with exemptions and escape clauses. It left many issues entirely unaddressed.

There is a wide-ranging exemption for small business, for instance, in this legislation which will entirely exempt more than 95 per cent of businesses. When one takes into account that on a day-to-day level most Australians have ongoing connections and business transactions with small business, this is a worrying exemption. There is a complete exemption for employee records, so employees will have no recourse against improper abuses of privacy in matters relating to their employment. There is an extremely broad exemption that will allow information sharing between related body corporates without restriction. There are no penalties for those companies which commit serious or systematic interferences with privacy, and the bill will have no application whatsoever until 12 months after it receives royal assent. Regrettably, therefore, the Australian public will not be protected in a matter on which they should expect their governments to protect them. There is a lot of unfinished business.

As a result of our pressure on the issue of employee records, the government have already effectively admitted that their bill is not good enough by announcing an inquiry into the privacy protection of employee records. This legislation has been more than four years in the making. I think the fact that the inquiry has not already been conducted and the matter has not already been addressed in the bill says a lot about the lack of concern the government show for privacy issues. It is a reflection on the minister’s competence that it has taken him so long to get to this stage and taken so long to get to a stage where we have so much unfinished business.

In response to the issue raised squarely by the opposition, the government has agreed to look at the issue of children’s privacy, a
matter which was addressed in Reagan-Bush America some 12 years ago. It is perplexing that this matter has not been considered in the context of putting this legislation together.

Senator Stott Despoja interjecting—

Senator BOLKUS—The previous Bush.

Senator Stott Despoja—Yes, I know that.

Senator Abetz interjecting—

Senator BOLKUS—No, this is 12 years ago, Senator Abetz, when you were probably still running Young Liberals in Tasmania. In fact, you might have been covered by protection of children’s privacy 12 years ago.

Labor’s amendments would have put parents back in charge of their children’s personal information by giving parents control over who collects personal information from their kids. That would have been a most important provision. But the government have not accepted our amendments; they have cited possible unintended consequences and the need to consult with the states and territories—the same old mantras. They should have been doing this for such a long time. Five years in the saddle and the Attorney-General has finally woken up to the fact that there might be unintended consequences on an issue that he should have been looking at five years ago. So the government has stumbled forward and the public will not be protected.

We are proud of the role that we continue to play in this debate in securing substantial amendments. We think the amendments we have secured will strengthen the operation of the legislation. However, as I said earlier, what we have here is a horse and buggy approach in the era of IT and the Internet. It will not be good enough for the moment; it will definitely not be good enough for the future. It needs amendment, and it will get amended under a future Labor government.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (4.10 p.m.)—I would like to register, on behalf of the Australian Democrats, my disappointment at the government’s rejection of a number of amendments to the Privacy Amendment (Private Sector) Bill 2000. Our view is that these amendments should be insisted upon for the very reasons that were outlined in the committee stage of the debate on the legislation. Senator Bolkus actually provided us with an argument for insisting on these amendments when he outlined in his contribution some of the shortcomings of this legislation as a consequence of the government’s decision to reject some of these amendments. I acknowledge that, in relation to employee records, there will be an inquiry by the government, but that is a shortfall; that is a next-best measure. That is not what the legislation required. Senator Bolkus said that he would like to see the legislation made harder or tougher. We have that opportunity if the majority of senators join together today to insist on the amendments before us.

I have already recorded my concern with the legislation in its current form in relation to political parties, even with the Labor Party amendment that seeks to narrow or redefine the exemption that applies for political parties. The Democrats would have been happy to see that broad ranging exemption completely removed for the reason that we have put on record a number of times: how can we expect business, industry and members of the community and the public to adhere to a privacy regime that we are not prepared to adhere to ourselves? So I am disappointed that those original amendments of the Democrats were defeated. I know I should not reflect badly on a decision of the Senate, so I will not refer to that any further, but I will refer to the amendments of the ALP that improved the legislation in relation to that section by narrowing that exemption available to political parties.

It is one thing for the government to give an undertaking to ensure that the breadth of the legislation is somewhat narrowed because it will not allow for the sale or the disclosure of that information, but it is not just about that; it is about the community having faith in their political institutions, political parties, representatives and political organisations in that we are actually prepared to stick to this legislation that we are prepared to impose on others. But I am disappointed that there will still be so many areas of business and industry—and political parties and
other organisations—that will not come into this jurisdiction and that will not be covered by this legislation.

I actually wonder whether this legislation should be passing at all in this form today. Senator Bolkus said that the government’s role in this process has been tardy, and we are all aware of the recent history of the debate on whether or not the privacy laws should be extended to the private sector. The Democrats are as aware of that as anybody: we have a long history of advocating for the extension of the privacy laws to the private sector. I would like to see it happen quickly, and that is why I supported the Labor Party’s moves to bring forward the implementation of this legislation. But I am beginning to wonder if it is worth passing this legislation with its many flaws and loopholes, particularly in relation to the political parties exemption and the employee records.

I congratulate the ALP on their work in relation to the child protection measures and I take on board the fact that, my goodness, if Reagan could do it so many years ago, I am sure that it will not be too hard for this government, in the 21st century, to resolve that issue. I acknowledge that Senator Bolkus has an undertaking from the government—to pursue some of these issues. But it is all in the legislation as it stands now: let us pass it in this form, let us insist that it gets passed in this form, so that it is not full of these exemptions.

Obviously I record my personal disappointment, which I have no doubt is shared by some others, that this chance to legislate for genetic privacy, this opportunity for the government to lead the way, has been missed by the government. We talk about Bush and Reagan getting it right 12 or 13 years ago. It is not often that I find myself agreeing with George W., but even he made genetic privacy an issue in the recent American election campaign. Even he pledged to introduce legislation that would outlaw the abuse of genetic privacy and genetic discrimination in America, although he probably does not have as much work to do as this government has, because most American jurisdictions, most of the states, have implemented some form of genetic privacy or non-discrimination legislation. I was really hoping that this would be an opportunity for the government to show that it is trying to be a world leader in the area of privacy protection, specifically in relation to people’s unique and sensitive genetic information.

I do not abide by the argument that has been proffered today by the government in the form of explanation on the amendments that health information or other personal information will cover this, because clearly it does not. We only have to look at the evidence provided to the Senate Legal and Constitutional Committee inquiry into this matter. Genetic information is different. Apart from the fact that the insurance companies might tell you otherwise, there were a great majority of witnesses—privacy experts, consumer representatives and health experts—who were prepared to put very much on record that genetic privacy and genetic information is different from general personal and health information. This legislation has finally been amended to reflect that. The Democrat amendments, which were supported by the Labor Party, and I thank them for that, reflected the fact that this is an issue with which we have to contend. I know there is a government inquiry and I know it was announced, unfortunately, after the first cases of genetic discrimination were revealed in Australia; not that that was really a big surprise. Anyone who has been following this debate either in Australia or internationally would understand that it was only a matter of time before people were discriminated against on the basis of their genetic information.

There is an inquiry under way, and I have congratulated the government on and I welcome that belated inquiry into these issues. But when are we going to get something in law, something that protects people against their genetic information being used against them, something that says to Australians, ‘We actually do care about your most unique and sensitive personal information and we are going to put something in law now to protect those rights’? There is no justification put forward by this government that really provides any rationale for the rejection
of those amendments. It is one thing to say, okay, it is sort of covered by this, or, yes, we have got an inquiry coming up that will resolve this once and for all. What about in current law? There is nothing that guarantees in an enforceable way on a national level—or at state and territory level, for that matter—that people will not be discriminated against on the basis of their genetic information. I was quite happy for the government to claim credit and say that they were trying to be world leaders, or at least catch up with some parliaments or jurisdictions in the world and say, 'Yes, we are going to take advantage of this opportunity and ensure that we can give Australians some confidence that this information is protected.' For that reason alone, I would like to see the amendments insisted upon. Clearly that is one component of a national enforceable privacy regime and there are other key and important components. All those components I think were covered by some of the amendments that have been rejected today, and that is why I am beginning to wonder whether it is worth implementing this legislation at all. It is one thing for it to be tardy; it is another thing for it to be completely full of loopholes and deficiencies. There are significant deficiencies, and it is not just the Australian Democrats arguing that: it is everyone from the Privacy Foundation through to the Consumers Association. I have yet to hear anything from the Privacy Commissioner or anyone in a position of trust such as that that actually endorses the broad ranging political party exemption. I have yet to hear a rationale from government, or from opposition, for that matter, for why political parties and organisations should be exempt from these laws. When we have a review into this legislation, as we will in a couple of years, if there is a case for political organisations and parties being exempt then we will hear it and the government can accommodate it with the legislation. But how, particularly at a time when politicians are probably held in the lowest esteem ever in this nation’s history, can we be hypocritical enough to be voting in favour of legislation that we are not going to abide by ourselves? I think that stinks, and I think the Australian public will think so too.

So I am disappointed at a time that should be an exciting time marking the delayed, belated passage of legislation that finally extends privacy legislation to the private sector, as the Democrats’ private member’s bill would have done back in 1997 or Michael Macklin’s amendments back in 1988. Finally we get to the point where we are about to pass this law. We have improved it with some of the amendments that were moved and passed in the debate in the chamber last week, yet the government has rejected some of those key amendments. The Democrats believe that these amendments should be insisted upon. We urge the ALP to reconsider its position. They were amendments that were hard fought for during the debate. Senator Bolkus gave good reasons for moving those amendments and supporting them. I hope that we do not see the government’s backflip on privacy reflected in an ALP backflip. So let us make this legislation stronger than it is. We have waited long enough—let us get it right. Let us insist on these amendments and make it a better bill.

Senator MINCHIN (South Australia—Minister for Industry, Science and Resources) (4.21 p.m.)—I am fascinated to be here, and I must say I am stunned to be part of the debate in which the ALP and Democrats are exhorting us to follow the lead of Presidents Reagan and Bush. We are more than happy to be following them in many respects, and I will remember those comments for some time to come and in future debates. I am pleased to hear you can be so generous towards two gentlemen who were great presidents of the United States. I say in passing that I must reject the very shameful and unfortunate attack on Australia’s Attorney-General by Senator Bolkus. If there is anything that our Attorney-General should be widely regarded and praised for, it is his respect for civil liberties. He is well known throughout this nation as a man who strongly defends individual and civil liberties. It is something of which he can be proud, and we are proud to have such a man in our government.

For Labor to attack us on that ground really is extraordinary, given their 13 years of shameful government when they paid no
regard to these sorts of matters. Indeed, that was highlighted by a legislative matter that Senator Bolkus himself was responsible for—the infamous Australia card, which was a matter of great shame for the then Labor government and Senator Bolkus. It was one of his many failures; of course, he could not even get that through. I do not want to prolong the debate, but I do have to make those remarks in response to the comments made. Nevertheless, in a spirit of generosity I say that we are appreciative that we do have a resolution of this matter in a way that will enable this legislation to be passed in this session.

Question put:
That the motion (Senator Ian Campbell's) be agreed to.

The committee divided. [4.24 p.m.]
(The Chairman—Senator S.M. West)

Ayes……………… 38
Noes……………… 11
Majority……….. 27

AYES
Abetz, E.  Bishop, T.M.
Bolkus, N.  Brandis, G.H.
Buckland, G.  Campbell, G.
Carr, K.J.  Collins, J.M.A.
Crane, A.W.  Crossin, P.M.
Crowley, R.A.  Denman, K.J *
Evans, C.V.  Ferris, J.M.
Gibbs, B.  Hogg, J.J.
Hutchins, S.P.  Kemp, C.R.
Lundy, K.A.  Macdonald, I.
Mackay, S.M.  Mason, B.J.
McGauran, J.J.  McKiernan, J.P.
McLucas, J.E.  Minchin, N.H.
Murphy, S.M.  O’Brien, K.W.K.
Payne, M.A.  Ray, R.F.
Reid, M.E.  Schacht, C.C.
Sherry, N.J.  Tchen, T.
Tierney, J.W.  Troeth, J.M.
Watson, J.O.W.  West, S.M.

NOES
Allison, L.F.  Bartlett, A.J.J.
Bourne, V.W *  Brown, B.J.
Greig, B.  Harradine, B.
Lees, M.H.  Murray, A.J.M.
Ridgeway, A.D.  Stott Despoja, N.
Woodley, J.

* denotes teller

Question so resolved in the affirmative.

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 and pressed by the Senate.

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

Motion (by Senator Abetz) proposed:
That the committee does not further press its request for an amendment not made by the House of Representatives.

Senator BARTLETT (Queensland) (4.34 p.m.)—We have debated the particular issue at stake here a couple of times before, so I will not revisit all the arguments. But I do think it is appropriate to place on the record some of the substance of the issues because it is a matter that the Democrats—and I am sure all people in this place—do take seriously and do believe is important. To assist those who are listening or trying to follow the debate, what we are dealing with again is an amendment to veterans’ affairs legislation.

The initial bill sought to extend entitlements to a number of veterans who had not previously received those entitlements. It sought to extend those entitlements to service personnel from a range of conflicts, particularly in the South-East Asian area, through the 1950s and 1960s. Those are measures that all in this chamber support. What the chamber did was add an extra group of people—the civilian surgical and medical teams from Vietnam—into that category of people who should be recognised and who should also receive the veterans’ entitlements. Basically, that has been the matter of dispute at hand. I think this is the third time we are dealing with it.

Whilst some of these points have been made before, the issue of serving Australia in a theatre of war is of such importance that I think it should be acknowledged every time we have the opportunity to discuss issues like this in the chamber. There is no doubt that war impacts not just on veterans but also
on their families. This is not just about entitlements for returned personnel; it is also about their families. When we talk about personnel who have returned from Vietnam, as we are currently, we must remember that there is a higher incidence of cleft palate and cleft lip among Vietnam veterans’ children than among those in the general community. Vietnam veterans’ children also have three times the suicide rate that would be expected and a significantly higher death rate from illness and accident than that of the general community. That is a matter of established fact. The Veterans’ Entitlements Act also contains certain facilities for veterans’ families.

Another part of this legislation seeks to increase what is available to the children of Vietnam veterans arising out of the results of the Vietnam veterans’ health study. Whilst one could be a bit critical about how long it took for that extra assistance to be provided, nonetheless the government should be congratulated on doing so. That is the theme behind a lot of the actions the government has taken in terms of extending assistance for Vietnam veterans and the recognition of those special problems that have beset people who have returned from service. I do not know, and I am not sure anyone absolutely knows for sure, what the causal relationship is between service in Vietnam and the higher incidence of certain conditions such as those I have mentioned, as well as the higher incidence of certain conditions in the children of veterans, but I think we can guarantee that, whatever the causal relationship is between service in Vietnam and this higher incidence of certain conditions, it is not related to whether or not the people in Vietnam were under the Department of Defence or the Department of External Affairs.

The government is arguing on a technicality. The people who are affected are being treated differently because of that technicality. The work they did was the same. In many cases the dangers were the same, if not greater, for some than others. It is purely the technicality that they performed that service for Australia—and, indeed, for the Vietnamese—whilst in the employ and under the direction of the Department of External Affairs, rather than the Department of Defence.

Those who served in the Australian civilian surgical and medical teams during the Vietnam War and who are suffering conditions as a result of that deserve better treatment than they are getting. There is clearly an argument that Comcare is not the suitable agency and that the Safety and Rehabilitation Act is not the right legislation to deal with the medical teams. Their conditions are as war-related as the conditions of other Vietnam veterans. That is why we have a special system established for those veterans.

However, if the Senate is going to continue to support this amendment in this chamber, then we are faced with the prospect in the House of Representatives that the coalition is going to at least delay, if not scuttle, the entire legislation, which is positive legislation which will benefit a significant number of veterans. If that were to be the outcome, then the nurses and civilian medical personnel would obviously miss out. A number of other veterans who, as a result of the Mohr review recommendations, are to receive access to repatriation benefits would also miss out. It would also delay the initiatives directed at the health of Vietnam veterans’ children. It is clearly not the Democrats’ desire to see this happen in some sort of game of political chicken. We are very disappointed that the government refuses to acknowledge the justice of this situation and is hiding behind a technicality.

So we are faced with the lesser evil in the face of the government’s intransigence as to whether we should not insist on this amendment so that at least some people will receive the extra entitlements that they, quite rightly, should. The medical teams for now will still miss out, but the long overdue access to repatriation benefits for veterans arising out of the Mohr review will go ahead as scheduled on 1 January 2001, which, as many veterans have pointed out, is still too long to have waited—in some cases 45 years. It is certainly not the Democrats’ desire to make them wait any longer.

I note that in one of the debates in the House of Representatives on this legislation and the amendment at issue, Minister Scott
said that he will meet with representatives of civilian medical teams who served in the Vietnam War. The Democrats will certainly be monitoring the negotiations between the minister and that group of people. If a satisfactory outcome is not reached, then we will certainly either move or support an amendment such as this being moved again at a future time to other veterans’ legislation. When a future piece of legislation relating to veterans’ entitlements or to the Veteran’s Affairs Act that is not so obviously and tangibly beneficial to veterans is introduced, the Democrats are certainly not likely to give the government a third chance to get this right. We will pursue this issue again if the minister’s negotiations with the civilian medical personnel do not reach a satisfactory conclusion.

I would particularly like to acknowledge the positive stance that the ALP, and Senator Schacht in particular, have taken and pledge the Democrats’ commitment to support better recognition and appropriate access to repatriation benefits in the future. Part of the special obligation we owe to veterans is to remember our history. I hope that the debate that has occurred in this place and in the media about the nurses has heightened the awareness amongst the Australian community, or parts of it, about the nurses’ contribution in Vietnam—not just for Australia but for the Vietnamese people. In terms of remembering history, certainly the Democrats will not pass this bill and then be glad it is out of the way and forget all about it. We will continue to monitor this issue, as I am sure Senator Schacht will. If, I am sure, the genuine efforts of the minister to address the definitely genuine concerns and needs of the medical personnel are not adequately addressed by future negotiations, then I can certainly guarantee that history will repeat itself and we will be revisiting this issue at a later date.

Senator SCHACHT (South Australia) (4.52 p.m.)—I rise to express the opposition’s view on this now third occasion that we have debated the Veterans’ Affairs Legislation Amendment (Budget Measures) Bill 2000 in the last week or so. I, like Senator Bartlett, am very disappointed that the government would not accept the recommendation of their own independent review, the Mohr report, which they commissioned under pressure last year from the veterans’ community and us and others in the community. The only recommendation not being picked up is to give veterans’ entitlements to the civilian surgical teams—410 or 411 people. The government says it is their estimate that it would cost an extra $3.5 million to give these people access to veterans’ entitlements. I think that is a small amount of money, but I know the bean counters in Finance would probably disagree and have told the minister, ‘You can’t have the money. Bad luck—we are not going to give it.’

I appreciate, as Senator Bartlett has explained, that the opposition is in the position that all the other recommendations are covered in the bill which we have strenuously and strongly supported. But if this bill lapses or sits on the Notice Paper until next year, past 1 January, those other very deserving Vietnam veterans and their families, the naval people who served in the Malayan Emergency and the other service groups who served from 1955 to 1975, would not get access.

I am careful how I say this, but it has to be said. The government have whipped up a mini fear campaign in the veterans’ community in the last week. They have played political blackmail by telling veterans, ‘It is the opposition’s and the Democrats’ fault that you will not get your benefits, because they are delaying the bill with this amendment.’ They did not tell the veterans’ community that the amendment we are moving is in line with the Mohr committee that recommended all the other benefits. The government did not bother to explain that to concerned veterans who were caught up in the fear campaign around the place.

After the amendment was first put in this place it was almost as though, within about half an hour of the minister’s advisers getting back to his office, the phone started ringing and emails started arriving. You can see the campaign of the minister and the government’s advisers: ‘Tell all those Vietnam veterans, the naval people from the Far Eastern Strategic Reserve and the RAAF people from
Ubon that they are going to lose the lot because the opposition is holding up the legislation. They did not tell them that the opposition were holding it up to put in an amendment to accept the Mohr recommendations. When we explained to the people who rang or emailed us that we were carrying out the full recommendations of the Mohr report to give them their benefits—and what were we supposed to do?—they said, ‘We now see a different story.’

In my view, the government played a disgraceful campaign of blackmail on the opposition and the Democrats which created a fear campaign in the veterans community. I have said before here and at estimates and at various veterans organisations that, as shadow minister, I am not interested in playing a partisan party political game about veterans issues. The veterans deserve better than that in this parliament. Every veterans issue should be dealt with on the basis of what is best for the veterans and not what is best for the political opportunism of any political party that can point score. I have to say that, by and large, the veteran community is positive about the way their issues are being dealt with. This is the first occasion, I have to say, that I have found the government partisan in the way it has dealt with veterans issues since I have been shadow minister. On that, I am extremely disappointed and I will be saying my piece on that point to veterans organisations over the intermediate future. I still stick with the principled position that we in the opposition will not play party politics on veterans’ entitlements. We will do what we think is best for the veterans community.

People might ask: ‘Now that the matter is defeated, what will you do with the issue of the nurses and doctors from the civilian surgical teams?’ We, like the Democrats, if there is an opportunity during the next 12 months on another bill that does not have benefits tied to it but is a technical bill, will look again at amending the Veterans’ Entitlements Act to get this matter dealt with and completed in accordance with the Mohr report. But if that does not work and if the government have not fixed this position by the time of the next election, we will revisit this issue in government when we win the next election. I, like all other shadow ministers, will not make an irresponsible promise about a commitment of money before the shadow ministry knows what the fiscal position is after the next budget leading up to the next election. It will certainly be my position—subject to the fiscal position—to argue very strongly that, in accordance with the Mohr report, the surgical team should get these benefits. I have to say that the $3.5 million estimate may be a rather generous estimate to jack the figure up, making it look even more costly. I do not think it would be that high. It is not a large amount of money, but I can assure the nurses, the doctors and the veterans community that we will revisit this issue as a matter of priority when we win the next election. That is a commitment they would expect us to make in view of what we have said in this chamber in debating the Mohr recommendations.

I, like Senator Bartlett, am interested to hear that the minister wants to talk to the nurses and doctors about ways in which they can get improved benefits under Comcare. I welcome any time a minister who wants to talk to the public or a group who have an issue. That is fine. But I have to say with some incredulity that I really do not expect the Minister for Veterans’ Affairs, Mr Scott, to proceed to amend the Comcare act so as to overcome some of its difficulties and limitations which have prevented the nurses and doctors and other staff getting what they should. The reason they want to be under the Veterans’ Entitlement Act is simple: the range of benefits is better. For example, the Comcare benefit runs out at 65—you do not get it past 65—whereas under the Veterans’ Entitlements Act you can get it until you die. Under the Comcare act, you have to report to and be reassessed by Comcare regularly. Whether it is for a physical complaint or a disability, you still have to continue. Under the Veterans’ Entitlement Act, the first time your disability is accepted, it is accepted for the rest of your life. Those are two extremely important differences. The parliamentary secretary tried to make the point that we did not understand that you do not get a lump sum under the Veterans’ Entitlements Act.
Senator Abetz—That’s right.

Senator SCHACHT—I knew that. But why do you think they want to get the other benefits? Because those benefits are better than even some lump sum—a lump sum that they are still not getting when they apply for it. Under the Veterans’ Entitlements Act, the range of care available for people as they get older is much superior to what they can get under Comcare. I have to say I take it with a very big pinch of salt that this minister will convince another minister to amend the Veterans’ Entitlements Act to give better benefits to the nurses and others in the units. But any talk is better than nothing and I am sure that the Nursing Federation, on behalf of its members and retired members, will be happy to have those discussions. We look forward to seeing what they are.

In conclusion, it is with great regret that the opposition, like the Democrats, will not insist on its amendment on this occasion. We went twice to the well. We thought that the government might have had some modicum of decency to accept the recommendation of its own inquiry, but no. We hoped that there might have been some sense of reasonableness, since this was not a large ask on the budget—it is a very small ask—and that the government might have gone back and again seen the evidence that the nurses gave to both the Mohr committee and the Senate committee when it dealt with this legislation. The nurses and others in these units have certainly suffered from their service in Vietnam. But no, the government is unbending. It is no, no, no from this government.

That is to the shame of this government. I hope we get a chance to have another go at this on some other piece of legislation before the next election. If not, I look forward to having a Labor government deal with this matter again after the next election to give these veterans from the civilian surgical units the entitlement which they are certainly due.

Senator HOGG (Queensland) (4.53 p.m.)—I want to speak briefly on the motion on the Veterans’ Affairs Legislation Amendment (Budget Measures) Bill 2000 because I took part in the inquiry on the legislation. As Senator Schacht said here this afternoon, it is very disappointing that the government has taken this approach. These people—nurses, doctors and radiographers—who served under quite difficult circumstances in Vietnam and have a range of ongoing health problems arising specifically out of that service in Vietnam where they did have a price upon their head now find themselves left to the negotiation process with the Minister for Veterans’ Affairs, who, as I understand, will undertake to try to extend some entitlements to them.

But the fact was that they do have a very compelling case indeed. They do have needs that were identified, needs that were addressed in the Mohr report, as has already been pointed out, and it seems unfortunate that their ongoing health needs and health care are now subject to whatever negotiations might take place over the next 12 months. In my view, 12 months is too long. Now is the time to act. Unfortunately this government has not shown any sense of sympathy for these people. One knows that there has been an argument floating around, and maybe quite rightly so, that they were not part of the military forces as such. I am sure that, when that was considered—it was considered well in the Mohr report—these people are a ‘special circumstances’ special case indeed. It seems to me that it is a sad day when these people who have such a compelling case are being pushed to one side.

Senator ABETZ (Tasmania—Parliamentary Secretary to the Minister for Defence) (4.55 p.m.)—To sum up this debate, I thank the Democrats and the Labor Party for changing their position in relation to this particular vote. The principle that we as a government have operated on has the full support of the RSL, the War Widows’ Guild, Legacy and, I found out last weekend, the Vietnam Veterans Association. We were told in previous debates that that was not the case.

Senator Schacht—Don’t stretch the truth, Eric.

Senator ABETZ—I am being told by interjection that I am stretching the truth. Well, I happened to be at a Vietnam Veterans Association function to which I had been invited and I sat next to the national president,
Brian McKenzie. If you are trying to assert that I am stretching the truth, let me simply say to you that the Vietnam veterans at that function were very supportive of the government’s position and understood the reason. The reason is simply this: the principle under which we have operated has been that the Veterans’ Entitlements Act ought be the preserve and domain of veterans. That is the government’s position. I might add that it has been the position of governments of all persuasions up until this time that the Veterans’ Entitlements Act ought be for the benefit of veterans.

Those listening in to this debate will find it amazing that an argument is being made that veterans’ entitlements should be extended to non-veterans. But, just in case anybody is listening to this debate and thinks that these people who served in Vietnam were not covered, let me say that they are wrong. I can thank the Vietnam veteran community for delivering some documents to me which point out quite clearly what the civilian medical teams in fact received. They got a letter which said, amongst other things:

You are asked to take note that the usual Commonwealth Public Service conditions in respect of sickness and sick leave apply.

Later it said:

In Viet Nam you will come under the general jurisdiction of the Australian Ambassador in Saigon.

Before they left, they were asked to sign a contract in which clause 9 was headed ‘Compensation’. So, before they left Australia, the civilian teams were told by letter of their sick leave and other benefits that they would be entitled to and also, under the contract they signed, what the terms and conditions were. They went with their eyes open. They knew what the terms and conditions were. Under ‘Compensation’, (ix), the contract said:

The employee will, from the date of commencement of service, be covered by the provisions of the Commonwealth Employees’ Compensation Act as amended from time to time.

The fact that I was given this documentation by somebody within the Vietnam veterans community as a result of discussions on Saturday night at this Vietnam veterans function is indicative that some of the assertions made by Senator Schacht in the previous weeks about these entitlements were not as supported by the Vietnam veterans community as he in fact asserted. In relation to the Mohr report, we have had this discussion a number of times, and mere repetition does not obviate the need for some substance to the argument. At the Vietnam veterans dinner, a number of the Vietnam veterans said, to use the technical term, ‘Well, the judge stuffed up, didn’t he?’ We say that he went beyond the terms of reference. The terms of reference clearly spelt out that the judge had to consider the benefits and entitlements of members of the Australian defence forces. Unfortunately His Honour, for undoubtedly the best of reasons, strayed from the terms of reference and then made a recommendation which in fact was contradictory to what he asserted at page XLII. The Vietnam veterans community understand that. They use the term ‘stuffed up’; we use the term that he in fact went beyond the terms of reference and made contradictory comments in his report. I would have thought that somebody like Senator Schacht might have been able to understand that situation.

The argument very clearly is this: if you do extend the Veterans’ Entitlements Act to non-veterans, where would you draw the line? Senator Hogg said in his contribution that members of the civilian medical teams had prices on their heads. Yes, absolutely right. But so did the civilian Qantas pilots that flew soldiers into Vietnam. So did the ambassadorial staff. So did the civilian contractors who assisted with the mechanical work required to assist the bulldozers and other equipment in Vietnam. If you apply it to one group of civilians that were assisting the war effort in Vietnam, why would you not extend it to other civilian groups who also assisted in Vietnam?

With what now appears ever growing support from the veterans community, we are quite rightly saying the Veterans’ Entitlements Act ought to be the preserve and the domain of the veterans and those who came under the direct control of the Australian defence forces. The civilian medical teams clearly came under the general jurisdiction of
the Australian ambassador in Saigon and not under the control of the Australian defence forces. We have taken a stand on this legislation which I believe is principled. It is fair. It is impossible for the opposition to try to dress this up as being some mean-spirited approach by government when you consider the huge range of benefits that we are now making available to the Vietnam veteran community, which includes Vietnam veterans, spouses, former spouses and their children—and the Labor Party had the opportunity to deal with this for 13 years and did not. The huge package that we are delivering in this legislation cannot be described as mean spirited. In fact it is a very generous scheme. Let me simply say that I would agree with what I think Senator Schacht said: not before time. It is a regret that it has taken us some four years to get it in. But at least we commissioned the study. At least we did deliver.

**Senator Schacht**—Under pressure.

**Senator ABETZ**—Well, after 13 years what did the Australian Labor Party have to show? Absolutely nothing. Senator Schacht can interject as much as he likes, but as shadow minister for veterans affairs he knows that he cannot point to a single veterans organisation that supports his stand on this. If he is genuinely concerned for the welfare of these civilian medical teams and concerned about the future of other civilian medical teams, rather than saying he will seek to amend veterans legislation in the future, why doesn’t he seek to amend the Comcare legislation to make sure that all future—

**Senator Schacht**—Why don’t you do it, boofhead?

**Senator ABETZ**—Well, you are the one raising it, Senator Schacht, and claiming that it is a matter of such high principle. I would have thought that you would have wheeled in some amendments to the Comcare legislation. But none have been forthcoming.

**Senator Schacht**—Mohr didn’t recommend it go anywhere else, dope.

**The CHAIRMAN**—Senator Schacht, your language is getting rather unparliamentary. I would ask you to withdraw unparliamentary language that you have been using.

**Senator Schacht**—I withdraw.

**Senator ABETZ**—Use of the sorts of words that were just thrown towards this side of the chamber by Senator Schacht. I find in the face of his boldfaced assertion earlier on that he would never seek to make veterans’ entitlements a political issue. But he will make it into a personal slanging match in one of the most demeaning ways possible.

The stand taken by the government is one that we do not shy away from. In relation to the civilian medical teams, Minister Scott has agreed to consult with them and he will consult with them. We will seek to ensure that they are appropriately cared for but under the appropriate entitlements to which they voluntarily signed up. They understood that they would be covered under the appropriate Commonwealth employees compensation act.

**Senator SCHACHT** (South Australia) (5.06 p.m.)—I would not normally have spoken again, but this parliamentary secretary has quoted a letter of contract that civilians signed when they went to Vietnam in the sixties as volunteers under a Liberal government which made the commitment to Vietnam, sent conscripts to Vietnam and cooked the books on the reason why we were involved in Vietnam. It has all come out now. We were not asked to go into South Vietnam. We volunteered to go in, to curry favour with our American allies. It has all come out under various historical analyses of the—

**Senator Abetz**—Very relevant!

**Senator SCHACHT**—You quote the letter that people had to sign. It is a pity you did not read the evidence of people like Dot Angell, one of the nurses from the Austin Hospital who thought she was doing the right thing—helping Australia in the national interest. She signed the letter. What did she get? She got $9 a day above what she got at the Austin Hospital. That is the only extra benefit the government offered.

**Senator SCHACHT**—You are right about the ambassador, Parliamentary Secretary. Dot Angell said that, when they arrived on a Saturday morning after an overnight
flight from Melbourne, they were met by a senior diplomat from our embassy who Dot described as probably having had a long lunch. The only briefing they were given was that they had a price on their head. They were given no proper briefing about where they were going to, who they were going to serve and what the conditions were. They were led to believe they were going to something similar to the hospital from which they came—a well-provisioned regional hospital. Where did they find themselves? Not based in Saigon like some of the other civilians, including the diplomat. They found themselves in the provinces, as Dot Angell said in her evidence, in appalling conditions. The hospital was built for five or six patients but had 30 patients, two and three to a bed. There was no proper equipment and no medicines. The nurses were not just there for the odd day but for months on end with no leave, yet you tell me that they were not making a commitment and you quote a letter that they signed to say that they accepted that they have no entitlements other than what is available under the Commonwealth Service Act.

Having the immorality to make the decision to send Australians to Vietnam for the wrong reasons and then getting up and saying, ‘They signed it,’ is typical of the Liberal Party. It was typical in the sixties and the seventies: ‘Sign a letter or, if you are unlucky enough to be drawn in the ballot, we’ll conscript you and, whether you like it or not, you’ll end up in Vietnam.’ There were 500 who did not come back from Vietnam, and a number of those were conscripts. Many thousands more were injured and many thousands more are still suffering in various ways as a result of their service in Vietnam. Although the Labor Party strongly opposed that involvement, we have never denied that those who served in Vietnam are entitled to the full and generous benefit as veterans. We have never equivocated on that position.

You mentioned that I may have misled the Senate, or you inferred I may have misled or given a variation about what the Vietnam veterans organisations were saying. My previous remarks are on the record. A resolution was carried that the Vietnam Veterans Association had no objection to the surgical unit members getting benefits so long as the other benefits were not put at risk. The way you put it was as though they objected outright to the nurses having the benefits. The way it was written was, ‘We don’t have any objection to it so long as our benefits aren’t put at risk.’ That is quite a distinction from what you said when you implied that I misled the Senate.

Secondly, the Vietnam Veterans Federation, another organisation that represents veterans’ interests, has made it clear that it supports the nurses. Individual Vietnam veterans I have spoken to support the Mohr recommendations. And why wouldn’t they, because the Mohr recommendations supported all of them? It would be hypocritical for people to say, ‘We accept all of Mohr’s recommendations for us, but we’re not going to accept it for the nurses.’ I have never heard any Vietnam veteran say that they do not accept that the nurses should get the recommendation as laid down in the Mohr report. I agree with the parliamentary secretary that the RSL have said that their position is that, unless you are under direct military command, you are not entitled to coverage by the Veterans’ Entitlement Act. That is their position, and I knew that. I have never said anything else. I acknowledged that in the opening of this debate last week.

I will conclude by saying that I find it a bit rich that the minister of a political party that sent people to Vietnam and got us entangled in that dreadful war that is still having consequences for the health of tens of thousands of Australians should get up and read a letter that they got people who volunteered to go to sign.

_Senator Abetz interjecting—_

_Senator SCHACHT—_No, who volunteered to go. You gave them a letter: ‘Sign this.’ They did not realise what they were getting into. Read the evidence. I just wanted to clear up the matter about the background. I did not mislead the Senate. I think I very accurately described the Vietnam Veterans Association’s resolution that they had no objection to the nurses getting it so long as their own benefits were not put at risk. Because of the blackmail of this government, it
would not accept the amendment. Labor and the Democrats have agreed to let the legislation go through.

The CHAIRMAN—The question is that the committee does not further press its request for the amendment not made by the House of Representatives.

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

Third Reading
Bill (on motion by Senator Abetz) read a third time.

ROADS TO RECOVERY BILL 2000
Second Reading
Debate resumed from 5 December, on motion by Senator Ian Campbell:
That this bill be now read a second time.

Senator MACKAY (Tasmania) (5.15 p.m.)—The opposition welcomes increased road funding for local government, especially for those large parts of Australia which are in great need of road construction, repairs and maintenance. There is no escaping the many concerns about the unfair, unprofessional and substandard legislation designed to underpin this program. The opposition shares with all taxpayers a contempt for politicians who bestow taxpayers’ money as if it is their own to give. As a result, the amendment before the Senate today, circulated in my name, condemns the government for that very approach.

This government is condemned for failing to compensate motorists for higher fuel prices as a result of the GST, in spite of their promises. This government is condemned for having no national strategy for infrastructure development, leaving major transport and other infrastructure projects and opportunities untapped or not determined in a fair and transparent way. This government is condemned for a program that does not respect the infrastructure priorities of local government in their communities. The government has pushed the money out into one transport mode—one infrastructure style in a one-size-fits-all approach to dealing with very diverse infrastructure needs. This government is condemned for five years of neglect of regional infrastructure and development. Most importantly, this government is condemned for the lack of transparency that surrounds the distribution of the $1.2 billion of taxpayers’ money that is funding this package.

Without a doubt, this bill has great pork-barrelling potential. If this package is as fair, equitable, generous and flawless as the Prime Minister, the Deputy Prime Minister and the Minister for Regional Services, Territories and Local Government infer, why have its presentation and preparation been so sloppy, slapdash and deceptive? We were told that councils will receive quarterly funding in advance but that the minister will have discretion over when in the four years the funding will be allocated. In other words, the minister can time his announcements to suit the political preferences of the government. This government are known for ensuring total political discretion on major infrastructure projects—it is a bit like their timing for the Sydney Orbital and the Speedrail, maybe.

This government says that we, the Labor Party, cannot complain about how the funding has been allocated between electorates, because, Minister Anderson asserted, it was Labor’s formula. This is just not the case. That was in fact a lie from Minister Anderson.

Senator Patterson—Madam Acting Deputy President, I raise a point of order. I do not think it is appropriate to say it was a lie. I ask that that be withdrawn.

The ACTING DEPUTY PRESIDENT (Senator Knowles)—It is not appropriate.

Senator MACKAY—I withdraw. This was another blatant misleading from this government. A Senate estimates hearing last Friday at last exposed the truth about the formula used to distribute moneys under the Roads to Recovery Program. Not surprisingly, the position at Senate estimates was at total odds with the situation portrayed by the Deputy Prime Minister and the Prime Minister. During the hearings, Minister Macdonald, representing the Minister for Transport and Regional Services, admitted that the formula used to distribute the funds was totally new and bore no relation to past formulas used to distribute funds to local government. In answer to my direct question—‘Is it a new formula?’—Minister Macdonald
s it a new formula?—Minister Macdonald said yes. Uncharacteristically, we got a response from this minister. You really cannot get more emphatic than that. It is a totally new formula that has no resemblance to the original 1991 formula that was produced under the then Labor government.

I also asked Senator Macdonald how this new formula worked, and this is where the real extent of the government’s fiddling with the formula—in terms of our contention—was exposed. Minister Macdonald stated that the interstate distribution of funds was based on a formula involving 50 per cent road length and 50 per cent population, or per capita. So far so good; we can all understand that. But there was another variable on top of that. He then admitted that the formula was, and I quote from the *Hansard*, ‘adjusted to get a fair and equitable result’. When I pressed him further about the basis for these adjustments that he mentioned, he would say only that they were undertaken by the government, that it was a government decision, and that it was at the discretion of the government. This was confirmed by the public servants who were at the table. So we still do not know what variables were used, other than the 50 per cent road length and 50 per cent per capita variables, to distribute on an interstate basis. I would welcome the opportunity in the committee stage for that to be clarified, because we have not got the answer from Minister Anderson either.

Despite repeated questioning, this minister simply refused to provide any details on how this ‘fair and equitable result’ was calculated. He just plain refused. So here we have a minister freely admitting that the government has simply ‘adjusted’ the various interstate funding levels at its own discretion and refusing in the estimates process to provide the parliament, and therefore the taxpayers of this country, with the details necessary to make an objective decision on whether there is capacity for pork-barrelling or not in relation to this package. It is very difficult, I have to say, to come to any other conclusion than that the government is trying to hide something. Minister Macdonald’s fairly inept displays last Friday in obfuscating and not answering questions—something which we have come to expect—simply confirmed and highlighted that fact. He did not do the government any favours, I would have to say.

We believe that the government has to come clean and reveal how the final funding distributions were arrived at. Minister Macdonald’s efforts at Senate estimates hearings last week to hide the real formula do nothing but cast serious doubt over the whole process, and the onus is on this government to come clean, for the sake of local government, local communities and the taxpayers of Australia, and to let us know. If there is nothing to hide, why not let us know?

The minister and Minister Anderson say that any accusation by the Labor Party that this package favours coalition seats is an outrageous assertion.

**Senator McGauran**—It is.

**Senator MACKAY**—I see Senator McGauran vehemently agreeing with this. When you look at it, every one of the top 17 seats that received $25 million is held by government members. Let us take the Northern Territory, for example. I would have thought that the Northern Territory would be a territory which would have attracted more funding under the 1991 distribution, but they in fact got a cut of two per cent. There are a small number of people in the Northern Territory, so that can be explained in relation to the per capita thing. We still do not know the definition in relation to road length. But, in terms of the allocating of the pie, they got less than they would have in the 1991 allocation under the then Labor government. So what about the Northern Territory? One can only construe that there is a Labor member in the Northern Territory. Let us move to the seat of Capricornia, which is as big as any other seat in Queensland. It did not make it into the top 17. Why was that? Oh, what a coincidence—it is actually held by a Labor member?

**Senator McGauran**—It is your formula.

**Senator MACKAY**—Senator McGauran interjects, ‘It’s your formula.’ That is not what the minister said last Friday. He said, ‘It is a totally new formula that this government has developed that bears no resemblance to the 1991 formula.’ Senator McGa-
uran, I would ask you to check the Hansard in relation to this, because this was a very important point.

Senator McGauran—I’m going to do that right now.

Senator MACKAY—So you will come back and correct the record. We already have what is known as the ‘Roads of National Party Importance Program’, a program that is not known for its transparency, and now we have the ‘Roads to National Party Recovery’. The Howard government is quick to cry foul when people question the word of the Prime Minister and Deputy Prime Minister, but now everyone will have to question the honesty of this government, because the 17 top electorates are all government electorates. No wonder this government refuses to publicly release the full formula in terms of the allocation. The government cannot release it because it will show that there are discrepancies in relation to the allocation. How quick was John Howard to come out and say, ‘This is not a pork-barrelling exercise’? Minister Anderson came out—hand on heart—and said:

This will not favour coalition seats.

That is a quote. I do not know what you would call the top 17 receiving $25 million or more, if not favouring coalition seats. I would hate to see a scheme that totally favoured coalition seats, if this is the story.

This desperate government has been exposed. Whether those on the other side of the chamber like this or not, the reality is that this government is not trusted by people in regional Australia. The government stubbornly claims—and Mr Costello has continually maintained this—that there is no money to provide relief for the motorists at the petrol pump, and it then announces a $1.6 billion program for roads. What this program does not do is change the Prime Minister’s broken promise on the price of petrol. Let us just reapprise ourselves of that promise. The Prime Minister said that the price of petrol would not increase as a result of the GST. Everybody in Australia knows about this promise and everybody in regional Australia knows that the Prime Minister has broken this promise. I defy any member of the coalition to go to the places I have been and say that the government has not broken that promise and see if they get out alive.

Who will be able to afford to drive on these roads? That is the big question. In the estimates on Friday, Senator Macdonald mentioned that he had done a major road trek right across Australia. It is just as well he does not have to pay for his petrol. These days, the ordinary motorist would not be able to afford to do that road trek. One of the things that emerged from the petrol inquiry was the issue of tourism in terms of the price of petrol in areas like Queensland, Western Australia and so on. We will see an economic downturn in the emergent tourist industry as a result. Local government is acutely aware of the Prime Minister’s commitment that the GST would not increase the price of petrol. During our petrol inquiry—which we pursued, despite not being able to achieve the Senate numbers in relation to this—local government representatives said that immediate relief on petrol was their number one priority. Many shires and councils have raised with me the damage being done to their local communities by soaring petrol prices. Unfortunately, the social fabric of communities is being damaged, as higher transport costs impact on everything from Meals on Wheels to junior sporting teams—the lot. That is the reality. Whether we like it or not, at this stage petrol is the lifeblood of regional Australia in terms of getting around. The really big question is: where is the rest of the money from the petrol windfall?

Senator Patterson—What petrol windfall?

Senator MACKAY—On the Prime Minister’s own figures, the windfall from the petrol tax increase is well over $730 million this financial year alone—$480 million in the resource rent tax increases and $250 million on the petroleum royalty side. On top of that, we have a major boost in revenue from the GST on petrol, which this government will not disclose. But there is a reason why the government will not disclose it. The government will not disclose it because it is a huge windfall in terms of the GST. Yet the Roads to Recovery Program announced by the Howard government is only $400 million this financial year. On the Prime Minister’s
own figures—and I will take a bit of a punt that they might be on the conservative side in relation to windfalls—this leaves at least $300 million. But, in reality, it is a lot more than that. In fact, we calculate and most credible organisations calculate that the Roads to Recovery package in total is about a quarter of the government’s windfall—in its various guises—resulting from increased tax on petrol. Increased funding for Australian roads is long overdue, but motorists are still looking for relief at the petrol pump, and the Howard government is nowhere in sight. Unfortunately, the real damage from high petrol prices is being ignored by the government. The government promised that the GST would not impact on the price of petrol, but it has. 

The government has neglected living standards, infrastructure and services in regional Australia for the past five years, and people will now not be conned by this package. Local and regional communities know very well that the Howard government needs to put more than one road package on the table one year out from an election. Our second reading amendment calls on this government to act not only in terms of strategic infrastructure planning but also in terms of addressing the negative effect of the GST on fuel prices and the excise indexation adjustment due in February 2001. The Labor Party have suggested that, in relation to the next CPI adjustment in February, what should be done is that the impact of the GST should be removed from it. This would mean that the coalition had kept its promise. Our back-of-the-envelope calculation—and that is all it is because we cannot get the information—is that it is about $660-odd million. The Prime Minister says, ‘It’s only 2c—it doesn’t matter.’ If you go out into regional Australia and say that, you would not get out of there alive. The rushed and amateurish way this bill was introduced into parliament is indicative of how Minister Anderson responded to community calls for some leadership in transport and infrastructure strategies and how he responded to the call for some backbone on fixing the Prime Minister’s broken promise on petrol. This is a panic to knee-jerk response.

One of the more interesting subtexts to this whole process is the way this government has used local government—and they know it. Having spent some time at the ALGA, they are only too aware of what has happened. This government’s approach has been to ignore local government. Its approach—and this minister’s approach—has been very much like the old adage about children: they should be seen and not heard. On Monday, at the ALGA general assembly, the Prime Minister made the following fairly bold statement:

The old idea that local government was purely a creature of state government and dealt only with state governments is of course an outworn notion. We might differ as between the federal government and your association—that is, the ALGA—about such things as constitutional recognition. I think ‘differ’ is probably a mild way to put it. He goes on:

But there can be no doubt that we in the federal government believe that there is a lively and active and very productive direct relationship between the federal government and local government.

This certainly does not gel with the position that has been put time and time again by the coalition, by the current minister and by the previous minister about how local government is merely a creature of the states. In April this year, the former minister for local government Mr Alex Somlyay made the clear statement that local government is a creature of the states. He is not the only one; everybody has said it.

There still seems to be a lot of confusion in coalition ranks about what their position on local government is. There are a couple of examples worth quoting. First of all, as we all know, the coalition government have vacated the field in terms of regional development as a Commonwealth responsibility. Minister Sharp said it up front—in the first year—and also abolished the Office of Regional Development. Before the arrangement with the Democrats on the GST package in 1999 to retain a direct financial link between the Commonwealth and local government—and I congratulate the Democrats for that—the Howard government were desperate to
give the states total responsibility for local government assistance. They wanted to give the states all the responsibility for financial assistance grants, including the roads component. This included, as I said, ironically, the roads component which they have now used as a basis—a very loose basis—in terms of the distribution. What has changed since then? I think a few state governments have changed since then, which may underpin the decision. All of a sudden, the states are the common enemy for the Commonwealth and local governments. This damascene revelation has only really occurred in the last year or so. If that had proceeded, in terms of punting off financial assistance grants to the states, it would have broken a very strong historical nexus between the federal government and local government. However, the nexus is retained and, as I said, we congratulate the Democrats for that. The shrinking amount of funding available to councils is having a very detrimental effect and I can go on and on, but I will not because time does not permit me.

Senator Ian Macdonald interjecting—

Senator MACKAY—Senator Macdonald, I will probably continue this in the committee stage of the bill. However, by not addressing the broader issue of the financial relationship, the minister has missed an opportunity to provide local government with an opportunity to discuss the Commonwealth-local government financial nexus and how that may operate into the next century. Local government continue to raise the ongoing claims in relation to the GST and its impact—not with this minister, but it has certainly been raised a lot of times with me.

In conclusion, there is no doubt that the Roads to Recovery Program is a beginning in addressing the serious shortfall in road funding. The Labor Party are not opposing the bill but, as I have highlighted, we have a number of concerns. They were articulated at the ALGA by our leader, Kim Beazley, who got a very warm reception. I would like to put my thanks on record at this point to president John Ross for the very kind words he had to say about Kim Beazley and about my work. I move:

At the end of the motion, add:

“but that the Senate notes the importance of the additional road funding, calls for the development of a national infrastructure strategy including a national transport plan, and as a fundamental part of this approach calls on the Government to remove the effect of the GST from the fuel excise indexation adjustment in February 2001”.

Senator GREIG (Western Australia) (5.35 p.m.)—The Australian Democrats do not oppose the Roads to Recovery Bill 2000. Australia’s rural and regional road infrastructure has been neglected for many years and, despite some rural areas experiencing a decline in population and, subsequently, a decline in ratepayers, many rural roads are used by non-residents for tourism and general transport purposes. That is certainly very much the case in my home state, as you might agree, Madam Acting Deputy President. This fact has already been recognised in part by the selection criteria under the Roads of National Importance Program, which determines such roads as promoting regional and national development, encouraging interregional and international trade in goods and services, and maximising transport efficiency and reliability. The state of some country roads is deplorable, and I am sure that many senators have heard stories of rural councils, unable to afford the costs of maintenance, that have taken the step of returning existing tarred road to dirt in an effort to reduce costs. That is an unacceptable situation. Whilst the Democrats seek to actively promote and encourage the use of public and non-polluting transport, we recognise that spending on improved roads also pays dividends in terms of safety, increased fuel efficiency and reduced driver frustration levels.

In conclusion, there is no doubt that the Roads to Recovery Program is a beginning in addressing the serious shortfall in road funding. The Labor Party are not opposing the bill but, as I have highlighted, we have a number of concerns. They were articulated at the ALGA by our leader, Kim Beazley, who got a very warm reception. I would like to put my thanks on record at this point to president John Ross for the very kind words he had to say about Kim Beazley and about my work. I move:

At the end of the motion, add:
There is a vital need for communities to have a greater role in the planning of transport infrastructure, and we believe that there should be more extensive public consultation mechanisms in the planning and development processes. The fact that the money from this bill will go directly to local government authorities should mean that communities will have a greater say in how and where the money is spent, so in part it fits in with our policy in this regard. Moneys not spent will be repayable to the Commonwealth—I cannot see a lot of that happening—and the audit processes will assist in ensuring that the money is spent where it is most needed and that tenders that are called for will represent the best use of taxpayers' money.

It is not simply the roads that are in need of urgent maintenance. Many bridges in rural and regional Australia are also in a terrible state of disrepair, and it is pleasing to see that bridges, as well as vehicular ferries and bicycle paths, should be noted, are also included in the definition in this bill of 'roads' and are therefore open to accessing those funds. Vehicular ferries are usually maintained by councils and are extremely expensive to operate. Frequently, there are squabbles between local government areas on either side of a river as to how much they should be contributing towards the upkeep of the ferries, and it is to be hoped that vehicular ferries too will benefit from this legislation. I am aware of some local governments that have had to cut down on ferry services and even take them out of operation altogether due to the high cost of such maintenance.

We are particularly pleased to see that bicycle paths now also qualify for funding under this bill. It is to be hoped that local governments with sound road infrastructure—in many cases that would be in city and inner city circumstances—give serious consideration to spending part of their allocated budget on introducing and/or upgrading bicycle paths. The New South Wales Democrats, in particular, have been campaigning for some years to expand the bike path network in New South Wales. This is a proposal supported by various bicycle institutes around the country and it makes a lot of sense. Placing bicycle paths alongside railway easements, where that is practical, is an excellent idea, as the land is already owned by the public; land acquisition costs are theoretically nil in those circumstances. All we need are cooperative state governments prepared to move the railway safety fence inward by a couple of metres and that option becomes a realistic one.

On the subject of railways, we Democrats believe that far more money should be spent on rail freight and public rail transport in order to relieve urban road congestion. Rail freight is more suited, of course, to the transport of bulk freight, such as grain, coal and containers, but for too long rail has been the poor relation of our transport network. There is a kind of chicken and egg aspect to attracting freight to rail: if rail were quicker, more businesses would choose to use it; the more businesses choose to use it, the cheaper it becomes.

The Rail, Tram and Bus Union issued a release a few days ago that criticised the Roads to Recovery package for widening the gap between the federal commitments to road and to rail modes and for costing many rail jobs, the vast majority of which have been in rural areas. The union further criti-
cised the government for committing $250 million to rail over four years but for spend-
ing only $80 million thus far. The Democrats agree that, until the old steam age rail align-
ments are straightened out and the tracks upgraded, rail will continue to lose business to road transport. The RTBU support a $3 billion federal investment in the interstate mainline network. This expenditure has been recommended by the Australian Bureau of Transport Economics and endorsed by the House of Representatives standing commit-
tee on transport.

No fewer than three inquiries commis-
sioned by the Howard government have found a cause for upgrading mainline tracks for faster and heavier freight trains. An op-
tion that the Australian Democrats would urge the government to consider would be to re-
install a structured program for federal funds for urban public transport improve-
ments. In the United States, about 20 per cent of all federal transport funds go to mass transit. In Australia, almost all federal land transport funds go to roads at the expense of rail and urban public transport. We have a rail system that has been neglected by gov-
ernment and that operates on lines and gradients designed in the steam age, when speed was not the all important factor that it is to-day. It is vital to ensure that rail retains the capacity to take the pressure off our road system, and without increased expenditure this simply will not happen.

At the present time, the response—part-
icularly of state governments—to deterio-
rating rail infrastructure is to take the soft option: lower the speed limit and declare the track fit for purpose. When roads deterio-
rated, imagine if the speed limit were lowered from 60 to 40 kilometres per hour, until cars were crawling along them at 20 kilomet-
tres per hour. Yet this is exactly what has happened on some of Australia’s railways. The Commonwealth would argue that the states are responsible for railways and that the states should build and maintain them. Yet some state governments would probably prefer the Commonwealth government to provide a structured program of urban public transport funding. It could be argued that such a program would be wholly consistent with Commonwealth government policies relating to economic efficiency, social equity and environmental sustainability. In fact, section 51 (xxxiii) of the Constitution makes specific provision for this parliament to make laws in respect of conditional railway acquisition and construction, and section 51 (xxxiv) provides for the construction of rail-
ways and extension of railways in any state ‘with the consent of that State’. Yet the Con-
itution does not specifically mention roads at all.

Perhaps we would all be better off and be living in far more presentable cities if the Commonwealth provided for new under-
ground rail and other rail augmentation and extension if such construction was condi-
tional upon new suburbs being opened up. The Rouse Hill development sector in north-
west Sydney is a classic example of bad planning policy. It is estimated that a popu-
lation the size of Canberra will be living there by 2020, yet there are no fixed public transport links. A very real fear that the local Democrats in the area have is that the railway easements that would link this area to the rail network will be sold off for a quick dollar. Is it any wonder that so many of the new houses currently being built in that area have three-car garages?

Despite the additional funding for country roads, sooner or later we have to face up to the fact that we can only squeeze so many cars into a city until we have gridlock. What we need are preventive strategies designed to make public transport flexible and afford-
able. Commuters are angry about the fact that ticket prices seem to go up but without a commensurate increase in service quality. To hand over a $10 note, get a few coins in change and not even be guaranteed a seat clearly grates with many commuters, espe-
cially those who do not buy weekly tickets, and rail patronage in some areas has fallen as a result. Some of this roads money should be going to providing comfortable bus-rail interchanges and secure car parking around railway stations. If you are really serious about wanting to get people out of their cars, you had better give them a safe place to leave their cars while they catch the train or bus into town. Consequently, the Democrats
will be moving an amendment to allow local governments to use their allocation to build such car parks at interchanges if that is what local communities identify as being appropriate for their community needs.

Governments need to be more responsive to the needs of people. The reality is that people’s working hours and lives are vastly different and more complex than they were just a few years ago, and public transport needs to adapt to that in a far better way. The provision of safe, well-lit and secure parking could be one very practical way that the federal government could help the states. Interestingly, in Sydney’s sprawling western suburbs rail patronage has increased—probably in response to rising fuel prices and heavy road traffic—yet little has been done to reduce overcrowding, and as a result frustration levels will increase and levels of violence along with that frustration.

The government plans to spend $1.2 billion on roads over the next five years and to funnel the money directly to local government. I can only imagine the improvement to public transport if a similar amount of money were spent upgrading the passenger rail network and extending government bus fleet coverage. Governments everywhere must surely realise that, whilst public transport has its cost, it is a cost worth paying. As public confidence in public transport increases, so will patronage, and then the cost to the government should come down. The latest railway line to open in Sydney, the airport link, just went broke because it was too expensive for locals and airport travellers alike. Who would catch a train for $10 one way when for not a lot more you can catch a cab and be dropped off with your baggage outside the check-in?

As global fuel prices spiral ever upward, state and federal governments seem to have a collective policy vacuum. In Sydney, they had the magnificent Olympics where hundreds of thousands of people caught buses and trains on a daily basis, many of them for the first time. The system for the most part coped well, but now the party is over and commuters can probably expect a return to business as usual: expensive and overcrowded trains that run late and out of time.

The UK government have a Commission for Integrated Transport. This organisation is looking at road-tolling, amongst other measures, to try and tackle the projected doubling of motorway congestion in that country by the year 2010. A combination of tolls on motorways and congestion charges will probably be the only way to halt the clogging of their arterial roads. We seriously need to be looking to the future in that regard as well. Our nation is still in a position where we need not repeat the mistakes of other countries. Urban planning needs to be much better thought out. I find it hard to comprehend that new areas are being opened up for development without fixed public transport links. Whilst the Democrats welcome the extra funding for road improvements, it is high time we looked at establishing a similar Commission for Integrated Transport in order to truly address Australia’s future transport needs.

Senator O’BRIEN (Tasmania) (5.51 p.m.)—I start my contribution to the second reading debate on the Roads to Recovery Bill 2000 by saying that Mr John Anderson has had a good week in the media this week. This public relation success is one which has
obviously been built on a very simple but nearly always successful formula: promise to spend buckets of money. But the success of this strategy is not sustainable because the policy underpinning it is not sustainable. This road funding promise is not part of a broader long-term plan to build land transport infrastructure in regional Australia, nor is it part of a properly considered overall transport plan for the nation. It does not fit in with any national strategy for rail because there is not one. It does not fit in with any long-term strategy for coastal and international shipping because there is not one. And it does not fit in with any long-term plan for air transport in this country, again because there is not one.

Mr Anderson has been attempting to get his transport package for the Sydney Basin, including airport arrangements, through cabinet for at least a year. There was an article that appeared in the Australian newspaper on 27 March this year headed ‘Anderson hints at Badgerys option’. The story referred to the resumption of the cabinet debate on the second airport to take place the following day. So here we are, some nine months later, with the transport minister still trying to get his option up, with no success. Max Moore-Wilton, it appears, is now taking over the debate. He has simply bypassed the Deputy Prime Minister and is apparently dropping his own option on the cabinet table. As for the very fast train, it is being progressed very, very slowly indeed by Mr Anderson. I hope the train is a bit faster than the progress. Mr Cameron told a transport forum that the cost of petrol had become a major challenge for the Howard government. He told his audience that the issue of high petrol prices was really taking off. According to ANOP research undertaken in September last year—

Senator Ian Macdonald—This is the Labor Party’s pollster, is it?

Senator O’BRIEN—26 per cent of regional motorists nominated petrol prices as an important issue. And, no, of course it has nothing to do with Labor Party polling; I suspect this polling was funded by the commercial sector. It would be interesting to see the reaction of the government’s own polling, if they were ever to reveal it. It would be interesting to see whether they contested the ANOP finding in October this year, just over a month ago, that that number—that is, the 26 per cent of regional motorists nominating petrol prices as an important issue—had jumped to 52 per cent. Mr Cameron said:

Shifts of this magnitude are rarely seen in opinion surveys.

He went on to say that petrol prices and taxes on fuel were a political hot button—and that would be an understatement. Mr Cameron, who has some considerable experience in the business of political polling, gave the Howard strategy of attempting to buy off motorists with a boost to road funding the thumbs down. He said that increased road funding was not the political saviour the government hoped it would be. Mr Cameron said that, while additional road funding was welcome—and, in fact, it is desperately needed, given the lack of attention given to regional roads by this government since March 1996—it was given very much less priority by the community than the pain of higher petrol prices.

The attitude of the Prime Minister on the issue of fuel tax tells us two things: firstly, that he is a very stubborn man; and, secondly, that he is badly out of touch with what is affecting families generally. He is also very badly out of touch with what is affecting families living outside the major population centres. Mr Howard, of course, has dismissed calls for a freeze on the scheduled increase in excise on fuel in February. He says that a few cents off the price of petrol is
neither here nor there. It is important to remember that last July, when the GST came in, the government cut fuel excise by 6.7c a litre but then effectively imposed a GST of 8.2c a litre—that is, an extra tax take of 1.5c a litre. There are other factors behind rising petrol prices, like world oil prices and a falling Australian dollar, but Mr Howard can do something about these ever increasing fuel prices. He could keep his promise and reduce the excise by the full amount of the GST.

This is a compounding problem. Petrol excise increases automatically with inflation. The GST causes the inflation that causes the excise to go up, and since the GST is 10 per cent on top of the excise, the rising excise is causing the GST take to increase. So we have a vicious cycle of a tax on a tax, which I might say is something that Mr Howard promised would never happen under his government. According to the Australian Automobile Association, if the February excise increase goes through—and the Prime Minister insists that it will—motorists will be paying 4c in excise in the first year of the GST. That is an extra $1.36 billion in revenue flowing to the government. And remember, the road funding package is $1.6 billion over four years.

As I said, the view of the Prime Minister is that a cut of a couple of cents a litre on fuel is hardly worth the trouble. He ignores the fact that the average household budget is now groaning under the strain of the Howard government’s measures. Brand new roads are nice, but they are of limited value if the household budget does not provide enough money to run the family car. Mr Howard is rapidly changing the role of the family car: it is becoming a luxury item.

I now turn to the Roads to Recovery Bill 2000. Given that Senator Mackay talked about roads of national importance and we have called them RONI—some people have called them roads of National Party importance—I have been turning my mind to what we will call the expenditure under this program. It could be the RTR Program, or some people might ungenerously call it the ‘rorter’ program just to spin that out, or it could be the road wreck program. No doubt someone in the government is trying to spin out a little propaganda that can be associated with Roads to Recovery. Someone suggested it was a roads to National Party recovery program, but I am sure that Senator Ian Macdonald would not wish that. I see that a number of three-cornered contests will come up in Queensland next year. I am sure he will not be campaigning for the National Party candidate, which I suppose they are quite happy about because I think we could look forward to winning any seat that Senator Ian Macdonald campaigned in. But I suppose the government will be smarter than that. They will keep him out of the seats in Queensland and they will get him on another trip across Australia.

Senator Mackay—It was a success on the Brisbane City Council campaign, wasn’t it?

Senator O’BRIEN—Brisbane City Council—that is a very interesting success rate. We wonder whether Senator Ian Macdonald will get the same reputation as Senator Abetz. Senator Abetz has gone from leading the Liberal Party—and there were some very interesting comments in the Examiner attributed to former Premier Gray about the demise of the Liberal Party in Tasmania, being duped, sourced back to his role as President of the Liberal Party in the early 1990s. I am wondering whether Senator Ian Macdonald will assume that role for the Liberal Party in Queensland. But we will be watching with great interest, if indeed they let the minister out into electorates that are not safe or not winnable.

Senator Ian Macdonald—My record is pretty good. What about Townsville, Leichhardt, Herbert?

Senator O’BRIEN—Pretty good—the Brisbane City Council. If that is a pretty good record, then I do not want a bad record. Turning to the bill, I note comments from my colleague in the other place Mr Martin Ferguson that the minister ignored requests from the opposition for basic clarification and information on this bill. One point of clarification sought by Mr Martin Ferguson and not offered by Mr Anderson related to subclause 7(5) of the bill. I am giving notice to the minister that I would like the him to clarify for me in the committee stage—
Senator Ian Macdonald—Which clause?

Senator O’BRIEN—I repeat: subclause 7(5). I want the minister to clarify for me in the committee stage of the bill the meaning of subclause 7(5).

Senator Ian Macdonald—I’m doing something important: I’m signing my Christmas cards rather than listening to this rubbish.

Senator O’BRIEN—It may be that the clause is rubbish, Minister.

Senator Ian Macdonald—No, your speech. I’m doing some productive work: I’m signing my Christmas cards.

Senator O’BRIEN—Perhaps you can explain why this subclause is there. It may indeed be rubbish but you will be able to explain that, I am sure, or someone will explain it to you so that you can. I want to know whether subclause 7(5) negates everything before it: that is, whether subclause 7(1) through to subclause 7(4) are overridden by subclause 7(5). I want to know why the minister also allowed an inaccurate explanatory memorandum to be circulated without correction: the wording in subclause 7(5) is in conflict with the explanatory memorandum. Mr Martin Ferguson has issued press releases on this matter which have not been disproved by anything the government has said, and one of which states:

The documents reveal that Brisbane Council gets $28.6 million over four years, but that money has been double counted in each of the Federal seats of Bowman, Brisbane, Dickson, Fadden, Griffith, Lilley, Moreton, Oxley, Petrie, Rankin and Ryan.

Other examples of ‘double counting’ include:

In Melbourne, the City of Casey gets $3.5 million, but that is double counted in each of the seats of Aston, Bruce, Isaacs, La Trobe, Holt, and Flinders.

In Sydney, Parramatta Council gets $2.4 million, but that money is double counted in each of the seats of Bennelong, Parramatta and Reid.

It would be very interesting to get an actual allocation or find a mechanism to see whether there is some discretion in whether some of those seats will get all of the money and some none, or whether any direction will be given to local governments so that the money will be split equally amongst those seats, or whether the government will live up to the press release rather than the announcement and amend the bill and provide more money. It would be interesting to get a response to that. The minister has provided misleading and improper information about how the money was allocated to particular states and territories and within those states and territories. Senator Mackay has more than adequately dealt with aspects of that problem. For example, Senator Ian Macdonald has already gone on the record as saying that the funding was allocated to the states based on a formula but that the government then simply made adjustments to those allocations. I would suggest that this was clearly done not in the interest of better roads but in the interests of political advantage.

The minister has placed a cloud over the integrity of this package by these actions. If it is a sound public policy, why has the minister felt the need to fiddle with the original formulas? Why has the minister felt the need to double count numbers to make the package look better? This package will not deliver what the government claims it will because it is not part of a national plan to upgrade the transport system in this country. And time is rapidly running out for many regional areas in this regard. Let us take East Gippsland as an example. It has been the focus of political attention in Victoria for some time. At the state election a great many issues existed in East Gippsland, but one of the issues was transport and roads. That shire has 4,000 kilometres of roadway. Most of the roads were built in the 1940s. Those roads were not designed to carry B-doubles, milk tankers or log trucks. This 60-year-old road system is having to accommodate vehicles that weigh twice as much and travel at least 30 per cent faster than was the case in 1940. This nation’s regional road network needs a properly planned, properly funded, long-term strategy, not a package designed only to meet a short-term political problem.
As I said earlier, this package is unlikely to meet that problem. If Mr Cameron’s polling is correct and the price of petrol is indeed a hot button issue for 52 per cent of people living in regional Australia, then it will be quickly forgotten. But I suppose we will see this government seek to manufacture whatever political advantage it can out of the package. That is not surprising. We will be watching just how the announcements are made. No doubt we can look to the form guide and see how this government has operated in the past. I will be surprised if this government is not exactly true to form. There will be no need for any inquiry on the spending of this because it will be consistent with the way the government has spent money in the past, with a weather eye on the political advantage rather than the interests of the nation.

Senator HUTCHINS (New South Wales) (6.08 p.m.)—It is interesting that we are dealing today with a piece of legislation called the Roads to Recovery Bill 2000. On other occasions when the federal government are about to pork-barrel or about to effect some scam, they have these Orwellian titles. If I had more time today, I would have gone through and identified the interesting names that legislation gets given by this federal government. Now we have this interesting name Roads to Recovery. As my party has said on a number of occasions, and our leader has said it: what is the point of having these roads upgraded if you have no money to pay for the petrol to use them? It is clear that the exorbitant price of fuel in this country has not been addressed by this government and will not be addressed by this government.

This legislation allows for a measly $1.2 billion extra to be spent over the next four years. That is $400 million that will be allocated throughout the country. This year, and this year alone, the federal government collected $11 billion in fuel excise—$11 billion. No wonder they will not entertain any serious discussion on ending the exorbitant indexation figures and formula that they have. As we know, and if you look at the list of the 17 lucky recipients of the major areas of funding, you will see that the 17 high earners, I suppose you might call them, are in government held seats. One in government held seats. One might call it a bonanza—a National Party-Liberal Party bonanza. The man who gets the most money is the member for O’Connor, Mr Tuckey. Mr Tuckey, with a 16 per cent margin, is probably all right at the next election. The member for Maranoa, Mr Bruce Scott, with a 14.4 per cent margin, is probably all right. His electorate will get $51 million. However, then you start to hit pay dirt.

The member for Kalgoorlie has a margin of only 2.1 per cent. However, his electorate will receive $50 million. The electorate of Gwydir, held by the embattled Deputy Prime Minister, Mr Anderson—Mr Anderson, one might assume, on a margin of 11.1 per cent, might be in no difficulty—will receive $42 million. As you know, Mr Acting Deputy President Hogg, and I know, in the last few years the areas that have swung most against parties are not the metropolitan seats but the country seats. I would suggest that Mr Anderson is a very nervous man, and rightly so, because he is in deep trouble. He is in what Miss Jackie Kelly calls do-do. He is in deep do-do at the moment because of his constituency. They are fed up with him and they are fed up with the National Party
betraying them, as we have seen evidence of in the last few days. Going down the list, No. 5 is the member for Wannon. He is a Liberal and his electorate will get $37 million. Then we have the electorate of Parkes, held by a Liberal minister, which will get $36 million. The Liberal’s margin in Parkes is 5.8 per cent.

Senator Ian Macdonald—The Nationals. Get your facts right.

Senator HUTCHINS—You have fought the Nationals as much as we have over the years, Minister, so I am glad you are able to correct me on that. The National Party held seat of Parkes has a 5.8 per cent margin. Whether or not the member will stay there next time, I do not know. But I would suggest that, once again, the swings will come from the country areas. That is where the bite will get you, and that is probably what will turf you out of power at the next election. The Liberal held seat of McEwen, which has a margin of one per cent, will get $36 million. And on it goes right down to Ballarat, a Liberal held seat, which will receive $25 million out of this bonanza. Its margin is 2.8 per cent. As has been rightly identified, this is pork-barrelling on a National Party scale—a Bjelke-Petersen scale, one might suggest, and it has found its way into the coalition. They are trying to buy the next election, but I suggest that the country people are a wake-up to them. You and I know they are a wake-up to the coalition, because we know, as we move around our various states, how much on the nose the coalition is. I have a number of quotes that I might use at the end of my contribution to further highlight that.

I would like to ask the minister a series of questions—and they are serious questions—in relation to the funding details. First of all, there is not a lot of information on the details. I have been asked questions by, as you know—and I am sure you addressed it—the Australian Local Government Association, which I have been actively participating in. A number of local government colleagues have asked me this series of questions, which I put to you tonight. The first question is: what conditions are there tied to this funding? Will it relate to the existing level of spending on roads? What I mean by that is: if a council area embarked upon a vigorous and extensive road construction program in previous years, may the council be penalised because it has essentially done that in terms of the council area? Will you be required to spend your funding in yearly tranches or can you spread out the work for your road construction program over four years? If you do not spend your annual funding in each year, will you be disqualified to further funding? If you are required to spend the annual funding each year, how will this impact on the long-term road priorities of a council? If we have a four-year window, will the impediments to the funding applications of councils? In other words, what might be the problems for councils in the long term?

Also, has the government considered the inevitable shortage of contractors and, therefore, the inevitable increase in price due to demand exceeding supply? I say to you: if this money is going to hit all at once and if councils are required to spend their money all at once, there are obviously not enough contractors in the country to do that work. You might say: ‘That is going to create employment.’ I do not believe it will, because I recall many years ago, when I was an official in the TWU and we used to go out into country areas such as Wilcannia, Burke and Broken Hill, that the Fraser government in 1980-81—I cannot recall the legislation—changed the legislation to make state authorities compete with private construction firms for road construction. A number of the state authorities were not able to compete competitively and, as such, not only did the state authorities lose the work but a lot of jobs disappeared in country towns, from the DMR and the country roads boards et cetera.

What I find most interesting in this legislation—and I am sure my colleagues have mentioned it—is that you must put up a sign to say that this road has been constructed by John Howard. I do not know whether the sign comes out of the $1.2 billion but I think it is interesting that Mr Howard and his party are continuing to remind people that they are being ripped off on their petrol prices, that they are not getting their value for dollar and that all they have is Mr Howard and his gov-
ernment with their hands in their pockets. If I were the government, I would not want to be identified with the measly amounts of dollars that they are allocating for road construction, in that there is more money there that should be dealt with. But, no, this government want to put up a sign to say it was funded by them when in fact a lot more money that they are collecting from motorists and from industry they are not passing back to motorists. They are continuing to index the level of excise increases so that in February next year more money will go into the Commonwealth government and less into road construction.

As I have said, you have these people with their hands in their pockets and they do not seem to be picking up the drift from the Australian community that it is not roads necessarily that they want—it is petrol price reduction. I know that petrol prices at service stations in our area on Pennant Hills Road in Sydney can vary between service stations in one night by between 4c and 6c a litre. They tell me that on Pennant Hills Road sometimes petrol can be 10c less a litre on Monday morning than on a Sunday night. But what are the government doing about that? Nothing. They are going to index those increases again in February next year. This tax is one which people, as I said, are fed up with and they wish that the government would do something about it. In fact, on 22 November this year, Mr Lachlan McIntosh, who seems to be a bit more critical of you than you might have expected, said:

The Commonwealth would have to spend $1.2 billion immediately plus $300 million per year just to catch up on the shortfall for the past four years and to maintain the current network properly.

Any road funding program also needs to be seen in light of the additional tax the Commonwealth is taking from motorists. If the Prime Minister insists on applying full indexation to petrol in February, Commonwealth excise will have risen by over four cents per litre this financial year alone.

The extra four cents in excise will give the government an additional $1.3 billion per year in revenue at a time when it is reportedly offering motorists $300 million per year for roads as compensation. I don’t believe too many people will see that as fair or reasonable.

Mr McIntosh said on 27 November:

The Government needs to understand, however, that this package does not compensate motorists for the extra tax they have been forced to pay since the introduction of the GST.

On 28 November the *Australian Financial Review* stated that Mr Ian Donges, who is the President of the National Farmers Federation stated:

... told reporters in Canberra that the new roads package, while welcome, was “not going to change our views on petrol prices”.

“That is a separate issue and we will continue to talk about it.”

So even people who might be regarded as coalition supporters or people who would generally support them are not taken in by this con. They know that this government is taking more and more money from people and using it just as a revenue raiser. This is just an opportunity to beef up country seats held by National-Liberal Party people who are in trouble and will be in trouble at the next election.

Senator IAN MACDONALD (Queensland—Minister for Regional Services, Territories and Local Government) (6.21 p.m.)—I thank those who contributed to the debate on the Roads to Recovery Bill 2000 for some of the good humour as we approach Christmas time. I assume all three Labor speakers were just embarked upon a storytelling, humorous approach. I appreciate the fact that the bill is being supported unanimously. I thank Senator Greig, who spoke on behalf of the Democrats, for a thoughtful address on some of the difficulties and problems that confront transport issues throughout Australia. I do not take any issue with much of what Senator Greig said, but he referred to matters that are principally the responsibility of state governments. I will return to this in some detail later, but they are things for which the Commonwealth has little responsibility, and Senator Greig’s comments, appropriate as they are in many instances, are comments that should be addressed to the state governments. If they were, I would support many of the things that he has said.

This is the most massive investment ever in one lump sum in the road network of Australia—and, importantly, in the local road network in Australia. It has been obvious to
councils and all of those interested in local roads that there is a desperate need for additional funding. That funding has been needed for a decade or more now. It is a desperate need that was ignored completely by the previous government and it is a desperate need that local government has made us aware of. It has probably been the most often requested approach made to me since I have been a minister—and to all of my colleagues in the Liberal and National parties. We have understood that a lot of local roads were built for the horse and buggy. The roads are now taking B-double and B-treble vehicles. Local authorities are simply unable to fund them. Regrettably, state governments of all political persuasions have not assisted local governments even though those responsibilities are priority responsibilities for state governments.

In this absence, the federal government has produced this very significant investment in the local road network. We are able to do that because the Howard government took the hard decisions. It brought the economy back under control, it addressed the $10 billion black hole that Mr Beazley left in the federal budget when we took office in 1996, and it addressed the $80 billion government debt that Labor left us. We have that down now to very manageable proportions and it is continuing to fall. We are very hopeful that, in the very near future, we will be able to pay off all government debt. That will mean that money used for interest rates that, under Labor, people paid overseas or paid elsewhere to financiers will now be able to be diverted into things that are appropriate and needed by the Australian people. It is a massive investment, one that has been particularly well received.

Anyone who has been down to the Australian Local Government Association conference this week—and I take it from the comments made by the Labor speakers that they have not been anywhere near it—will see the smiles on the faces. I have never been to a happier gathering of local government. Local government understand just what a fabulous package this is. They cannot help their mirth when Mr Beazley and Mr Ferguson call this a boondoogling or boon-doggling—whatever it means and however you pronounce it; no Australian understands Mr Beazley's language. When you look it up in the dictionary, it means trifling and unnecessary. That is what Mr Beazley thought about it. Notwithstanding that, he is now supporting it. I take it from what Senator Hutchins said that he is not supporting it. It will be interesting to see how Senator Hutchins votes; it seems from his speech that he is totally opposed to it because he reckons it is pork-barrelling. We will watch with interest which side of the chamber you move to, Senator Hutchins.

Local governments smile, almost with a resigned sorrow, when Mr Beazley and Mr Ferguson criticise this. Local governments understand that the way the package is presented distributes the money exactly as local governments currently get their FAGs. Local governments currently get their FAGs under an act of 1994-95 which the Labor Party introduced. It is that formula that is currently being used to distribute these funds. The formula is this, and I have explained this time and time again to Senator Mackay. In estimates, we went through 32 pages of questions and answers. I think Senator Mackay said in her speech that I refused to answer anything. I do not know what we did for the 32 pages of *Hansard* where I tried desperately—I even used one-syllable words—to explain to Senator Mackay how this worked. If she had any understanding of local government, she would know, without me having to explain it to her, but she quite clearly does not. Senator Hutchins, you do not understand how local government works, so I will explain to you what this formula is that your party introduced in 1994. We agreed with it; we supported it in those days.

The formula is this. There are certain general principles set. Then the state grants commissions work out a formula. They are commissions that are set up by the various state governments. Regrettably, most of them are Labor governments at the present time, so they are set up by Labor governments. Those state grants commissions work out a formula on how they will distribute the money to all the councils in their states. They then distribute the general FAGs money—that is, the FAGs money under the financial
t is, the FAGs money under the financial assistance grants act—to councils along the formulas which they strike, which they adopt, which we approve as being fair and reasonable. That is how the money is distributed.

Senator Hutchins, you said—and I think Senator Mackay did; I did not listen to a lot of what she had to say—that this was all pork-barrelling. If it is pork-barrelling, perhaps you had better see Mr Beattie, who appoints the Queensland Grants Commission and agrees with me on the formula that is used. Perhaps you had better see Mr Bracks. In your own state, why don't you see Mr Carr if you think that it is unfortunate? It is a great pork-barrelling exercise, so Senator Hutchins and others have said. Then Senator Hutchins nominated the seats that get the money. O'Connor! Even Senator Hutchins could not resist saying that that is a seat we hold by 16 per cent. It is a real pork-barrelling exercise; it is really going to the marginal seats where we need votes! I think the next seat he mentioned was Maranoa, which again I think he acknowledged was perhaps one of the safest coalition seats going. Then he talked about Wannon, where my good friend David Hawker holds one of the safest seats in the country. Apparently, this is how we pork-barrel: we give all the money to the safest seats in the land. Come on, Senator Hutchins: not even you can believe that.

Senator Mackay interjecting—

Senator IAN MACDONALD—Senator Mackay can believe that because she will believe anything. But not you, Senator Hutchins. They are distributed—

Senator Mackay—Tell us about Gwydir.

Senator IAN MACDONALD—If Gwydir gets a lot, perhaps you had better see Mr Carr. Perhaps you had better see the Labor Premier of New South Wales and say to him, ‘Look, your States Grants Commission, the commission you appoint, has been wrong. It has been boondoggling to Mr Anderson in Gwydir.’ If you think that is wrong, you pick up the phone and ring Mr Carr and tell him his state’s Grants Commission are embarked upon a boondoggling exercise to help Mr Anderson. I am sure Mr Carr will give you a very receptive hearing! I think it more likely though, Senator, that Mr Carr will say to you, ‘Don’t be stupid. Don’t take any notice of your so-called spokesman on these. Have a look at the act and understand that the act is perfectly fair and reasonable.’ That is why councils across Australia, every council I have spoken to at the Australian Local Government Association conference—and I think I have spoken to just about every one of them—are absolutely ecstatic about this investment and the way it is delivered. They know, even though you do not, Senator. As I say, I can appreciate you don’t understand how these things work, Senator. They understand, and that is why they smile—and they are very polite people—when Mr Beazley says that it is a pork-barrelling exercise. They know that it is a very fair system, it is an independent system, it is a system that is done by the States Grants Commission, and they just shake their head sadly when Mr Beazley demonstrates that he has no idea and that his advisers, his spokesmen in local government and transport matters, simply do not understand or, if they do, they have been unable to explain to Mr Beazley how it all works.

I want to return to some of the things that Senator Mackay said, because we can have some fun with that prior to Christmas, and it seems that this is the sort of spirit in which we should take some of Senator Mackay’s comments. But before we do that I want to briefly turn to the motion. Senator Greig, I do not know what the Democrats approach to this is. Again, I would ask you to have a look carefully at this second reading amendment. It notes the importance of additional road funding. Well, I would almost support that. It goes on to say:

... calls for the development of a national infrastructure strategy including a national transport plan; and as a fundamental part of this approach calls on the Government to remove the effect of the GST from the fuel excise indexation

The first part, about the national infrastructure strategy—

Senator Mackay interjecting—

Senator IAN MACDONALD—Senator, can I just again emphasise to you that trans-
port is principally a responsibility for state governments. It is difficult for the Commonwealth to have a strategy, because it is something that the states have to do. But we have addressed this. We have addressed this by calling together the Australian Transport Council—the ministerial council—who are setting up a secretariat, and we are working with the states to get an overall transport strategy. Senator Greig, you are the Democrat spokesman. You are relatively new at that, but you will understand from your research that the Australian Transport Council does work together. It is a state-federal thing. It works together on a strategy towards a national transport infrastructure approach. It is something this government very much supports. I know the Democrats would support that. You do not need to go into these sorts of amendments. That sort of approach is already being taken and, whilst it is mainly a states issue, the Commonwealth has brought the states together jointly with the Commonwealth to get that national approach.

About the GST indexation: I cannot imagine why the Labor Party would have the hide to raise this. Let me tell you about the indexation—and, Senator Greig, you can work out how genuine the Labor Party is being in raising this matter. When Labor came to office in 1983, petrol excise was 6.155c per litre. When Labor left office, excise was 34.183c per litre, an increase of 28c per litre, or over 550 per cent during Labor’s term of government. Labor introduced—

Senator Hutchins—What is it now?

Senator IAN MACDONALD—Hang on. You are talking about doing away with the indexation. Which political party introduced indexation? Labor introduced indexation in August 1983. Just a few months after they got into government, they introduced the indexation of the excise. As the indexation is linked to the CPI, petrol excise increased far more under Labor, with its average 5.2 per cent inflation between 1983 and 1986, than it has under the coalition, where inflation has been on average 1.4 per cent. So not only did you introduce the indexation, but you made it worse by the galloping inflation which your government presided over. Because of that, the price of petrol went up. I assume from what everyone has said that it is Labor policy to get rid of the indexation. Is that right, Senator Mackay: Labor is going to get rid of indexation permanently?

Senator Mackay—You can read the resolution. This is our policy.

Senator IAN MACDONALD—That is going to be interesting. If they get rid of indexation on excise, I guess they are also going to get rid of indexation on financial assistance grants for local government, and I guess you are also going to get rid of indexation on the pensions, because every six months pensions are indexed in connection with the CPI as well. So Labor are promising, as I understand from Senator Mackay, to do away with indexation of fuel. That is going to be interesting; we will keep them to that. We will see how this works when the election promises to get rid of indexation come out. We will then wonder how they are going to index pensions and FAGs, just to name two. That should be a fascinating financial and accounting exercise.

Senator Greig, if you happen to believe just in passing that Labor are serious about the indexation issue, just think of Labor’s record—not what they say but what they have done. They introduced indexation on excise and now they have the hide to raise it as an issue. It is getting so close to Christmas and we are having such a good time. Regrettably, time is going to defeat me in this, but I want to mention a couple of things that Senator Mackay raised. Firstly, she said money is being pushed out in one mode only. Well, I do not know what the Alice Springs to Darwin railway is then! It is a massive investment by this government, the Northern Territory government and the South Australian government in railway infrastructure. The government has also completely abolished the excise on fuel for railways.

Senator Mackay, I have used one-syllable words when I have tried to explain to you this formula that is in use. Have a look at the annual report of local government. It demonstrates in every state how these state grants commissions distribute those roads grants. It will show you that this is a completely fair and independent approach to distribution,
one which local government as a whole unanimously endorses. I have mentioned pork-barrelling. Senator Mackay said that Northern Territory got a cut of two per cent. The Northern Territory is going to get $20 million more than it has ever had for local roads. According to Senator Mackay, that is a cut of two per cent. It will get $20 million more than it has ever had for local roads, and I am told by the Labor Party that that is a cut. There is no great secret about the way we have done this. It has all been explained.

I am very proud to be a part of a government that has initiated this huge investment in Australia’s roads—$1.6 billion across the board; $1.2 billion of it going fairly and evenly to all local authorities across Australia. It does go direct to councils, and that is why we are dealing with this bill as an appropriation bill. We have great confidence in local authorities’ ability to use the money fairly and expeditiously. They will get the best value out of it, so we are delighted to be able to do that. Local government are delighted to take on the challenge given to them. I know that, as a result of the work local government will do with the money the Howard government has provided, the people of Australia will get a better system of roads. I am delighted about that. I regret that the Labor Party in their 13 years in office did nothing about this except to run up debts of $80 billion, leaving the budget in a $10 billion deficit when we took over. They did nothing for the roads system. The government is fixing that at long last.

(Time expired)

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

The Senate divided. [6.46 p.m.]
(The President—Senator the Hon. Margaret Reid)

Ayes............  
Noes.............  
Majority........ 16

AYES

Bishop, T.M.  
Campbell, G.  
Cook, P.F.S.  
Denman, K.J.  
Faulkner, J.P.  
Hutchins, S.P.  
Lundy, K.A.  
McKieran, J.P.  
Murphy, S.M.  
Ray, R.F.  
Sherry, N.J.

Gibbs, B.  
Ludwig, J.W.  
Mackay, S.M.  
McLucas, J.E.  
O’Brien, K.W.K.  
Schacht, C.C.  
West, S.M.

NOES

Abetz, E.  
Bartlett, A.J.J.  
Brandis, G.H.  
Campbell, I.G.  
Coonan, H.L.  
Eggleston, A.  
Gibson, B.F.  
Harris, L.  
Herron, J.I.  
Knowles, S.C.  
Lightfoot, P.R.  
Macdonald, J.A.L.  
Murray, A.J.M.  
Patterson, K.C.  
Reid, M.E.  
Stott Despoja, N.  
Tchen, T.  
Troeth, J.M.  
Watson, J.O.W.

Abetz, E.  
Allison, L.F.  
Bartlett, A.J.J.  
Bourne, V.W.  
Brandis, G.H.  
Calvert, P.H.  
Campbell, I.G.  
Chapman, H.G.P.  
Coonan, H.L.  
Crane, A.W.  
Eggleston, A.  
Ferris, J.M.  
Gibson, B.F.  
Greig, B.  
Harris, L.  
Heffernan, W.  
Herron, J.I.  
Kemp, C.R.  
Knowles, S.C.  
Lees, M.H.  
Lightfoot, P.R.  
Macdonald, J.A.L.  
Manson, B.J.  
Murray, A.J.M.  
Payne, M.A.  
Patterson, K.C.  
Reid, M.E.  
Ridgeway, A.D.  
Stott Despoja, N.  
Tierney, J.W.  
Tchen, T.  
Vanstone, A.E.  
Troeth, J.M.  
Woodley, J.

PAIRS

Bolkus, N.  
Boswell, R.L.D.  
Conroy, S.M.  
Aston, R.K.R.  
Crowley, R.A.  
D'Alton, K.  
Forshaw, M.G.  
McGauran, J.J.J.  
Hogg, J.J.  
Mincein, N.H.  
* denotes teller

Question so resolved in the negative.
Original question resolved in the affirmative.

Bill read a second time.

DOCUMENTS

Movement Cap for Sydney Airport: Report

Senator SANDY MACDONALD (New South Wales) (6.51 p.m.)—I move:

That the Senate take note of the report.

I move to take note of this report because it is an opportunity to make some comments about the government’s overall aviation policy, which has been a very big success. We have substantially liberalised air travel between Australia and the rest of the world. Since March 1996 we have increased the available capacity for passenger services by more than 510 Boeing 747s per week. We have negotiated Australia’s first open skies
agreement, which is with New Zealand. The agreement will allow Australian and New Zealand international airlines to operate across the Tasman and beyond to third countries without restriction. It is the agreement that the Labor Party was not able to sign. We all remember the midnight fax from the member for Kingsford-Smith, Mr Brereton, the then Minister for Transport, to the New Zealand transport minister which caused a crisis in Australia-New Zealand relations.

The government has transformed the domestic airline industry with the emergence of Virgin Blue and Impulse as trunk route operators. The increased competition is creating jobs and helping to boost our tourism industry. Air travel is now a realistic option for people who could never afford it before. The statistics for September—the first month that all four airlines were operating—show that, compared to September 1999, they carried an additional 240,000 passengers along the east coast. That is an increase of over 25 per cent. The average load factor along the east coast corridor was 83 per cent.

We have successfully implemented the world’s most advanced air traffic control system. Last year, Airservices Australia was recognised as the best provider of air traffic services in the world. When the government took office in 1996 there were serious problems with the board of CASA and its senior management. It is worth remembering that, under the Labor Party, aviation safety regulation was in a state of complete turmoil. CASA’s predecessor, the Civil Aviation Authority, was in a state of continual reorganisation. In less than seven years there were four chairmen, four chief executives and six heads of safety regulation. There were also eight ministerial changes in the portfolio. We are calmly and decisively improving air safety regulation through our measured approach to aviation safety reform. CASA has now adopted the quality management approach that is standard in the world’s best safety focused organisations. The authority has established a regulatory service division to streamline the way it issues critical safety approvals to the industry. A full-scale regulatory reform program has been developed, and it is with the government for final approval. I recognise that the government’s approach is not as fast as some people in the industry might like, but it is the only way to get results. There is still important work to do, and the government is in constant contact with CASA as progress is made.

In speaking on this report, there are a couple of final points I would like to make on aviation. For political gain, the Labor Party has continually been beating up on the minor issues without considering the effects that its action will have on the ability of the regulatory authority, CASA, to regulate air safety. For over a decade air safety regulation in this country has been corroded by bitterness and personal abuse. Since 1998 the air safety regulator has had seven chairmen and seven chief executives. Ministers have generally appointed good people to these positions, but the chairmen and chief executives have never been given a chance. They are immediately attacked from all sides for the most trivial reasons. They leave in despair and the cycle starts again. Many people have asked why CASA has not been better managed. The answer is that the managers have never been given a chance to manage it effectively. But, as far as this government is concerned, it stops here. We are not allowing the opposition or anyone else to destroy the progress we have made in fixing air safety regulation. The Department of Transport and Regional Services report on the movement cap for Sydney airport is an important report. It shows that there are improvements that can be made but that Sydney airport has moved a long way to be an effective hub for regional New South Wales.

Senator HUTCHINS (New South Wales) (6.56 p.m.)—I rise to speak on the same matter—the Department of Transport and Regional Services report on the movement cap for Sydney airport. It is interesting to hear Senator Sandy Macdonald laud his party about making a decision that he reckons the previous Labor government could not make. We are nearly into the fifth year—I know this is difficult for Australians to handle; when you talk to them they are quite bitter about it—of a Howard government. If you look at today’s newspapers, you see that
the Howard government is considering constructing an airport at Kurnell, the birthplace of our nation. I only skimmed the paper, but from what I read the government are going to remove the Caltex oil refinery, which provides hundreds and hundreds of jobs to the Sutherland Shire. I do not know what they are going to do with the historic sites out there where Captain Cook landed and where the natives contested. If you go there you can see the actual spot where a distant relative of Cook’s stepped ashore. Now there is this harebrained idea of constructing an airport at our nation’s birthplace. But, with this government, you would not know whether it is actually making a decision about this or whether it is trying to create another furphy.

In the 1996 Lindsay by-election we had undertakings from the federal government that they would not proceed with the construction of an airport at Badgerys Creek. In 1996 the people in the west of Sydney were waiting for a decision from the cabinet. In 1997 we were assured by our lacklustre local member, Miss Jackie Kelly, that she would make sure that this did not go ahead. In the 1998 federal election, once again Miss Kelly said that this would not proceed. In 1999 we were told that there had been a division within cabinet about whether or not to proceed with the construction at Badgerys Creek. Now, in the year 2000, the people in the west are waiting for the coalition to come good with their promise and not go ahead with the construction at Badgerys Creek.

Mr Acting Deputy President, coming from Queensland, you might not be aware, and your successor in the chair, being a Western Australian, might not be aware, that some of the harebrained schemes Miss Kelly has come up with over the years are very interesting. At one stage, Miss Kelly’s idea of how to solve the increasing problem of air traffic congestion at Sydney airport was to construct some sort of floating airport off Botany Bay—I might add, that is a major sea lane—where the planes would land and take off on this floating platform. I do not know how the people were going to get there—probably by ferry to Sydney Harbour where they would disembark. That was one of the ideas run by Miss Kelly—I think it was before the last federal election. For all I know, Miss Kelly might have had an idea to register some of her staff out there at the floating airport before the last federal election. I am sure that she has been asked to answer those questions.

We have a situation now with Sydney airport where there has been an idea floated that we are going to have an airport at Kurnell. This should be very seriously considered by the federal government, because, as I said, there are hundreds of jobs at stake at the Caltex oil refinery, and it is the birthplace of our nation. All I can suggest is what we knew in New South Wales when the member for Cook was the transport minister: maybe the federal government is fed up with the member for Cook and has handed a gift to the Labor Party to make sure that we win Cook as we won it in 1972 and in 1974.

Senator IAN MACDONALD (Queensland—Minister for Regional Services, Territories and Local Government) (7.01 p.m.)—As I represent Mr Anderson here, I will not be commenting on speculation that was in the newspaper today, but I did want to follow on from Senator Hutchins’s argument. He was saying that Kurnell was the birthplace of our nation—a very significant site. Therefore, I take it from what Senator Hutchins was saying, we should not have an airport there or, I suspect, any other infrastructure. But, Senator Hutchins, we already have some oil tanks there—a lot of them! So is it appropriate to have oil tanks all over the birthplace of our nation, industry and roads all over the birthplace of our nation, but not other things? I just wonder what the Labor Party’s approach to this is. I also wonder, as Senator Hutchins is critical that there has not been a decision on Badgerys Creek yet, if he could explain to me why for 13 years, the 13 years that the Labor Party were in charge of the federal government, they did absolutely nothing.
Senator Tierney—They rorted the electoral system in Queensland.

Senator IAN MACDONALD—Well, they did nothing about airports. Certainly, they rorted the electoral system—that is quite clear from the evidence given to the Shepherdson inquiry—but in relation to Badgerys Creek, for the 13 years that the Labor Party were in power, they did absolutely nothing. I wonder why Senator Hutchins did not comment on that. Senator Hutchins did make some comments about my colleague the Hon. Jackie Kelly, the Minister for Sport and Tourism. Miss Kelly is the best member the Lindsay electorate has had in a long time, but the Labor Party can never accept, can never appreciate, that Jackie Kelly won that seat from Labor. Who did she beat there?

Senator McGauran—Ross Free.

Senator IAN MACDONALD—Ross Free, one of the rising stars of the Labor Party.

Senator McGauran—He came back for a second go.

Senator IAN MACDONALD—Yes, he came back for a second go in the by-election and was even more convincingly beaten. Now Ross Free, as I recall, was one of the up-and-coming stars of the Labor Party, wasn’t he? He was going to really take over. Jackie Kelly came along, beat him once, fairly and squarely, but then, because the Labor Party could not accept that and took some constitutional action, they came again. Of course, the people of that electorate showed very clearly what they thought of the ALP and of Mr Ross Free and, at the same time, what they thought of their newly elected and subsequently elected member, Jackie Kelly—a person who has made a fantastic contribution to this parliament and to this government and who I know does a great job for the people in her electorate.

In discussing this important report on the movement cap for the Sydney airport, I want briefly to support the matters my colleague Senator Sandy Macdonald raised concerning the administration of air safety within Australia. I have to agree with Senator Sandy Macdonald that, for the first time in a long time, the administration of air safety in Australia is in good hands. The current transport minister, Mr Anderson, has done a tremendous job as Minister for Transport and Regional Services in attending to a very difficult area. Under the previous government, the heads of CASA—the Civil Aviation Safety Authority—kept changing. Labor could not keep anyone in the position of Director of Air Safety Investigation. The end result was that the whole CASA organisation was in a state of permanent and constant turmoil—there was never anyone to look after it. Since Mr Anderson has taken over, since this government has come to power, the Civil Aviation Safety Authority has direction, it has a leader and it is doing a very good job in circumstances which are made much more difficult by the continual whingeing and carping that goes on from members of the opposition. I can only say, in speaking to this report on the movement cap for Sydney airport, that Mr Anderson has done a mighty job and has got the Civil Aviation Safety Authority moving now in the correct direction.
What he did not mention to the Senate tonight was the fact that, as I read the report on the movement cap for Sydney airport, there were five occasions in July 2000, six occasions in August 2000 and a further five occasions in September 2000 when the movement cap of 80 at the airport was exceeded. That was not mentioned by Senator Macdonald. What Senator Macdonald did was take the opportunity to say to the Senate that no member of the opposition could criticise the Liberal Party, because nothing happened at Sydney airport in the 13 years that Labor was in government.

Unlike the current government that Senator Macdonald seems to forget has been in office for some five years when nothing has occurred, the previous Labor administration was criticised roundly for building an extra runway at Sydney (Kingsford Smith) Airport. Even Senator Macdonald, you would think, would remember the public debate that occurred in this chamber, in this parliament, in the community—particularly in the city of Sydney—about the very initiative that the Hawke government took at that time. So you cannot take at face value what Senator Macdonald tells the Senate on these sorts of issues. You cannot believe what he says, because I can assure you there was a massive debate and a community consultation process, as all would be aware, about the question of the building of a third runway at Kingsford Smith.

Towards the end of the period of the Keating government, the then Labor administration was well advanced in terms of a very thorough environmental impact process in relation to the proposed new airport at Badgerys Creek. That was well under way, and I might say that credit goes to the then environment minister, Senator Faulkner, and the then transport minister, Mr Brereton, for the work they had done in trying to ensure there was a thorough environmental impact process at that particular time. Five years later, with this government in office, the issue has not advanced at all and now there is speculation about an airport at Kurnell. Frankly, I am sure the next thing Mr Howard will do is revisit Miss Jackie Kelly’s idea of having a floating airport off the coast of Sydney.

Senator McGauran—What’s wrong with it?

Senator FAULKNER—The only thing wrong with it is that the only other person who ever proposed it was ex-Democrat Senator John Coulter. That says it all. (Time expired)

Senator TIERNEY (New South Wales) (7.12 p.m.)—The vexed question of where we are going to put another airport in the Sydney Basin is a very longstanding one. When I was State Vice-President of the Young Liberal Movement in the late sixties, the hot issue of the day was: will we build Badgerys Creek airport? This has moved on and on and it has moved from spot to spot. We all remember that Galston was the favourite spot at one point when Gough Whitlam was the Prime Minister of Australia, only that he discovered that the aircraft were going to fly over the marginal seat of Parramatta, so that idea stopped. Other sites that have been suggested include Somersby, down in the south. There has been the suggestion that Wilton should get the airport. Holsworthy has been another suggestion. As Senator Faulkner said, the idea has been floated of putting it offshore and, of course, the Towra Point proposal that has again come to light today I can first recall came to light 30 years ago. So this has been moving around and around for a very long period of time.

If we have a look at what actually happened over that 30 years, what we have had is increased expansion of Sydney airport and the massive building program that has gone on there. The building of a third runway, which was rather painfully started by the last Labor government against the opposition of many of its members, has meant we have had the consolidation of Sydney airport. This airport is, of course, going to reach some point where it can no longer expand; it will have reached its capacity. That period of time seems to keep stretching out and it could be another 10 years.

If you do a study of airports overseas, you will find that many can actually take a greater capacity than Sydney airport already does. With new plane technologies, there is quite a possibility that in future you will
have much larger planes flying, so you will need fewer take-offs for the passenger numbers. Also the new technologies of quieter jets can start to solve the problem of noise over airports. But it will come to a day when we need to build another airport in Sydney and the sixty-four thousand dollar question now, as it has been for the last 30 or 40 years, is: where are we going to put that airport?

You will find that in London they built a second airport at Gatwick and that succeeded. If you go to a place like Vancouver in British Columbia, Canada, you will find that, after they built a second airport about 1½ hours away from the city, nobody wanted to fly there and they eventually had to shut it down. There are a lot of costs and a lot of infrastructure related to an airport, and the decision has to be made very carefully. It has been an incredibly difficult thing to decide over the years because of the conflicting needs of different parts of the city and the different benefits and losses of such a decision. It has been made extremely difficult over time.

If we have a look at this proposal that managed to leak out of a cabinet discussion today, and now the Labor Party are running around like hares as if this was reality, it is just a discussion. Cabinet really should be able to discuss all sorts of options. I mentioned all the options have been on the table over many years. They should be able to discuss those options, and it is a great pity that such matters leak and then Labor members do their best to put those things in a dim light, obviously trying to distract from their own terrible problems of electoral rorting that are going on at the moment. We must finally make a sensible decision. To make that decision, the government must consider all options; all options must be put on the table. I think there are still some places where we could put a second airport away from a population area, but, as I indicated with the example of Vancouver, you have got to get this fine balance. It cannot be so close to the city that it annoys huge numbers of people but, on the other hand, it cannot be too far away from the city, because people will not be bothered travelling to it and, like Vancouver, it will close down. It is a vexed decision. It is one that needs almost the wisdom of Solomon. We have had governments of all colours and persuasions come and go and not come to a final decision on this issue. (Time expired)

Senator FORSHAW (New South Wales) (7.17 p.m.)—I rise to speak on this report on a movement cap for Sydney airport. First, I want to take up some of the points made by Senator Tierney. If you listened to Senator Tierney’s five minutes, you would have thought that this was an issue that was just starting out, that somehow all options for Sydney airport are now back on the table. Senator Tierney actually said that all of these options, such as Somersby, Wilton, Holsworthy, Kurnell and Towra Point, should be back on the table. The real history of this issue is that it has been a vexed issue for quite a number of years, going back even further than 30 years. But the fact of the matter is that when the Labor government was in power it took the decision, following the environmental studies that were carried out on the various sites, to build a new airport at Badgerys Creek. As Senator Faulkner pointed out, we initiated the environmental impact statement into that, but we lost the election in 1996.

What happened after 1996? Even though members of the opposition at that time, now members of the government, such as Senator Warwick Parer, who chaired a select committee into airport noise at Sydney airport, were then saying, ‘We’ve got to have an airport at Badgerys Creek,’ telling the ALP to get on with it, this government and this Prime Minister announced that they were going to look at two sites, Badgerys Creek and Holsworthy. The Prime Minister is on the record as saying, ‘Sydney will get a second airport because we will have a choice between Badgerys Creek and Holsworthy,’ When they realised that Holsworthy might actually end the career of Danna Vale in the seat of Hughes, they suddenly dropped Holsworthy and said they were going to proceed with Badgerys Creek. But now they are worried about the seats of Jackie Kelly and Ross Cameron, so they do not want to go ahead with Badgerys Creek. So they have
raised this old proposal, going back many years, about an airport at Kurnell. It is obvious that the Prime Minister is not prepared to put Bruce Baird on trial in front of the committee looking at electoral matters but he is going to put him on trial in front of the people at the next election, because he will lose the seat of Cook if you go ahead with this crazy proposal. It is a crazy proposal because where they want to site an airport at Kurnell is directly in the flight path of the planes that have to land on the parallel runways at Mascot. That is the craziest proposal I have ever heard. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Watson)—Order! It being 7.20 p.m., I propose the question:

That the Senate do now adjourn.

Rural and Regional Australia: Road Funding

Senator SANDY MACDONALD (New South Wales) (7.20 p.m.)—Given that the Roads for Recovery Bill was being discussed in the Senate this afternoon, I think it is appropriate to outline some of the government’s commitment to road funding. Before I do that, I want mention two aspects of this bill which are interesting: the first is that it is the biggest injection of funds into regional roads in Australia’s history, and the second is that it is the biggest wrong call of an opposition that I have seen in my time here. Mr Beazley gratuitously insulted regional Australia, and in fact all of Australia, by calling this program boondoggling. I do not think there is anybody in regional Australia, certainly not the Local Government Association, which has been meeting in the last couple of days here, who would think that his comments were appropriate or right. A massive commitment to local roadworks in Australia is required, and it is obvious to everybody who lives in regional Australia that it is needed. For any of us who travel in regional Australia, the common complaint is that the roads are not good enough and should be improved. In fact, we are a big nation, geographically enormous, and many of our roads—whether they are old roads in need of repair, roads with narrow bridges on the North Coast or roads servicing isolated communities—need this money spent on them. People there do not like the opposition leader of this country, for better or for worse, whatever you think of the opposition leader and the Labor Party, reflecting on their need by calling it boondoggling.

The government are in a position to make this commitment to regional roads because of our good economic management. We have competency in the way that we run the economy, and that is important. But competency in the way that you run the economy is not good enough. This government also have a commitment to good public policy, and making it possible for regional communities to communicate by good roads is one of those. We have had nearly 40 quarters of growth in the economy. We have repaid a substantial proportion of Labor’s $80 billion public debt. We are now in a position to make some dividend payments—which we have already done in terms of the social bonus from Telstra and in other ways with the Natural Heritage Trust—to put some of that money back into regional Australia.

Before I give some of the details, I would like to pick up on the comments of Senator Hutchins in his rather entertaining speech during the debate. He talked about the effect that the government’s performance will have on the coalition at the next election. I think, Senator Hutchins, that we might just wait and see the result of the next election. We as a coalition will certainly not be resting on our laurels, I can assure the Labor Party of that. The Labor Party, whatever they call themselves—Country Labor; perhaps they think they have given themselves a blood transfusion with this new name—are still pretty irrelevant in regional Australia. They are certainly irrelevant in New South Wales. At the last election, a most difficult one for the government, particularly a reforming government that came in with great expectations in regional Australia, the Labor Party received 23 per cent of the primary vote in Riverina. They received 30 per cent in New England against a new sitting member, Stuart St Clair, who won the seat brilliantly. Even
in John Anderson's seat, a very difficult seat for him—difficult with One Nation and difficult because of the issues for him being the primary industries minister during much of the time of the first Howard-Fischer government—Labor received 35 per cent of the primary vote. The Labor Party are a long way from home in regional New South Wales, whatever they might think and however they might convince themselves otherwise. We shall see at the next election.

I would also like to say, picking up on what some of the previous speakers said in the debate—and I did not have an opportunity to contribute—that there is no whiteboard here. There is no funding for coalition seats. As Senator Ian Macdonald said, the reason why most of the money is going to regional Australia and regional seats is that the coalition holds the great majority of those seats. The majority of regional seats are held by the coalition. Regional seats are obviously geographically large and it is not surprising that they need a large share of the money. As I said, the money is allocated on a pro rata basis along the lines and forms set up by the previous government. The major emphasis of the Roads to Recovery Bill 2000 is on investment in the repair and maintenance of vital local roads. Every dollar of this funding will be over and above existing budget allocations from the federal government for local roads—the program for roads of national importance and the national highways program. It represents a 75 per cent increase in the current federal government's grants for local roads, which is $406 million in 2000-01. Of the $1.6 billion, $1.2 billion will be distributed directly to local government under the program for local road construction and repair on a pro rata basis. Around $850 million of the $1.2 billion for the program will be spent on rural and regional Australia in recognition of the fact that this is where the need is greatest.

New South Wales will receive a generous share of $340 million. New South Wales federal electorates are to receive significant funding and include the seats of Calare, around $14.8 million; Paterson, $8.8 million; Cowper, $12.7 million; Farrer, $29.8 million; Gwydir, $42.3 million; Hume, $16.8 million; Hunter, $12.3 million; New England, $29.2 million; Page, $15.6 million; Parkes, $36.7 million; and Riverina, $45.4 million. A further $400 million over four years from 2001-02 will be allocated to the national highway and roads of national importance projects to develop key arterial roads in outer metropolitan areas, with details to be unveiled next year once potential projects have been assessed and prioritised. This major investment in our roads is possible, as I said, because of the government's good economic management. It is unprecedented road funding, and it is desperately needed.

The allocation of funding to local councils within each state will be strictly in accordance with a formula adopted by the States Grants Commission, established and applied under the previous Labor government. The Labor Party stands with no ground in suggesting this necessary investment is pork-barrelling. The government, unlike the Labor Party, do not perceive the $1.2 billion investment in local roads to be trivial and unnecessary, and it will be applied in a way that meets the expectations of those people who live in regional Australia. The funding package is a legitimate attempt by the Howard-Anderson government to improve and upgrade the national and local roads network. The very fact that funding goes directly to local government to allow councils to spend the money according to their priorities reflects this approach. I know that the Local Government Association, which met in Canberra this week, are very pleased with the package.

I want to make a comment about the seat of Paterson, held by the Labor member Bob Horne, who is a big critic—

Senator Tierney—Not for long.

Senator Sandy Macdonald—As you say, Senator Tierney, he will not be the member for long. He is a big critic of the program. The seat of Paterson has been a big beneficiary of the road funding under this Howard-Anderson government. As mentioned previously, Paterson will receive another $8.8 million under this program, as well as the improvements to the 11.8 kilometre stretch of the Pacific Highway between Coolongolook and Wang Wauk, south
of Taree, announced in the 2000-01 budget. Earlier this year, the National Party leader, John Anderson, announced $690,000 in black spot funding for the Bucketts Way road. I think that is probably a record for black spot funding anywhere. That comprises $240,000 for the intersection with Merewether Lane at Gloucester and $450,000 for the intersection with Ribbons Road at Stroud. That is a very large amount of money in terms of black spot funding, which generally is allocated as small amounts of money. That is a very big commitment. This is in addition to two black spot funding announcements in 1999-2000 for the Great Lakes Shire: $85,000 on the Tea Gardens Road and $450,000 for Lakes Way at Booti Booti. (Time expired)

Saibai Island Council: Voters Roll

Senator HARRIS (Queensland) (7.30 p.m.)—I rise this evening to raise an issue of concern on behalf of the people of Saibai Island in the Torres Strait. The islanders have had concerns about their local council election, which was carried out on 30 March 2000. The concerns they have relate to the process of assembling the roll for that election. I would like to quote from the Community Services (Torres Strait) Regulations 1998 and, in particular, ‘Part 3—Voters Roll’. It states:

Returning officer must compile voters roll

275. The returning officer for an election for an Island council must compile the roll of persons entitled to vote at the election (the “voters roll”). Section 275(2) of the same regulations states:

However, in compiling the voters roll for an election for Saibai Island council, the returning officer for the election must—

(a) compile the voters roll based on the clans, to the extent necessary for the election; and

(b) if, under Island custom on Saibai Island, a person is not a member of a clan—consult with the elders of the clans about the way in which the person’s name should appear on the voters roll.

On 2 April, several days after the conduct of that election, two of the islanders wrote to the Hon. Judy Spence, the Queensland Minister for Aboriginal and Torres Strait Islander Policy. In that letter, they asked certain questions. The letter reads:

• a number of Saibai Islanders (approximately 11) were placed in the wrong clans, specifically not placed in the Ait Koedal clan where the incumbent Chairman won the election by only five votes.

• the electoral roll was not made available to three of the four candidates until 22 March, 2000 (the fourth candidate, the incumbent Chairman had the roll before anyone else)

• the lateness of the roll meant that postal votes were unable to vote in time

• no way of insuring postal votes were delivered ...

I have a copy of a circular that was sent out to the elders of Saibai Island on which 17 of the elders have completed the questionnaire as to whether they were consulted in relation to the placing of names on that roll. All 17 elders have confirmed that they were not consulted in relation to how those people would have been put on the roll. Also, going back as early as 16 August 1999, the people on Saibai have been requesting of their local council audited books relating to the council. I would like to quote from a letter from a Mr Colin Maka and a Mr Ron Enosa, directed to the Saibai Island Council. It reads:

Attn council clerk Terry O’Neil

Dear Terry,

would you please make available to me a full set of audited financial documents pertaining to the running of the Saibai Island Council. I would appreciate the documents being available on or before 27/8/1999. Please contact me if there is any problem.

Having had a meeting recently with both Mr Maka and Mr Enosa, they conveyed to me that they still have not received any copies of audited accounts for their local council to date. They are also concerned that there are now discussions on the island relating to the restructuring of the Torres Strait Regional Authority. Their concerns are based on the past history of the council, the inability of the local people to access audited accounts and also the conduct of the council elections that I have spoken about. They also have concerns that there are moves to relocate the restructured Torres Strait Regional Authority to Brisbane. They believe that it would be totally inappropriate to have the authority,
whose purpose is to administer their island, located in Brisbane. The islanders do want a new system, a new structure relating to their local government, but at this point in time they are not being consulted. I would like to quote again from the letter written to the Hon. Judy Spence on 2 April, just shortly after the election that I have referred to. The letter reads:

On the 15 March Mr Colin Maka finally after waiting since January approached Mr O’Neil and requested a copy of the voters roll and was told that it was not yet finalised, Mr Maka was not happy with this and left the office. He returned to the Council office again on Friday 17 and requested again a copy of the roll, he was told by Mr O’Neil that it was still not ready and he (Mr Maka) should “keep on my back about the roll to make me do it”.

Mr Maka left and returned on 20 March and was told by Mr O’Neil that the voters roll was not confirmed and would be available later on this week. Mr Maka left again and returned on the 22 March, only three days prior to the election and picked up the roll. After looking at the roll, Mr Maka and Mr Ron Enosa saw that the roll was dated and signed by the Mura Buay Council on the 17th March at a meeting which the incumbent Chairman Mr Terry Waia, Mr Terry O’Neil and the Mura Buay Council attended. We do not think that it is appropriate that a candidate, Mr Waia should not have been present as none of the other candidates had this advantage of early access to the final clan based roll, and the roll was dated and ready on the 17th but not given to anyone until the 22nd, why?

Mura Buay chairman Mr Solomon Aniba (not an elder) was presented with the voters roll and we were told to sign it, in doing so attesting to the fact that it was correct. Mr Aniba is a well respected member of our community but is in no position to determine the correctness of clan affiliation—only the elders can do this and they were never consulted. None of the elders gave Mr Aniba consent to confirm the clan roll.

The people of Saibai raise two issues: one, their dissatisfaction with the correlation and production of the roll for the council election; and, two, their dissatisfaction with not being able to attain audited statements of the council’s financial position. They have grave concerns that this will be all covered up through a restructuring and that their restructured body will then be relocated in Brisbane, which would be totally inappropriate.

The ACTING DEPUTY PRESIDENT (Senator Watson)—Order! There has been a breakdown in communication between the whips’ offices and, although Senator O’Brien was not on the list, he will be called next, followed by Senator Murray.

Senator Tierney—Mr Acting Deputy President, on a point of order: according to list, I am listed next and we have had a government senator followed by a non-government senator. I thought it would come back to the government now. I appreciate and regret that there has been a breakdown in communications but, if you follow that procedure, my having been listed, you are now taking me off the list; and I do not think that is particularly fair.

Senator O’Brien—On the point of order: I sought the call when you gave the call to Senator Harris. I understand there is a breakdown in the list, but I was entitled to be called under the order that is normally adhered to. That is the cause of the problem. Frankly, whilst I sympathise with what is suggested, I think the order has been disrupted already. I propose to take five minutes, and perhaps the remaining senators can organise to share the rest of the time.

The ACTING DEPUTY PRESIDENT—I call Senator O’Brien.

Sydney (Kingsford Smith) Airport: Slot Management System

Senator O’BRIEN (Tasmania) (7.40 p.m.)—I note that Senator Sandy Macdonald’s contribution in the adjournment debate tonight effectively was on the Roads to Recovery Bill, no doubt because the government is trying to save time and required him to make his contribution in the adjournment debate rather than in government business time. That is quite a valid exercise, but I thought I would spend my time responding to what Senator Sandy Macdonald had said in the debate about the government report on the slot management system at Kingsford Smith airport, particularly what he had to say about the minister’s role in this matter.

The fact of the matter is that Senator Sandy Macdonald suggested that somehow,
after a great deal of trouble for the administration of aviation safety in this country and after problems for successive ministers and for successive administrations of the Civil Aviation Safety Authority—and previously the Civil Aviation Authority—the time had come effectively for a cessation in scrutiny. The cessation in scrutiny, I can tell Senator Sandy Macdonald, is not going to happen. Why? Because the director of the Civil Aviation Safety Authority is under investigation for what appears to be a second breach of his own organisation’s regulations.

Why would any responsible member of parliament accede to a request by a government that we cease to scrutinise the important agencies that manage aviation safety? That is just an unreal proposition. It may discomfort the minister that we are actually requiring him to be accountable—

Senator McGauran interjecting—

Senator O’BRIEN—What is going on in the background is very interesting.

Senator McGauran—You’re boring us.

Senator O’BRIEN—Oh! I am really interested in the interjection by Senator McGauran. I thought I was being generous in suggesting that there could be an equal sharing of time. If I take 10 minutes, as I understand the call, then that will be even more disruptive. I would suggest he not interrupt, as I was proposing to take only five.

Senator Murray—Mr Acting Deputy President, I rise on a point of order. Senator McGauran has been flicked off the list. Could you please clarify the position? I am on the list. I am prepared to speak, and I would like to know whether I am going to have my time slot.

The ACTING DEPUTY PRESIDENT (Senator Watson)—I mentioned earlier that there has been a breakdown in some communication between the whips’ offices. Given that difficulty, I will be obliged in terms of the movement across the chamber to ask Senator Tierney to speak next, and that advice has been confirmed by the clerks. You will then follow Senator Tierney.

Senator Murray—Will there be time apportioned to me to do that—a full 10 minutes?

The ACTING DEPUTY PRESIDENT—It depends on the time that speakers take, Senator. I cannot prejudge that.

Senator Murray—I draw your attention to the state of the house.

Senator O’Brien—Mr Acting Deputy President, I rise on a point of order. I do not think that that can be done now. I think there is an understanding between the whips that we do not call quorums at this time. I do not think the approach by Senator Tierney to this matter has been very helpful. I remind him that the government will be seeking the cooperation of other senators tomorrow and I will be reminding his whip and his Manager of Government Business that this has been the behaviour. I will sit down now so that Senator Murray has as much time as possible to make his contribution, but I will be reflecting on this overnight and I expect to be talking to the Government Whip and the Manager of Government Business about this matter—and I am finished.

Electoral Reform

Senator MURRAY (Western Australia) (7.47 p.m.)—Mr Acting Deputy President, I am willing to withdraw the attention I have drawn to the state of the house if both sides are happy for me to incorporate my speech, in which case I would not speak.

Leave granted.

The speech read as follows—

I am deeply concerned that the justified furore over the electoral roll, over branch stacking, over preselection and preference behaviour will have no useful outcome. That it will prove to be a political scandal exposed for political advantage, with no permanent policy improvement resulting from it.

It is understandable that daily reporters, whether TV radio or press, should concentrate on the what and who. It is juicy stuff after all. Yet you would at least expect the serious analysts to publicise and comment on possible solutions—to develop a perspective. Regrettably there has been little of that, which is a shame.

I do not speak as one coming recently to the fray. For well over four years in submissions, minority reports articles and speeches I have proposed
some solutions to our great problem of low political standards. The Democrats have pushed these ideas in policy launches and issue sheets.

I start from a basic position. That is that any country organisation or company rests on its constitutional foundations. Get that right and good things can follow. We take it as given that corporate behaviour reaches good standards overall because we have regulation, because we have corporations law, because we have company constitutions that work well because they must contain standard items.

Political parties do not rest on good constitutional foundations. Electoral fraud, branch stacking, preselection rorts, bad political behaviour all have their genesis in bad political party regulation and law.

The focus of the current scandals has been on the conduct of individuals. It also needs to be on solutions.

Without solutions we will not restore public faith in a system of government and politics badly discredited in the eyes of many. Without solutions the players might be different next time, but the underlying problems and causes will be the same.

The starting point for the reform process must be an appreciation of the public nature of political parties. Political parties are less regulated than corporations, unions and (in many respects) even the local tennis club. There is this awful myth that political parties are and should remain strictly private associations and that public scrutiny and regulation of their internal affairs is unwarranted. This view needs to be emphatically rejected.

There are two grounds for rejecting the argument that political parties are private institutions and therefore immune from the demands of public accountability. Overwhelmingly, the first is that political parties are now publicly funded in four of our nine parliaments, including federally. The public has an absolute right not only to know how its money is being received and spent but who is spending it. Transparency is required.

Secondly, and vitally, political parties are extensively and powerfully involved in public life. They are capable of exercising enormous power that affects all Australians. The public influence and purpose of political parties demands that they be open to scrutiny, be publicly accountable, and be run to the highest standards.

It is the nature of the power that is being exercised rather than the nature of the institution that is the crucial consideration. There is a compelling public interest in the regulation of the exercise of public power irrespective of whether that power is exercised by private or public bodies.

Politicians are quite prepared to regulate other private bodies where the public interest so requires. Corporations are subject to a much more stringent regulatory regime than political parties despite the fact that corporations are more 'private' in nature and less 'public' in their powers. But when the question of regulating political parties is raised politicians assert this special freedom from regulation for private bodies. This is a hopeless double standard presently asserted by the major parties to protect them from scrutiny. It is time they changed tack.

For a number of years I have argued for a set of reforms that would bring political parties under the type of regulatory regime that befits their role in our system of democracy.

There are two aspects to these reforms. Firstly, the internal procedures of political parties must meet legally entrenched standards to ensure that the organisation operates democratically and fairly. Secondly, the AEC must be given an expanded role as a regulatory authority.

The first step is amending the Commonwealth Electoral Act to require that standard items be set out in a party's constitution, similar to the corporations law requirements for the constitutions of companies.

Constitutions should be required to include the conditions and rules of party membership, how office-bearers are preselected and elected, how the preselection of candidates is to be conducted, the processes that exist for dispute resolution and processes for altering the constitution. Parties would still be able to determine their own procedures in these areas, but certain minimum standards would be mandatory. Parties should be obliged to constitutionally demonstrate to the AEC that their internal procedures satisfy basic standards of accountability and democracy.

Parties should only be able to register with the AEC if these minimum constitutional standards were met. The AEC does presently ask for party constitutions, but their content is almost entirely discretionary. The AEC has party constitutions that are 16 years old and have never been updated.

These constitutions are kept secret. They should instead be public documents. Public scrutiny and critical analysis will materially advance levels of fairness and internal democracy.

The AEC is already a regulator in a number of areas. Its regulatory powers should be extended. The AEC’s main aim would be to encourage much better self-regulation against basic legislated principles.
Much of the internal corruption and impropriety that we hear about from time to time could be avoided if only there was the political will to confront the party machines and insist that reasonable standards of democracy and accountability be observed. To date, the larger parties have shirked from their public duty to put these things right.

The Democrats have consistently pushed for reform in this area. The regulation of political parties was an important part of our policy platform for the 1998 election, and a matter that I pursued in detail in my JSCEM minority report on the conduct of the 1996 election. Senator Bartlett and I repeated the call in the 1998 report.

For those interested in detail I put an extensive range of (failed) amendments down on this topic in the Electoral and Referendum Amendment Bill (no 2) 1998.

In that Bill I proposed that the AEC be required to refuse an application for the registration of a political party if, in its opinion, the constitution of the party did not sufficiently provide for the affairs of the party to be conducted in an open, democratic and accountable manner. Twenty criteria were proposed to structure the discretion of the AEC. The same process was to apply to changes to party constitutions.

Under the amendments, copies of party constitutions would have been publicly available and the Electoral Commissioner would have been empowered to receive and investigate complaints of non-compliance with those constitutions. All preselection ballots would have been conducted by the AEC to ensure that the process was carried out with integrity.

Now if the major parties want to change the content of my proposals, I would gladly discuss that. For me the principle is unassailable, the detail can be negotiated. However those amendments were voted down in an appalling example of vested interest in the status quo triumphing in the face of a demonstrated need for public accountability.

Political parties will continue to corrupt political processes until something is done about the systemic problems arising from poor party regulation. It is no overstatement to say that the legitimacy of our political system is at stake.

There is a widespread perception that party politics is corrupt, dishonest, venal, immoral and unprincipled. That perception inevitably compromises public faith in the political system in which parties operate.

It is time for the larger parties to muster the political courage to clean up the system. This must begin with a recognition that political parties exercise public power and must be subject to public regulation. The limited role I have proposed for the AEC is a balanced and fair approach that promotes self-regulation but ensures that there is a role for an independent regulator when that is required.

National Library of Australia

Senator TIERNEY (New South Wales) (7.47 p.m.)—As the government appointed member and longest serving member of the Council of the National Library of Australia, it gives me great pleasure tonight to speak to the library’s annual report. The National Library of Australia is much more than a library. It is not just one of Australia’s great cultural institutions but a national centre for Australian culture. The main function of the library is to maintain and develop the National Library collection, which includes not only books—as a lot of people might think—but also a vast array of multimedia materials relating to Australia and its people.

As well as books, the National Library has a vast cultural collection conservatively valued at more than $3 billion. For example, the Sir Rex Nan Kivell Collection displayed last year contains a treasure-trove of books, paintings, charts and artefacts from the 19th century South Pacific. This collection in the National Library is so vast that the display area last year could only take three per cent of it. Another is the George Raper Collection. This historic group of materials involves drawings, maps and notes from the First Fleet. It is quite extraordinary that this material from our First Fleet people is now available to be viewed on the Internet, courtesy of the National Library of Australia.

One of the most fascinating and profound projects being undertaken currently by the National Library in terms of Australia and its culture is the response to the Bringing them home report by the Human Rights and Equal Opportunity Commission. By the end of this year, the library is hoping, there will be 124 interviews completed and on record. The Bringing them home oral history project is government funded and will eventually contain the voices of people involved in the separation of Aboriginal people from their families. When completed, I am sure this project will be one of the most powerful documents in our history.
In the early 1990s the National Library of Australia began to move into the information age with a range of programs that are now performing outstandingly well. Many die-hard book lovers may cringe at the effect the information age is now having on libraries, but information technology can be of tremendous benefit to all Australians—not just the people who can get to Canberra. Through information technology, the National Library is now more accessible than ever before. It is extremely important that this material be within the reach of all Australians. With the National Library of Australia’s significant role in the collection of materials that relate to Australia and its people, information online can now be distributed very widely. Before information technology services, the National Library had a very limited customer base, but now through the Internet people from all over Australia can enjoy the vast cultural treasure-trove that the library has to offer, with just a click of their home PC mouse.

Internet services have been very popular with library users, which is evident when you look at the demand for material in the various formats. For example, there has been a decrease of 11 per cent in the demand for printed material and an increase of 67 per cent in the use of electronic materials. An example of the move to the digital age is the national collection of Australian electronic publications initiative. Its aim is to ensure that Australian digital publications are available across the country and can be used for further research. In October last year, the library purchased a new software platform which will provide the basis of the digital services project.

Other initiatives that the library has undertaken to meet its online plans include the guide to Aboriginal and Torres Strait Islander materials, a reference service for integrated access to print and electronic information and a revised policy on digitalising the collections. One initiative that I took particular interest in is a new pictorial Internet service called ‘Picture Australia’—this is free of charge—which provides 24-hour access to the pictorial collections of some of Australia’s leading cultural institutions. This project recently won a national award for best Internet site. The National Library is a host server and people using the Internet can look up visions of Australia and its history from a wide collection of resources.

I had the honour of launching the first NLA server in 1995, at the start of Internet services at the library. It is remarkable how far the National Library of Australia has come with web based technology since that time. It has been a good year for the library, and I welcome its efforts in incorporating the latest in information technology in the daily running of the library. Through the introduction of such services, the library is meeting the needs of Australians, particularly students, by making their resources widely available.

Given that this great Australian cultural institution is providing such a terrific service to our community, it is a pity that one person, Mr Robert Barnes, a lecturer in the classics department at the ANU, has carried out a one-man vendetta against the National Library of Australia for the last six years. He has taken his criticism of the library to great lengths, with venomous letters to local and national media, to the minister, to the library’s council and to the library community. The core of his complaints lies in his disagreement with the library’s policy of collecting overseas research material. This is despite nationwide consultation on this issue and the support of academics and other libraries for this policy. Mr Barnes, it seems, will not give up his vendetta.

Now, having failed to attract any support on the library collection policy, Mr Barnes has turned his criticism to the new Kinetica information system. Staff at the library have held a number of meetings with Mr Barnes to hear his complaints, but he continues to persist. His criticisms have become tiresome. Indeed, they are quite remarkable when he prints his letters of criticism on ANU letterheads and contributes so much of his time to his one-man vendetta. It is high time that Mr Barnes’s ceaseless activity against the library stop.

On a brighter note, I wish to pay tribute to Jan Fullerton and Warren Horton, the Director-General and the former Director-General...
of the National Library, for their leadership over the last 16 years in steering the library through the explosion of knowledge and the most dramatic transformation in the technologies for delivering knowledge in human history. Australians should be proud of their National Library, which is comparable with any library anywhere around the world. In paying tribute to the library, Professor Geoffrey Bolton from Murdoch University recently gave a speech on the 100th anniversary of the National Library. He said that evidence of the high quality, versatility and imagination in the way that the National Library of Australia serves the public can be measured by a civilised society that produces such an institution and the public and private sectors that give such institutions practical and moral support. The National Library of Australia is an outstanding institution and I urge the ongoing support of the public and the private sector for the services that it provides the nation.

The ACTING DEPUTY PRESIDENT (Senator Watson)—From the chair, I wish to acknowledge Senator Murray’s assistance in resolving a difficult situation for the Senate. I thank him for his gesture of incorporating his speech in Hansard rather than delivering his presentation on air.

Senate adjourned at 7.55 p.m.

DOCUMENTS

Tabling

The following government documents were tabled:

- Advance to the Minister for Finance and Administration—Statement and supporting applications of issues—October 2000.
- Agriculture and Resource Management Council of Australia and New Zealand—Record and resolutions—18th meeting, Brisbane, 18 August 2000.
- Airservices Australia—Sydney Airport—Maximum movement limit compliance statement for the period 1 July to 30 September 2000.
- Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 July to 30 September 2000.
- Department of Defence—Special purpose flights—Schedule for the period 1 January to 30 June 2000 and errata.
- Sterilisation of women and young girls with an intellectual disability—Report to the Senate, 6 December 2000.

Tabling

The following documents were tabled by the Clerk:

- Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—Instruments Nos CASA 515/00 and CASA 520/00.
- Export Control Act—Export Control (Orders) Regulations—Prescribed Goods (General) Amendment Orders 2000 (No. 2).
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Department of Health and Aged Care: Public Opinion Research
(Question No. 2659)

Senator Faulkner asked the Minister representing the Minister for Health and Aged Care, 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 Herron—The Minister for Health and Aged Care has provided the following answer to the honourable senator’s question:

(1) Yes. The Department of Health and Aged Care routinely undertakes market research as part of its policy formulation and communication activities. As a national department, it includes rural and regional areas in its broader research requirements. This is in line with government policy to ensure that all target markets are appropriately represented. The Appendices of the Department’s Annual Report contain lists of all market research consultancies and for which programs they were undertaken.

(2) Under departmental guidelines, the conduct of any research must support the objectives of departmental policies and programs, including the development and implementation of new initiatives.

(3) No.

(4) and (5) Each year, the Department reports on consultancies in its Annual Report. The Department’s 1999-2000 Annual Report was tabled on 31 October 2000.

(6) The results of all market research feed into the implementation and communication of government policies and programs, and ensures that they meet the needs of our clients. To provide a more complete answer to this question would require considerable time and resources and I am not prepared to ask my Department to divert from their health priorities at this time.

(7) The Departmental Management Committee (DMC), comprising the Executive and Division Heads, reviews the forward program of research activity to ensure its relevance, value and relative priority in terms of overall departmental objectives as outlined in the corporate plan. All contractual arrangements are conducted in line with procurement and financial delegations guidelines.

(8) Details of expenditure for research are available from the Department’s 1999-2000 Annual Report which was tabled on 31 October 2000.

(9) Findings from research are used by the Department in policy development and meeting communication objectives and client needs.
Department of Education, Training and Youth Affairs: Public Opinion Research

(Question No. 2661)

Senator Faulkner asked the Minister representing the Minister for Education, Training and Youth Affairs, 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 Ellison—The Minister for Education, Training and Youth Affairs has provided the following answer to the honourable senator’s question:

(1) Yes, (a) Corporate, (b) Higher Education and (c) Training & Youth Divisions.

(2) (a) (i) Corporate Division: The purpose was to test creative concepts for the Educational Textbook Subsidy Scheme (ETSS). The objective was to aid in the decision of which creative concepts and products were most appropriate, which ones got the messages across most effectively and what, if any, were the barriers to communication and how the medium of communication and/or messages could be improved.

(ii) Corporate Division: New Apprenticeships Campaign. The purpose was to test attitudes toward the New Apprenticeships Website. The objective was to provide DETYA with guidance on maximising the website effectiveness.

(b) (i) Higher Education Division: HECS Brochure: The purpose was to assess the communication effectiveness of new information “Important facts Australian permanent residents and NZ citizens need to know about Higher Education Contribution Scheme.” The objective was to test effectiveness of the campaign poster, to test the readers’ ability to identify avenues for obtaining further information and to assess the clarity of printed information.

(ii) Higher Education Division: HECS Radio & Print Advertisements. The purpose was to test the concepts of Radio and Print ads for the 2000 Strategy. The objective was to provide clear analysis of targeted audience, test effectiveness of 30 second as opposed to 15 second ads, potential of different creatives to generate improved recall figures and identify any changes needed to maximise the effectiveness of the advertising.

(iii) Higher Education Division: HECS Information Products. The purpose was to assess the information gaps of the target audience in relation to HECS. The objective was to determine the levels of student access to and awareness of the HECS “Your Questions Answered” information booklet, determine strengths and weaknesses of booklets’ cover, determine views on some of the proposed changes to the booklet for 2000, determine awareness of previous advertising for HECS products and which information sources were most valued, identify strengths and weaknesses of HECS information...
products available and determine to what extent the internet was an important source of information to HECS.

(iv) Higher Education Division: Publishing and Information Services. The purpose and objectives of the research were to provide an assessment of how well DETYA publishing and Information services were meeting the needs of the Higher Education Sector.

(c) Training & Youth Division: Youth Bureau, Career Information and Services Section. The purpose of the research was to guide DETYA in future directions for the development and distribution of career information products in both electronic and hard copy formats. The objectives were to evaluate the effectiveness, appropriateness and efficiency of the range of career information products as a suite and individually in relation to the target market.

(3) No.

(4) (a) (i) Corporate Division: ETSS - Colmar Brunton Social Research.
(ii) Corporate Division: New Apprenticeships - Worthington Di Mazio Pty Ltd.
(iii) Higher Education Division: HECS Brochure - Chant Link and Associates.
(iv) Higher Education Division: HECS Radio & Print Advertisements - Chant Link and Associates.
(v) Higher Education Division: HECS Information Products - Chant Link and Associates.
(vi) Higher Education Division: Publishing and Information Services - Colmar Brunton Social Research.
(vii) Training & Youth Division: Youth Bureau, Career Information and Services Section - Colmar Brunton Social Research.

(b) (i) Corporate Division: ETSS - 12 Targeted Focus Groups and 32 interviews were conducted.
(ii) Corporate Division: New Apprenticeships - 24 in-depth interviews were conducted with employers and apprentices.
(iii) Higher Education Division: HECS - 3 group discussions with university and school students.
(iv) Higher Education Division: HECS Radio & Print Advertisements - 3 group discussions with school leavers who intended on studying a HECS liable university course in 2000.
(v) Higher Education Division: HECS Information Products - several group discussions with past and present students with and without HECS debts and their families.
(vi) Higher Education Division: Publishing and Information Services - sample of one-on-one, face-to-face and telephone interviews.
(vii) Training & Youth Division: Youth Bureau, Career Information and Services Section - focus groups were conducted.

(c) (i) 12 May 2000 to 16 June 2000.
(ii) 3 July 2000 to 17 July 2000
(iii) 24 May 2000 to 12 June 2000
(iv) 7 December 1999 to 14 December 1999
(v) 30 June 1999 to 9 August 1999
(vi) 1 August 2000 to 29 September 2000
(vii) 1 November 1999 to 1 December 1999

(5) No.

(6) (a) (i) Corporate Division: ETSS - a strategy was selected that appealed to the majority of the community most affected by the ETSS.

(ii) Corporate Division: New Apprenticeships - it was recommended that the website be readily accessible, attention grabbing and be educational and informative, clear and concise.
(iii) **Higher Education Division:** HECS brochure - results showed brochure successfully achieved communication objectives with targeted audiences. However, specific recommendations were made to make the flyer side of the brochure easier to understand for the year 12 audience.

(iv) **Higher Education Division:** HECS Radio & Print Advertisements - a number of recommendations made to further improve the effectiveness of the HECS radio advertisements. Positive reaction was made to the print advertising with the inclusion of a HECS Website address.

(v) **Higher Education Division:** HECS Information Products - distribution points of the booklet were identified, most students had a basic understanding of HECS. The research also identified which aspects of the HECS booklet were liked and disliked.

(vi) **Higher Education Division:** Publishing and Information Services - initial feedback indicated positive feedback from higher education sector, with some suggestions made for improving web and paper based products produced and distributed by DETYA.

(vii) **Training & Youth Division:** Youth Bureau, Career Information and Services Section. Recommendations were made in regards to improving the effectiveness of career information products tested.

7. (i) **Corporate Division:** ETSS - Communication & Information Management Branch along with the GST Implementation Branch requested and authorised the expenditure.

(ii) **Corporate Division:** New Apprenticeships - Communication & Information Management Branch along with New Apprenticeships Branch requested and authorised the expenditure.

(iii) **Higher Education Division:** HECS brochure - Student Financing Unit of DETYA requested that the research be undertaken. The Higher Education Funding Group authorised this expenditure.

(iv) **Higher Education Division:** HECS radio & print advertisements – Student Financing Unit of DETYA requested that the research be undertaken. The Higher Education Funding Group authorised this expenditure.

(v) **Higher Education Division:** HECS Information Products - the Australian Taxation Office and the Higher Education Section requested the research. The Higher Education Funding Group authorised this expenditure.

(vi) **Higher Education Division:** Publishing and Information Services. Higher Education Section requested and authorised this expenditure in conjunction with Communication & Information Management Branch.

(vii) **Training & Youth Division:** Youth Bureau, Career Information and Services Section – the Career Information Services section requested the research and the Research and Evaluation Branch authorised the expenditure.

8. (i) **Corporate Division:** ETSS - $69,200 was the estimated and actual cost of the research.

(ii) **New Apprenticeships:** $16,500 was the estimated and actual cost of the research.

(iii) **Higher Education Division:** HECS, $13,280 was the estimated and actual cost of the research.

(iv) **Higher Education Division:** HECS radio & print advertisements - $12,000 was the estimated cost and the total cost was $12,526.

(v) **Higher Education Division:** HECS information products - $25,000 was the estimated and actual cost of the research.

(vi) **Higher Education Division:** Publishing and Information Services - $25,000 was the estimated cost, the actual cost was $24,890.

(vii) **Training & Youth Division:** Youth Bureau, Career Information and Services Section - $60,000 was the estimated cost, actual cost was $50,000. (These costs are for the total research project. It is not possible to separate Metropolitan/Non Metropolitan costs.)

9. (i) **Corporate Division:** ETSS - results used to refine the range of ETSS creative products for the target markets.
(ii) **New Apprenticeships**: Results were used to upgrade the website.

(iii) **Higher Education Division**: HECS - results were used to modify and make the brochure more effective.

(iv) **Higher Education Division**: HECS Radio & Print Advertisements - results used to modify the radio & print advertisements to ensure their effectiveness for the HECS 2000 advertising strategy.

(v) **Higher Education Division**: HECS Information Products - results of the research were used to improve the HECS booklet and make it more effective.

(vi) **Higher Education Division**: Publishing and Information Services - results used to improve the effectiveness of DETYA’s publishing & information services to the Higher Education Sector.

(vii) **Training & Youth Division**: Youth Bureau, Career Information and Services Section - research used to guide DETYA in future directions for the development and distribution of Career Information products in electronic and hard copy formats.

**Attorney-General’s Department: Public Opinion Research**

(Question No. 2663)

Senator Faulkner asked the Minister representing the Attorney-General, 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 Vanstone—The Attorney-General has provided the following answer to the honourable senator’s question:

**Human Rights and Equal Opportunity Commission**

1. Yes. The Human Rights & Equal Opportunity Commission has provided the following answer regarding its participation in public opinion research in non-metropolitan areas.

2. Three activities were undertaken by the Commission - *Bush Talks; The National Inquiry into Rural and Remote School Education*; and *The Inquiry into the accessibility of e-commerce and new technologies by older people and people with a disability (the E-Commerce Report)*.

   (i) *Bush Talks* had three objectives:
   - to identify the major human rights issues confronting people living beyond the main population centres;
   - to inform rural and remote area Australians, and their representative organisations, about human rights; and
- to develop projects to enhance the enjoyment of human rights in regional, rural and remote

(ii) The National Inquiry into Rural and Remote School Education was one of the projects
developed as a result of the Bush Talks program. The Commission inquired into the provision of
education for children in rural and remote areas with reference to:
- the availability and accessibility of both primary and secondary schooling;
- the quality of educational services, including technological support services; and
- whether the education available to children with disabilities, indigenous children and children from
diverse cultural, religious and linguistic backgrounds, complies with their human rights.

The inquiry included some research on education in rural Australia.

(iii) The E-Commerce Report focussed solely on the experiences of older people and people with
a disability in relation to the use of EFTPOS machines, Internet and phone banking and similar services.

(3) No
(4) (a)
(i) Bush Talks - consisted of a series of public meetings held across Australia organised with the
assistance of community groups.

(ii) National Inquiry into Rural and Remote School Education - the research was undertaken by
the Youth Research Centre at the University of Melbourne.

(iii) E-Commerce Report - the research was carried out by The Advertising Department.

(4) (b)
(i) Bush Talks - officers of the Commission attended the public meetings and recorded the issues
raised.

(ii) National Inquiry into Rural and Remote School Education - the research consisted of a survey
distributed to students, parents and teachers in rural Australia.

(iii) E-Commerce Report - the research was carried out by The Advertising Department through
17 formal group interviews, a further 112 intercepts and 10 interviews with corporate decision makers.

(4) (c)
(i) Bush Talks - commenced in 1998, with only a few meetings in 1999. The last meeting was in
November 1999.

(ii) National Inquiry into Rural and Remote School Education - the research was undertaken
during the second half of 1999, principally in July-September.

(iii) E-Commerce Report - the interviews were carried out in September 1999.

(5) No.

(6)(i) The issues and concerns raised during the series of Bush Talks meetings have been recorded in
the Bush Talks publication and are also available on the Internet at www.hreoc.gov.au/human_rights/rural/bushtalks/index.html.

(ii) The results of the survey on rural and remote education are recorded in the final survey report,

(iii) The results of the research are incorporated into the E-Commerce Report (Report of the
Inquiry into the Accessibility of E-Commerce and New Technologies by Older Australians and People
with a Disability), tabled in Federal Parliament by the Attorney General.

(7) The Human Rights Commissioner initiated the Bush Talks program and the expenditure was
authorised by the Human Rights Commissioner and the Director of the Human Rights Unit. A similar
process applied to the research undertaken for the National Inquiry into Rural and Remote School
Education.
The research for the *E-Commerce Report* was part of the terms of reference from the Attorney-General who asked the Commission to investigate the implications and examine the difficulties and restrictions faced by older Australians and people with a disability in the use of technology and E-Commerce and to outline the specific needs in accessing services which utilise such technologies.

(8)(i) *Bush Talks*: Program costs of $75,730 plus salary costs of the Human Rights Commissioner and staff of the Human Rights Unit during the course of the program.

(ii) Survey on rural and remote school education: $49,600.

(iii) Research for *E-Commerce Report*: $59,166.

(9)(i) *Bush Talks*: - the findings of the Bush Talks program were used to inform the choice of a number of specific projects subsequently undertaken by the Commission to enhance the enjoyment of human rights in regional, rural and remote Australia. Those projects included the National Inquiry into Rural and Remote School Education and the Outlink project which established a national network of gay, lesbian and bisexual young people in rural Australia.


(iii) *E-Commerce Inquiry* - the research informed the proceedings of the inquiry and was embraced within the context of the final report (available at [www.hreoc.gov.au/disability_rights/ecomrep.html](http://www.hreoc.gov.au/disability_rights/ecomrep.html)).

**Office of Film and Literature Classification**

(1) Yes. The Office of Film and Literature Classification (OFLC) conducted public opinion research in the Victorian regional centre of Bendigo in April 2000 as part of the Community Assessment Panel scheme.

(2) The Community Assessment Panel scheme is designed to investigate the degree to which classification decisions of the Classification Board reflect community standards. The research has been conducted in six locations, both metropolitan and regional, since 1997.

The specific research objectives are to:

- assist Censorship Ministers and members of the Classification Board to understand community attitudes to the classification of films;
- examine aspects of films that people find most troubling or about which they express concern; and
- explore the extent to which decisions of the Classification Board can be considered to represent community standards.

(3) No,

(4)(a) Following a selective tender process, the independent social research and planning consultancy, Keys Young, was engaged to convene the Community Assessment Panels and to produce the final research reports.

(b) The research was based on a qualitative methodology using focus groups.

(c) The Panels were convened three times between July 1999 and April 2000. The final report on all three Panels was completed in June 2000.

(5) Yes. To recruit participants for the Community Assessment Panel convened in Bendigo, Keys Young subcontracted the locally-based recruitment/market research firm, The Flying Sources Pty Ltd.

(6) The results of the research have shown that classification decisions made by the Classification Board accord with current community standards. The decisions of the Panels correlated well with the decisions of the Board in each instance during the convening of the Bendigo Panel.

(7) The research proposal was agreed to by all Commonwealth, State and Territory Censorship Ministers. The cost was met by the OFLC and was approved by the Director.
(8) The total cost of the three Panels convened between July 1999 and April 2000 was $86,566, as quoted in advance by the consultant and agreed to by the OFLC.

(9) The results of the research are used by the Classification Board to assist it to make decisions that reflect current community standards in film classification.

**Minister for Health and Aged Care: Hospitality Expenditure**

**(Question No. 2770)**

**Senator Robert Ray** asked the Minister representing the Prime Minister, upon notice, on 18 August 2000:

(1) Can the Prime Minister re-affirm as existing Government policy, as contained in ‘A Guide on Key Elements of Ministerial Responsibility’ (p.12), the following: ‘As a general rule official facilities should be used for official purposes. The distinction between official and personal conduct is not always clear (eg, in relation to the provision of hospitality/entertainment and the use of car transport) but Ministers should ensure that their actions are calculated to give the public value for its money and never abuse the privileges which, undoubtedly, are attached to Ministerial office’.

(2) Is the Prime Minister aware that questions on notice in relation to the provision of hospitality/entertainment by Ministers Anderson, Vaile, Scott, McGauran, Reith and Newman and former Ministers Fischer and Sharp have been answered in full, and that the Ministers have been subject to accountability to the general public.

(3) Is the Prime Minister aware that the Minister for Health and Aged Care (Dr Wooldridge) has refused to answer question on notice no. 2165, relating to his entertainment/hospitality expenses, and thus cannot be held accountable to the Parliament or the public.

(4) Will the Prime Minister direct the Minister for Health and Aged Care to be accountable for his entertainment/hospitality expenses so that the Parliament and the public can be assured that he is complying with the guidelines on ministerial responsibility.

**Senator Hill**—The Prime Minister has provided the following answer to the honourable senator’s question:

(1) Yes. Requirements for the payment of hospitality expenses are also governed by the Guidelines for Official Hospitality and the Chief Executive’s Instructions of each department or agency.

(2) and (3) Answers to questions on notice in relation to the provision of hospitality and entertainment have been provided by the respective ministers.

(4) The Minister for Health and Aged Care on 18 October 2000 provided answers to several questions from Senator Ray concerning official hospitality and documents relating to the Minister’s official hospitality expenses were released to Senator Ray following an application under the Freedom of Information Act 1982.

**Civil Aviation Safety Authority: Mr J. W. Linton**

**(Question No. 2776)**

**Senator O’Brien** asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 21 August 2000:

(1) Did Mr J.W Linton commence action with the Civil Aviation Safety Authority (CASA) to change the registration on his aircraft from VH-ASH to VH-JEF on 25 February 1999.

(2) (a) What action was he required to take to change the above registration; and (b) what action did he take to change the above aircraft’s registration.

(3) Was his application approved by CASA; if so, when was the approval granted; if not, why was Mr Linton’s application rejected.

(4) If approval was granted:

(a) what action was then required of Mr Linton;

(b) did he undertake that action;
(c) what was the cost of registration transfer; and
(d) did he meet that cost.
(5) (a) Did Mr Linton then nominate a date for the change of registration of the above aircraft;
(b) what was that date; and
(c) did he make the necessary changes to the aircraft to meet that change-over date.
(6) Was the change of registration completed at the nominated date of transfer or was further action
required of both Mr Linton and CASA; if so:
(a) what further action was required of both Mr Linton and CASA; and
(b) was the action completed by both parties.
(7) If further action was required, what was the time frame in which that action had to be completed;
if not:
(a) what actions were not completed by either of the parties; and
(b) what were the consequences of this failure to complete certain actions.
(8) Is the process of transferring the registration of aircraft VH-ASH to VH-JEF now complete; if
not:
(a) what actions were not completed by either of the parties; and
(b) what were the consequences of this failure to complete certain actions.
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 response:
(1) Mr Linton commenced action to change the registration on his aircraft from VH-ASH to VH-JEF
on 19 February 1999.
(2) (a) Mr Linton was advised by CASA on 25 February 1999 of the steps required to change the
aircraft registration mark. He was also advised that the registration mark VH-JEF had been reserved by
him until 24 November 1999.
On 25 February 1999, CASA advised Mr Linton that:
‘Your request for a change of mark has been approved, however, it is conditional and to initiate the
change of mark, CASA requires the Certificate of Registration holder to:
(a) nominate the date of change of mark; (the De-Registration and Re-Registration will need to be
co-ordinated with CASA in conjunction with the necessary maintenance and painting);
(b) provide a written assurance that the aircraft maintenance history will be adequately protected;
(c) payment of the avcharges (to Airservices Australia) related to the aircraft currently registered as
VH-ASH; and
(d) payment to CASA of a $75.00 fee for the issue of a Certificate of Airworthiness and Flight
Manual Pages associated with the mark change.
The Certificates of Registration, Airworthiness and a Flight Manual cover page will be issued to
reflect the new mark, VH-JEF, once the above actions are taken.’
Mr Linton was additionally advised on 25 February 1999:
‘During the change over process, you will also be directed by an Airworthiness Inspector, pursuant
to regulation 38(1) of the Civil Aviation regulations in respect of maintenance to:
replace the fireproof plate fitted to the aircraft in accordance with the provisions of CAR 16(7) at the
same time as the aircraft registration marks are changed pursuant to CAR 16(B), CAR 17 and CAR 18;
re-identify the aircraft, engine, propeller and, if applicable, radio log books, and any other
maintenance history required to be kept, with the new registration mark;
endorse the current Maintenance Release, if issued in respect of VH-ASH, with a statement referring
to the change of registration; and
change the Mode S Transponder code to 011111000010111000100101.
(2) (b) Mr Linton advised CASA in March 2000 that the work required to his aircraft had been performed.

(3) Mr Linton was informed by CASA on 25 February 1999 that his application was approved on the condition that the steps outlined in 2a. were completed before 24 November 1999, the expiry date of the reservation for the registration mark.

(4) (a) After Mr Linton was advised of the conditional approval, he was then required to take specific steps as outlined in 2a by 24 November 1999.

(b) See 2b.

(c) Mr Linton was advised by CASA on 25 February 1999 that the following payments were required:
   - payment to Airservices Australia of the avcharges related to the aircraft currently registered as VH-ASH;
   - payment to CASA of a $75.00 fee for the issue of a Certificate of Airworthiness and Flight Manual Pages associated with the mark change.

(d) Airservices Australia has advised that as at September 2000, there were no outstanding avcharges related to Mr Linton’s aircraft.

Mr Linton paid the sum of $75.00 to CASA.

(5) (a) and (b) The CASA Moorabbin office contacted Mr Linton on 26 April 1999 to inquire if Mr Linton wished to proceed with the registration change. At the time, Mr Linton stated that he was not ready to proceed.

On 23 September 1999, Mr Linton advised CASA that he wished to proceed with the registration change, and nominated 1 October 1999 as the date for the registration change to occur. A CASA officer contacted Mr Linton on 20 October 1999 regarding the change, and Mr Linton advised that he wished to action the change around 1 November 1999.

(c) CASA was not informed until 20 March 2000 that the required work had been performed on Mr Linton’s aircraft. The reservation of the registration mark had expired on 24 November 1999.

On 17 December 1999, the registration mark was requested by another certificate of registration holder through a different CASA office, and was approved for issue to the applicant.

(6) (a) and (b) No. The change of registration requested by Mr Linton was not completed, as the reservation period for the registration mark had expired by the time Mr Linton advised CASA that he had completed the necessary work on the aircraft. See 5c.

(7) (a) and (b) No further action was required.

(8) The process of transferring Mr Linton’s registration was not completed as he failed to complete the necessary steps by 24 November 1999, the expiry date of his registration. As a result, Mr Linton’s reserved registration mark expired.

Department of Employment, Workplace Relations and Small Business: Payments and Grants to Employer Organisations

(Question No. 2785)

Senator O’Brien asked the Minister representing the Minister for Employment, Workplace Relations and Small Business, upon notice, on 24 August 2000:

(1) What grants or other payments were made to employer organisations by the department or any of its agencies in the 1996–97 financial year.

(2) In each case: (a) what was the purpose of the purpose of the grant or other payment; (b) what was the actual value of the grant or other payment; and (c) was the grant or other payment made as a result of an application from the organisation.

(3) If the grant or other payment was made in response to an application for the organisation, in each case: (a) how was that application assessed; and (b) who approved the application.
Senator Alston—The Minister for Employment, Workplace Relations and Small Business has provided the following answer to the honourable senator’s question:

(1) Programme payments were made to three employer organisations (see table 1 below) under the Employment Strategies element of the former TAP - Training for Aboriginals and Torres Strait Islanders Programme, in the 1996–97 financial year.

The figures below do not include any minor purchases e.g. publications.

(2) (a) and (b) [Table 1]

<table>
<thead>
<tr>
<th>Purpose of grant or other payment</th>
<th>Actual value of grant or other payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gwydir Valley Cotton Growers Association –</td>
<td>$65 000</td>
</tr>
<tr>
<td>To implement an employment strategy to achieve an increased</td>
<td></td>
</tr>
<tr>
<td>representation of local indigenous people in the cotton industry,</td>
<td></td>
</tr>
<tr>
<td>Moree, NSW</td>
<td></td>
</tr>
<tr>
<td>Australian Confederation of Commerce and Industry –</td>
<td>$742 549</td>
</tr>
<tr>
<td>To implement an employment strategy to promote departmental</td>
<td></td>
</tr>
<tr>
<td>programmes and employment opportunities for indigenous people</td>
<td></td>
</tr>
<tr>
<td>among organisation members nationally</td>
<td></td>
</tr>
<tr>
<td>Pharmacy Guild, Queensland –</td>
<td>$48 836</td>
</tr>
<tr>
<td>To implement an employment strategy to increase the number of</td>
<td></td>
</tr>
<tr>
<td>indigenous people in the pharmacy industry in Queensland</td>
<td></td>
</tr>
</tbody>
</table>

(c) Funding was provided in each case on the basis of a proposal developed by the organisation, following advice from departmental staff about the objectives and funding parameters of the TAP employment strategies programme.

(3) (a) Proposals were assessed against programme guidelines by departmental staff.

(b) Proposals were approved by departmental officers with the appropriate financial delegation.

National Occupational Health and Safety Commission

(1) In 1996–97, the National Occupational Health and Safety Commission (NOHSC) agreed to provide two types of grant to Australia’s peak employer body, the Australian Chamber of Commerce and Industry (ACCI). These were a resource grant and a training grant. A proportion of the training grant was used by the ACCI to provide indirect funding to affiliate organisations. These other employer organisations were the Queensland Chamber of Commerce and Industry, the Victorian Farmers’ Federation, the Retail Traders’ Association of NSW and the South Australian Chamber of Commerce and Industry. Funds were also provided to the ACTU.

(2) (a) The purpose of the resource grant was to assist the ACCI to continue to participate in the fora of NOHSC. The purpose of the training grant was to support access to, delivery and development of quality occupational health and safety training programs.

(b) In 1996-97 the value of the resource grant was $200 000 and the training grant was $100 000. From the training grant, $15 000 was provided by the ACCI to the each of the affiliate organisations identified in (1) above.

(c) The ACCI was required to make separate applications for both grants following an invitation from NOHSC.

(3) (a) These applications were assessed by NOHSC.

(b) Final approval was made by the Chief Executive Officer on behalf of NOHSC.

Comcare

(1) None

(2) Not applicable

(3) Not applicable

Australian Industrial Registry

(1) None
Defence Force Remuneration Tribunal

(1) None
(2) Not applicable
(3) Not applicable

Office of the Employment Advocate

(1) None
(2) Not applicable
(3) Not applicable

Equal Opportunity for Women in the Workplace Agency

(1) None
(2) Not applicable
(3) Not applicable

Department of Employment, Workplace Relations and Small Business: Payments and Grants to Employer Organisations

(Question No. 2804)

Senator O’Brien asked the Minister representing the Minister for Employment, Workplace Relations and Small Business, upon notice, on 24 August 2000:

(1) What grants or other payments were made to employer organisations by the department or any of its agencies in the 1997-98 financial year.

(2) In each case: (a) what was the purpose of the grant or other payment; (b) what was the actual value of the grant or other payment; and (c) was the grant or other payment made as a result of an application from the organisation.

(3) If the grant or other payment was made in response to an application from the organisation, in each (a) case how was that application assessed, and (b) who approved the application.

Senator Alston—The Minister for Employment, Workplace Relations and Small Business has provided the following answer to the honourable senator’s question:

(1) Programme payments were made to four employer organisations (see table 1 below) under the Employment Strategies element of the former TAP - Training for Aboriginals and Torres Strait Islanders Programme in the 1997-98 financial year.

Payments were made to five employer organisations under the Employment Services Contract 1998-1999 and two employer organisations were paid job brokerage fees under an interim Job Brokerage contract to the then Department of Employment, Education, Training and Youth Affairs during the 1997-98 financial year (see table 2 below).

The figures below do not include any minor purchases e.g. publications.

(2) (a) and (b) [Table 1]:

<table>
<thead>
<tr>
<th>Purpose of grant or other payment</th>
<th>Actual value of grant or other payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bourke Cotton Growers Association – To implement an employment strategy to achieve an increased representation of local indigenous people in the cotton industry, Bourke, NSW</td>
<td>$14 500</td>
</tr>
<tr>
<td>Gwydir Valley Cotton Growers Association – To implement the second year of an employment strategy to achieve an increased representation of local indigenous people in the cotton industry, Moree, NSW</td>
<td>$77 214</td>
</tr>
</tbody>
</table>
Purpose of grant or other payment | Actual value of grant or other payment
--- | ---
Australian Confederation of Commerce and Industry – To implement the second year of an employment strategy to promote departmental programs and employment opportunities for indigenous people among organisation members nationally Pharmacy Guild, Queensland To implement the second year of an employment strategy to increase the number of indigenous people in the pharmacy industry in Queensland
$840 544  
$71 202

Australian Confederation of Commerce and Industry – The payments under the Employment Services Contract 1998-99 were for the provision of Entry Level Training Support Services (ELTSS) under the employment Services Contract 1998-99
Victorian Employers’ Chamber of Commerce and Industry
The Retail Traders’ Association of NSW
Australian Business Limited
Master Painters’ Association of Victoria
$1 289 264  
$1 298 384  
$ 559 392  
$2 125 100  
$ 40 000

(c) Funding was provided in each case, in table 1, on the basis of a proposal developed by the organisation, following advice from departmental staff about the objectives and funding parameters of the employment strategies programmes.

With regard to the organisations shown in table 2, in all cases the organisations successfully competed in an open tender under the Employment Services Request for Tender 1997.

(3) (a) Proposals for the organisations shown in table 1 were assessed against programme guidelines by departmental staff. Applications for the organisations shown in table 2 were assessed according to the published selection criteria and tender processes.

(b) Proposals for the organisations shown in table 1 were approved by departmental officers with the appropriate financial delegation. The tender outcomes for the organisations shown in table 2 were approved by the Secretary of the then Department of Employment, Education, Training and Youth Affairs.

National Occupational Health and Safety Commission

(1) In 1997-98, the National Occupational Health and Safety Commission (NOHSC) agreed to provide a resource grant to Australia’s peak employer body, the Australian Chamber of Commerce and Industry (ACCI). Funds were also provided to the ACTU. The ACCI was also awarded a consultancy for a national small business occupational health and safety (OHS) information initiative.

(2) (a) The purpose of the resource grant was to assist the ACCI to continue to participate in the fora of NOHSC. The purpose of the consultancy was to design, develop and deliver nationally information initiative to assist small business to meet their OHS obligations.

(b) The value of the resource grant was $200 000. The value of the consultancy was $200 000.

(c) In relation to the resource grant, the ACCI was required to make an application for this funding following an invitation from NOHSC. In relation to the small business OHS information initiative, the ACCI was invited to submit a proposal.

(3) (a) In both cases ACCI proposals were assessed by NOHSC.

(b) Final approval made by the Chief Executive Officer on behalf of NOHSC in both cases.

Comcare

(1) None
(2) Not applicable
(3) Not applicable

Australian Industrial Registry
(1) None
(2) Not applicable
(3) Not applicable

Defence Force Remuneration Tribunal
(1) None
(2) Not applicable
(3) Not applicable

Office of the Employment Advocate
(1) None
(2) Not applicable
(3) Not applicable

Equal Opportunity for Women in the Workplace Agency
(1) None
(2) Not applicable
(3) Not applicable.

**Department of Defence: Payments and Grants to Employer Organisations**

**Question No. 2806**

Senator O’Brien asked the Minister representing the Minister for Defence, upon notice, on 24 August 2000:

(1) What grants or other payments were made to employer organisations by the department or any of its agencies in the 1997-98 financial year.

(2) In each case: (a) what was the purpose of the grant or other payment; (b) what was the actual value of the grant or other payment; and (c) was the grant or other payment made as a result of an application from the organisation.

(3) If the grant or other payment was made in response to an application from the organisation, in each case: (a) how was that application assessed; and (b) who approved the application.

Senator Newman—the Minister for Defence has provided the following revised answer to the honourable senator’s question:

(1) Department of Defence did not make any grant payments to employer organisations in 1997-98 but made other payments to two employer organisations in this financial year.

(2) (a) The payment to the Australian Industry Defence Network was to assist in establishing that organisation as the peak representative association of defence small to medium enterprises. The other payments were of an administrative nature.

(b)

<table>
<thead>
<tr>
<th>Employer Organisation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Industry Defence Network</td>
<td>$55,000</td>
</tr>
<tr>
<td>Australian Hotels Association</td>
<td>$135</td>
</tr>
<tr>
<td>Australian Pharmacy Guild</td>
<td>$875</td>
</tr>
</tbody>
</table>

(c) The payment to the Australian Industry Defence Network was as a consequence of a commitment in the Government’s 1998 Defence and Industry Strategic Policy Statement. The other payments were not made as a result of applications.

(3) (a) and (b) Not applicable, refer to 2(c) above.
Department of Employment, Workplace Relations and Small Business: Payments and Grants to Employer Organisations

(Question No. 2823)

Senator O’Brien asked the Minister representing the Minister for Employment, Workplace Relations and Small Business, upon notice, on 24 August 2000:

(1) What grants or other payments were made to employer organisations by the department or any of its agencies in the 1998-99 financial year.

(2) In each case: (a) what was the purpose of the grant or other payment; (b) what was the actual value of the grant or other payment; and (c) was the grant or other payment made as a result of an application from the organisation.

(3) If the grant or other payment was made in response to an application from the organisation, in each (a) case how was that application assessed, and (b) who approved the application.

Senator Alston—The Minister for Employment, Workplace Relations and Small Business has provided the following answer to the honourable senator’s question:

(1) Programme payments were made to five employer organisations (see the table 1 below) under the Employment Strategies element of the former TAP - Training for Aboriginals and Torres Strait Islanders Programme in the 1998–99 financial year.

Payments were made to six employer organisations (see table 2 below) under the Employment Services Contract 1998-1999 during the 1998-99 financial year.

The figures below do not include any minor purchases e.g. publications.

(2) (a) and (b) [Table 1]

<table>
<thead>
<tr>
<th>Purpose of grant or other payment</th>
<th>Actual value of grant or other payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gwydir Valley Cotton Growers Association – To implement the third year of an employment strategy to achieve an increased representation of local indigenous people in the cotton industry, Moree, NSW</td>
<td>$278 908</td>
</tr>
<tr>
<td>Bourke Cotton Growers Association – To implement the second year of an employment strategy to achieve an increased representation of local indigenous people in the cotton industry, Bourke, NSW</td>
<td>$50 138</td>
</tr>
<tr>
<td>Australian Confederation of Commerce and Industry – To implement the third year of an employment strategy to promote departmental programs and employment opportunities for indigenous people among organisation members nationally</td>
<td>$973 744</td>
</tr>
<tr>
<td>Northern Rivers Regional Chamber of Commerce – To implement an employment strategy to place and support indigenous people in traineeships in the northern NSW region</td>
<td>$80 000</td>
</tr>
<tr>
<td>Australian Medical Association, Western Australia - To implement an employment strategy to increase access to employment for indigenous people in the medical industry</td>
<td>$217 693</td>
</tr>
</tbody>
</table>

(2) (a) and (b) [Table 2]

<table>
<thead>
<tr>
<th>Purpose of grant or other payment</th>
<th>Actual value of grant or other payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chamber of Commerce and Industry of Western Australia – The payments under the Employment Services Contract 1998-99 were for the provision of Entry Level Training Support Services (ELTSS).</td>
<td>$218 160</td>
</tr>
<tr>
<td>Victorian Employers’ Chamber of Commerce and Industry</td>
<td>$603 656</td>
</tr>
<tr>
<td>The Retail Traders’ Association of NSW</td>
<td>$268 575</td>
</tr>
<tr>
<td>Australian Business Limited</td>
<td>$101 580</td>
</tr>
</tbody>
</table>
(c) Funding was provided in each case, in table 1, on the basis of a proposal developed by the organisation, following advice from departmental staff about the objectives and funding parameters of the employment strategies programmes.

With regard to the organisations shown in table 2, in all cases the organisations successfully competed in an open tender under the Employment Services Request for Tender 1997.

(3) (a) Proposals for the organisations shown in table 1 were assessed against programme guidelines by departmental staff. Applications for the organisations shown in table 2 were assessed according to the published selection criteria and tender processes.

(b) Proposals for the organisations shown in table 1 were approved by departmental officers with the appropriate financial delegation. The tender outcomes for the organisations shown in table 2 were approved by the Secretary of the then Department of Employment, Education, Training and Youth Affairs.

**National Occupational Health and Safety Commission**

(1) In 1998-99, the National Occupational Health and Safety Commission (NOHSC) agreed to provide a resource grant to Australia’s peak employer body, the Australian Chamber of Commerce and Industry. Funds were also provided to the ACTU.

(2) (a) The purpose of the grant was to assist the ACCI to continue to participate in the fora of NOHSC.

(b) The value of the resource grant was $200,000.

(c) The ACCI was required to make an application following an invitation from NOHSC.

(3) (a) The application was assessed by NOHSC.

(b) Final approval made by the Chief Executive Officer on behalf of NOHSC.

**Comcare**

(1) None

(2) Not applicable

(3) Not applicable

**Australian Industrial Registry**

(1) None

(2) Not applicable

(3) Not applicable

**Defence Force Remuneration Tribunal**

(1) None

(2) Not applicable

(3) Not applicable

**Office of the Employment Advocate (OEA)**

(1) A sum of $1963 was paid by the OEA during this period to the Australian Industry Group

(2) (a) The purpose of the grant was to cover the costs of room hire for seminars run jointly by the OEA and the Australian Industry Group (AIG)

(b) $1963

(c) No
(3) Not applicable

**Equal Opportunity for Women in the Workplace Agency**

(1) None
(2) Not applicable
(3) Not applicable.

**Department of Defence: Payments and Grants to Employer Organisations**

(Question No. 2825)

Senator O’Brien asked the Minister representing the Minister for Defence, upon notice, on 24 August 2000:

(1) What grants or other payments were made to employer organisations by the department or any of its agencies in the 1998-99 financial year.

(2) In each case: (a) what was the purpose of the grant or other payment; (b) what was the actual value of the grant or other payment; and (c) was the grant or other payment made as a result of an application from the organisation.

(3) If the grant or other payment was made in response to an application from the organisation, in each case: (a) how was that application assessed; and (b) who approved the application.

Senator Newman—The Minister for Defence has provided the following revised answer to the honourable senator’s question:

(1) Department of Defence did not make any grant payments to employer organisations in 1998-99, but made other payments to two employer organisations in this financial year.

(2) (a) The payment to the Australian Industry Defence Network was to assist in establishing that organisation as the peak representative association of defence small to medium enterprises. The other payments were of an administrative nature.

(b)

<table>
<thead>
<tr>
<th>Employer Organisation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Industry Defence Network</td>
<td>$200,000</td>
</tr>
<tr>
<td>Australian Industry Group</td>
<td>$5,175</td>
</tr>
<tr>
<td>Master Builders Association</td>
<td>$420</td>
</tr>
</tbody>
</table>

(c) The payment to the Australian Industry Defence Network was as a consequence of a commitment in the Government’s 1998 Defence and Industry Strategic Policy Statement. The other payments were not made as a result of applications.

(3) (a) and (b) Not applicable, refer to 2 (c) above.

**Department of Defence: Payments and Grants to Employer Organisations**

(Question No. 2844)

Senator O’Brien asked the Minister representing the Minister for Defence, upon notice, on 24 August 2000:

(1) What grants or other payments were made to employer organisations by the department or any of its agencies in the 1999-00 financial year.

(2) In each case: (a) what was the purpose of the grant or other payment; (b) what was the actual value of the grant or other payment; and (c) was the grant or other payment made as a result of an application from the organisation.

(3) If the grant or other payment was made in response to an application from the organisation, in each case: (a) how was that application assessed; and (b) who approved the application.

Senator Newman—The Minister for Defence has provided the following revised answer to the honourable senator’s question:

(1) Department of Defence did not make any grant payments to employer organisations in 1999-00, but made other payments to four employer organisations in this financial year.
(2) (a) The payment to the Australian Industry Defence Network was to assist in establishing that organisation as the peak representative association of defence small to medium enterprises. The other payments were of an administrative nature.

(b) Employer Organisation Amount
Australian Defence Industry Network $100,000
Australian Industry Group $22,287
Australian Pharmacy Guild $1,200
Engineering Employer Group $230
Motor Traders Association $450

(c) The payment to the Australian Industry Defence Network was as a consequence of a commitment in the Government’s 1998 Defence and Industry Strategic Policy Statement. The other payments were not made as a result of applications.

(3) (a) and (b) Not applicable, refer to 2(c) above.

Aged Care: Consultancy Reports
(Question No. 2855)

Senator Chris Evans asked the Minister representing the Minister for Aged Care, upon notice, on 24 August 2000:

(1) Will the Minister advise on the status of the following reports commissioned by the department: (a) the nursing workforce in residential aged care; (b) ageing in place consultancy; (c) the Boundary Stocktake project; and (d) the 2000 ageing research directory.

(2) Can the Minister provide the following details for each of the consultancies: (a) the date when the consultancy was commissioned; (b) the value of the consultancy and to whom it was awarded; (c) the date when the final draft was provided to the department; (d) whether a copy of the draft was provided to the Minister for approval; if so: (i) when did the Minister receive the report and when was it approved; and (ii) if the Minister has not signed off on the report what are the reasons for the delay; and (e) the date of publication; if the report has not been published, why not; if the report is to be published what is the scheduled release date.

(3) Can a copy be provided of all finalised reports; if the reports are unpublished, can copies be provided of the draft versions.

Senator Herron—The Minister for Aged Care has provided the following answer to the honourable senator’s question:

In accordance with advice provided to her.

(1) to (3) Work undertaken for report purposes which is designed for publication will be published in an orderly way.

None of the above except the Australian Ageing Research Directory 2000 meet that criteria. The Directory is in the process of preparation for publication.

Australian Taxation Office: Commonwealth Ombudsman Annual Report
(Question No. 2868)

Senator Faulkner asked the Minister representing the Treasurer, upon notice, on 30 August 2000:


(1) Has the Treasurer ever been advised by the Australian Taxation Office (ATO) in regard to: (a) the nature of this case; (b) the circumstances surrounding the complaint; and/or (c) the actions taken as a result of ATO investigations; if so, what was the date of this advice from the ATO, and in what form was the advice (written, oral, etc).
(2) Did the Treasurer request or direct that the ATO take any action in regard to this case; if so: (a) what did he request; (b) in what form was the request; and (c) what action did the ATO take as a result.

(3) Can the Treasurer confirm that he was informed by the tax agent concerned of the circumstances of this case by letter dated 26 February 1997.

(4) (a) What action did the Treasurer take in response to this correspondence; (b) when did the Treasurer take this action; (c) what was the outcome; and (d) has the Treasurer replied to this letter; if not, why not.

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

(1) No record of the Australian Taxation Office having advised the Treasurer on this matter has been located.

(2) There is no record of the Treasurer having requested or directed the ATO to take any action in this matter, but since Parliament has placed the administration of the tax laws in the hands of the Commissioner of Taxation, it is not the sort of matter in which the Treasurer would normally intervene.

(3) Although the letter has not been located, it is understood that the tax agent wrote to the Treasurer on 26 February 1997.

(4) (a) to (d) An adviser in the office of the Assistant Treasurer responded to the letter on 26 March 1997. The response noted that the matter was being investigated by a senior investigating officer from the Internal Investigations Section of the Australian Taxation Office.

Australian Taxation Office: Commonwealth Ombudsman Annual Report

(Question No. 2869)

Senator Faulkner asked the Minister representing the Treasurer, upon notice, on 30 August 2000:


(1) Is the Treasurer aware that the Australian Taxation Office (ATO) has acknowledged that a known ATO officer made an unauthorised release of confidential information concerning the tax agent and his clients to New South Wales police officers.

(2) Did this unauthorised release of confidential information consist of: (a) a spreadsheet containing details of taxpayers financial affairs, including amounts and cheque numbers of refunds; (b) copies of internal reports from the ATOs Storage and Access System (STAC) reports; and (c) any other documents (please specify).

(3) What steps has the ATO taken to identify the precise documents, and any other information, released without authorisation in this case.

(4) (a) Can the ATO confirm that, some 18 months after the original, unauthorised disclosure of information, the NSW Police Service applied under section 3E of the Taxation Administration Act 1953 for the authorised release of information relating to the same tax agent and his financial affairs, and his clients and their financial affairs; and (b) what is the specific nature of the information sought in this request.

(5) Can the ATO confirm that this application was refused by a deputy commissioner of the ATO on 3 June 1997; if so, what were the grounds for this refusal.

(6) Which statutory safeguards of confidential information are breached by an unauthorised disclosure of this kind.

(7) What action has the ATO taken to ensure: (a) the proper return of all documents which were disclosed in this case; and (b) that the privacy of the taxpayers and the tax agent has not been breached through any continuing misuse of the information disclosed in this unauthorised way.

Senator Kemp—The answer to the honourable Senator’s question is as follows:

(1) The Australian Taxation Office (ATO) acknowledged that an ATO officer made an unauthorised release of confidential information, following advice from the Commonwealth Director of Public
Prosecutions (DPP) that the release was in good faith but unauthorised. However, when the matter was reviewed in 1999, the DPP concluded that the disclosure was in fact authorised and that the officer who made the disclosure was acting in the course of his or her duties.

(2) As noted above, the DPP has advised that there was no unauthorised release of information.

(3) No documents were released without authorisation.

(4) An application was made for the release of information. For secrecy reasons, the specific nature of the information sought is not provided in this answer.

(5) The application was refused as the information sought was outside the scope of the legislation.

(6) There was no unauthorised disclosure.

(7) (a) Any disclosure was authorised and there is no requirement to seek the return of documents.

(b) There was no unauthorised disclosure of information.

Australian Taxation Office: Commonwealth Ombudsman Annual Report

(Question No. 2871)

Senator Faulkner asked the Minister representing the Treasurer, upon notice, on 30 August 2000:


(1) Does the Commissioner assess that the Australian Taxation Office (ATO) has met its obligations under the Taxpayers Charter in relation to the following sections:

(i) Treating you fairly and reasonably;
(ii) Your honesty and the tax system;
(iii) Our services;-
(iv) Your privacy and the confidentiality of your tax affairs;
(v) Who can help you with your tax affairs;
(vi) If you are not satisfied; and
(vii) Compensation and other financial remedies.

(2) In relation to correspondence from the tax agent concerned, or from his representatives, has the ATO complied with the timelines it sets for responding to correspondence; if not: (a) on how many occasions have these obligations not been met; (b) how long have responses been delayed; and (c) what was the reason for these delays.

(3) Does the ATO compile statistics regarding its compliance with these response time obligations; if not, why not; if so, can these statistics be provided for each year since 1996.

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

(1) Yes.

(2) There has been considerable correspondence from the tax agent and his representatives to various parts of the ATO over the past few years, often of considerable length and complexity requiring detailed checking of past correspondence with different parts of the ATO. The ATO endeavours to meet Charter timeframes on each occasion. On one occasion a letter was not replied to for some months as it was mistakenly understood to have been dealt with in other correspondence.

(3) The ATO has reported statistics for the past three years in its 1999-2000 Annual report. The ATO’s general correspondence service standard requires that a reply be sent within 28 days. For the years 1997/1998, 1998/1999 and 1999/2000, 89.9%, 91.8% and 91.3% (respectively) of general correspondence was responded to within the time-frame.
Senator Carr asked the Minister representing the Minister for Education, Training and Youth Affairs, upon notice, on 30 August 2000:

With reference to the Wesley Institute of Language and Commerce: On 29 August 2000, Minister Ellison made a statement with regard to the collapse of the arrangement between the Uniting Church in Australia Property Trust (NSW) for Wesley Mission and Wesley Institute of Language and Commerce (WILC), claiming that media reports that students would not receive their refunds were incorrect. The Minister said that the Wesley Mission had guaranteed that it would refund all monies owed to students of WILC. The Minister referred to a Notified Trust Account (NTA) established by Wesley Mission:

1. Who administered the NTA referred to.
2. When was this NTA established.
3. Who is responsible for student refunds, Wesley Institute or Wesley Mission.
4. Of the students enrolled on 18 August 2000: (a) what was the duration of the course(s) in which the students were enrolled; and (b) what proportion of the course(s) had been undertaken.
5. (a) How many students have received full refunds of fees paid; (b) how many students have received partial refunds; and (c) on what basis were the partial amounts calculated.
6. (a) Were students told by WILC that only a small proportion of the balance of their tuition fees would be refunded; (b) on what basis was such a claim made; and (c) is this consistent with the legislative requirements.
7. (a) Will students transferring to another college be required to pay an additional Change of Provider fee to the Department of Immigration and Multicultural Affairs (DIMA); and (b) how many have done so.
8. (a) For how long has DIMA been charging a Change of Provider fee for students transferring from one Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered college to another; and
   (b) what is the legislative basis for the charging of this fee.
9. Can DIMA or the Department of Education, Training and Youth Affairs (DETYA) confirm that students have up until 30 September 2000 to transfer from WILC to another CRICOS -registered college.
10. When did Wesley Mission lease its CRICOS registration to the entity known as Wesley Institute.
12. Was the Wesley Mission Registered Training Organisation (RTO) registration also leased to the Wesley Institute; if so, on what date did that occur.
12. Was there a Parent Organisation Guarantee in place; if so, under what section of, or regulation made under the Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991 was it made.
13. What parent organisation held the guarantee.
14. What was the name of the provider named under sub-regulation 9(2)(a) made under the Act and what was the reason given for the provider being unable or unwilling to become a member of a Tuition Assurance Scheme.
15. Under regulation 9(2) of the Regulations, who exercised the power of approval for the exemption from the Tuition Assurance Scheme.
16. What assurance was given by those seeking the Parent Organisation Guarantee that the student indemnity was equivalent to that provided by an insurance policy that complied with regulation 15 made under the Act.
(17) Did the existence of such a guarantee override any legislative obligation to be a member of an
NTA.

(18) How many students were covered by the Parent Organisation Guarantee.

(19) (a) What arrangements have been made for fee refunds for Australian students enrolled at the
Wesley Institute or Mission; (b) what percentage of fees have been refunded to those students; and (c)
how many students are involved.

(20) For students enrolled at these colleges who are in Australia on student visas: (a) how many
students were enrolled at the WILC as at Friday, 18 August 2000; and (b) on what date or dates did
these students commence their studies.

(21) (a) On what date did the Wesley Mission notify WILC of the termination of their agreement; (b)
how many students were enrolled on that date; and (c) how many students from WILC have been
reported to DIMA for nonattendance over the past 3 months.

(22) How many students from WILC have been removed for breaches of visa conditions over the
past 3 months.

(23) How many students from WILC have been reported to DIMA for nonattendance over the past
12 months.

(24) How many students from WILC have been removed for breaches of visa conditions over the
past 12 months.

(25) Did Wesley Mission have a copy of all student records on Friday, 18 August, and what records
did they hold.

(26) When were audits undertaken by any education or immigration authority of WILC.

(27) What audits were undertaken by any immigration or education authorities of Vision College.

(28) What incidence of non-compliance was identified in any of these audits.

(29) Were any breaches of the Education Services for Overseas Students (Registration of Providers

(30) What commissions or other payments were made by Vision College or Wesley Institute to the
Wesley Mission for use of CRICOS registration and/or RTO registration.

(31) What percentage of student fees was paid to education or immigration agents by Vision College
for students enrolled at the Wesley Institute.

(32) What association did, or does, Rachael Srinurjani Ong have with an entity known as the Sydney
International College of Business.

(33) (a) On what date did the Wesley Institute move from 28 Margaret Street, Sydney, to the Sussex
Centre in Sussex Street, Sydney; (b) was there a site inspection undertaken by DIMA or DETYA or any
other education authority; and (c) what were the findings of any such site visits.

(34) Under what provisions of the current Act is a registered CRICOS provider allowed to lease or
sub-contract its registration to a non-CRICOS registered entity for the purposes of the provision of
educational services.

(35) Will the proposed amendments to the Act address the issue of CRICOS registered institutions
leasing their CRICOS registration to a non-CRICOS registered entity which would provide education
services to overseas students.

(36) (a) How many CRICOS registered providers currently operate with a Parent Organisation
Guarantee under regulation 9(2) made under the Act; (b) what are the names of these providers; and (c)
in the last five years, how many CRICOS providers have sought to utilise section 9(2) of the
Regulations, and have been on these grounds granted an exemption from requirements relating to a
Tuition Assurance Scheme.

Senator Ellison—The Minister for Education, Training and Youth Affairs has provided the
following answer to the honourable senator’s question:
The notified trust account (NTA) was administered by Uniting Church in Australia Property Trust (NSW) for Wesley Mission, trading as Wesley Institute for Ministry and the Arts (WIMA).

Wesley Mission has advised that the notified trust account was established 8 August 1999.

Wesley Mission is responsible for student refunds. Wesley Mission is a Parish of the Uniting Church in Australia and in accordance with the provisions of the Uniting Church in Australia Act 1997 is required to vest all properties and interests in properties in the Uniting Church in Australia Property Trust (NSW). Wesley Mission administers Wesley Institute for Ministry and the Arts and is therefore responsible for paying refunds to overseas students in accordance with the provisions of the Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991 (PESOS Act).

Wesley Mission has advised that the duration of the courses for students enrolled on 18 August 2000 ranged from four weeks to two years.

Wesley Mission has advised that commencement dates for courses were staggered with courses commencing every couple of weeks. Students enrolled on 18 August 2000 had undertaken anywhere between none of their course or up to 13 months of it.

Wesley Mission has advised that 85 students have received full refunds.

Wesley Mission has advised that 421 students have received partial refunds.

In accordance with the provisions of section 6B of the PESOS Act, in the event that a provider defaults, and the student has not withdrawn before the default date, then the provider must refund to an overseas student, within two weeks of the provider defaulting, all pre-paid course money that was required to be paid into the notified trust account, less the amount entitled to be withdrawn under the Education Services for Overseas Students (Registration of Providers and Financial Regulation) Regulations (PESOS Regulations). The student is entitled to the interest earned on the amount to be refunded. The amount arrived at is the minimum refund payable. If a student is entitled to a greater refund, for example by virtue of other legislation or by the terms of an agreement between the student and the provider, then Section 6B does not operate to reduce that greater entitlement.

The Department does not know everything which Wesley Institute for Language and Commerce (WILC) may have told its students about the refund of their tuition fees. However, the Department received a copy of an undated circular addressed to "valued local agents" which contains the following statement: "Only small portion of the balance of tuition fees will be refunded, which Wesley Mission currently is holding in the trust account." The circular was issued under Ms Rachel Ong's name on WILC letterhead and is believed to have been issued on 21 August 2000.

The basis on which such a claim was made is not known.

Such a claim is not consistent with the requirements of the PESOS Act.

DIMA has advised that in accordance with visa condition 8206, student visa holders changing their enrolment from one education provider to another are required to apply for a new student visa and pay the visa application charge if...

(A) the original course is for 12 months or more - within the first 12 months of that course; and

(B) the original course is for less than 12 months - before the end of that course.

However, a visa application charge is not payable if the applicant seeks a visa that is not subject to condition 8206 only because the education provider for the course to which the visa held by the applicant relates is unable to provide, or continue to provide, the course. On this basis none of the WILC students have been required to pay the charge. (b) None.

DIMA has advised that:

(a) the charge for an application to change provider was introduced on 1 December 1998, and
(b) Migration Amendment Regulations 1998 (No. 10) amended the Regulations. The charge is prescribed in Migration Regulations - Schedule 1, item 1222(2)(a)(iii)(C).

(9) DIMA has advised that students from WILC had until 30 September 2000 to transfer to another provider registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).

(10) Wesley Mission did not lease its CRICOS registration to any other entity. On 6 July 1999, WIMA signed an agreement with Vision College Pty Ltd to establish a joint business venture under the registered business name of Wesley Institute of Language and Commerce. WIMA was the registered provider on CRICOS under this arrangement.

(11) Wesley Mission did not lease its Registered Training Organisation (RTO) registration to any other entity. On 6 July 1999, WIMA signed an agreement with Vision College Pty Ltd to establish a joint business venture under the registered business name of Wesley Institute of Language and Commerce. WIMA was the registered RTO under this arrangement.

(12) Yes. The Parent Organisation Guarantee was obtained pursuant to subregulation 9(2)(b)(ii) of the PESOS Regulations.

(13) The Uniting Church in Australia Property Trust (NSW) holds the Parent Organisation Guarantee.

(14) Wesley Institute for Ministry and the Arts is the provider named in the Parent Organisation Guarantee (POG) which, pursuant to subregulation 9(2)(a)(ii) stated that it was unable or unwilling to become a member of a Tuition Assurance Scheme "because it is unreasonable in the circumstances relating to both the Provider and the Parent Organisation to expect the Provider to become a member of a tuition assurance scheme".

(15) The officer exercising responsibilities, on behalf of the Minister, under sub-regulation 9(2) was a Senior Executive Officer delegated the Minister’s powers pursuant to section 17 of the PESOS Act.

(16) The Department was satisfied that the wording of the POG ensured that each student had an indemnity equivalent to that provided by an insurance policy that complies with regulation 15 of the PESOS Regulations.

(17) No.

(18) Wesley Mission has advised that 660 overseas students were covered by the POG - 610 for WILC, and 50 for WIMA.

(19) Wesley Mission has advised that: (a) Australian students enrolled at WILC have been asked to make application for their refund and each case is being heard and determined accordingly; (b) all fees that the students are entitled to be refunded either have been paid or are being paid to the students; and (c) there were 14 students.

(20) Wesley Mission has advised that:
(a) there were 610 students enrolled including those who had not yet commenced their course; and
(b) these students commenced their studies on various course commencement dates over the past 13 months.

(21) (a) Wesley Mission has advised that they notified Vision College Pty Ltd of the termination of the agreement on 10 August 2000.
(b) Wesley Mission has advised that there were 695 students enrolled including those who had not yet commenced their course.
(c) DIMA has advised that 117 WILC students were reported for non attendance between 1 June 2000 and 31 August 2000.

(22) DIMA has advised that two WILC students were removed under a monitored departure arrangement for a breach of visa conditions between 1 June 2000 and 31 August 2000.

(23) DIMA has advised that 170 WILC students were reported for non-attendance in the period 1 September 1999 to 31 August 2000.
(24) DIMA has advised that 4 WILC students were removed under monitored departure arrangements for breaches of visa conditions in the period 1 September 1999 to 31 August 2000.

(25) Wesley Mission has advised that on 18 August 2000 they held records of student enrolments, accounts and each student’s personal file but did not have total access to a computer database maintained under licence by Vision College.

(26) No audit was undertaken by the Department as under the PESOS Act, there is no provision to do so. The NSW Vocational Education and Training Accreditation Board has advised that a Registered Training Organisation audit was conducted on the Uniting Church in Australia Property Trust (NSW), trading as Wesley Institute for Ministry and the Arts on 12 January 2000. DIMA has advised that DIMA does not audit educational institutions.

(27) No audit was undertaken by the Department as under the PESOS Act there is no power to do so. The NSW Vocational Education and Training Accreditation Board (VETAB) has advised that Australian Recognition Framework compliance assessments were conducted on Vision College on 19 April 2000 and 4 July 2000. DIMA has advised that DIMA does not audit educational institutions.

(28) VETAB has advised that following the RTO audit conducted on 12 January 2000, the Uniting Church in Australia Property Trust (NSW), trading as Wesley Institute for Ministry and the Arts was registered as an RTO for three years. VETAB has also advised that the Australian Recognition Framework compliance assessments conducted on Vision College on 19 April 2000 and 4 July 2000 identified that Vision College did not satisfy all the principles, standards and protocols of the Australian Recognition Framework. The primary incidences of non-compliance were the maintenance of student records, student rolls and attendance, maintenance of business records and inadequate learning resources.

(29) The Department is conducting inquiries as a consequence of information received by it which relates to compliance with the financial requirements of the PESOS Act. The enquiries are not yet finalised.

(30) Under the joint venture agreement, Wesley Mission was entitled to receive 20% of the profits of WILC. But there was no direct link between this entitlement and the use of CRICOS or RTO registrations, and no payments were in fact made under this entitlement.

(31) Wesley Mission has advised that the exact percentage of student fees paid in the form of commission to education or migration agents is not known, but is believed to be between 20 and 40 percent.

(32) Sydney International College of Business Pty Ltd was registered on CRICOS on 9 October 1995, trading as Sydney International College of Business. Rachel Ong was recorded as the Principal Executive Officer of the Sydney International College of Business Pty Ltd on CRICOS.

(33) (a) Wesley Mission has advised that Vision College moved to Sussex Street on 27 March 1999 and became known as WILC on 6 July 1999 following the joint venture agreement with Wesley Mission.

(b) The Department did not conduct a site inspection of the premises as under the provisions of the PESOS Act, there is no provision to do so. VETAB has advised that two site inspections were conducted. DIMA has advised that there is no legislative power enabling DIMA to undertake site inspections for the purpose of determining the suitability or otherwise of a provider’s premises for the provision of educational services. Investigations by DIMA into the activities of a provider are limited to circumstances where there are allegations relating to possible offences under the Migration Act.

(c) VETAB has advised that premises and accommodation were assessed as satisfactory.

(34) There is no provision under the current Act whereby a registered CRICOS provider is allowed to lease or sub-contract its registration to a non-CRICOS registered entity for the purposes of the provision of educational services. A registered provider may contract out the provision of a course, but cannot contract out its statutory obligations under the PESOS Act.

(35) The Education Services for Overseas Students Bill 2000 holds the CRICOS registered provider responsible, whatever the nature of its contractual or other arrangements with another provider.
(a) As at 6 October 2000, there are 21 providers holding a Parent Organisation Guarantee (POG) under subregulation 9(2)(b)(ii) of the PESOS Regulations.

(b) The names of these providers are:
- Adelaide College of Ministries, 01126M
- Anutech Pty Ltd, 01129G
- Assembly of God Paradise Inc, 01027C
- BAE Flight Training (Australia) Pty Ltd, 01596C
- Christian Heritage College, 01016F
- Insearch Limited, 00859D
- International Education Services Ltd, 01697J
- Luther Seminary, 00707J
- Macquarie Research Ltd, 0 1388M
- Monash International Pty Ltd, 01857J
- New Tribes Bible Mission (Australia) Ltd, 00998D
- Perth Theological Hall, 00700E
- Presbyterian Theological Centre, 00684M
- Queensland Baptist College of Ministries, 00663E
- Rhema College of Christian Ministries Ltd, 01593A
- Southern Cross College of the Assemblies of God in Australia, 00958A
- Strikeforce Ministry Training Institute, 01239B
- The Pines Training Centre, 01986M
- The University of Notre Dame Australia, 01032F
- Uniting Church in Australia Property Trust (NSW) for Wesley Mission, 00858E
- University of Canberra College Pty Ltd, 01893E

(c) Since 1995, 114 providers have been granted exemption from membership of a Tuition Assurance Scheme under subregulation 9(2) of the PESOS Regulations - 93 providers obtained an insurance policy in accordance with subregulation 9(2)(b) and 21 providers obtained a parent organisation guarantee in accordance with subregulation 9(2)(b)(ii).

Continence Aids Assistance Scheme
(Question No. 2882)

Senator Chris Evans asked the Minister representing the Minister for Aged Care, upon notice, on 4 September 2000:

With reference to the Continence Aids Assistance Scheme (CAAS):

1. Has the review into the effectiveness of the national-based model for the delivery of continence aids been completed; if so, will the report be made publicly available.

2. How many CAAS clients were consulted during the review.

3. Has the second review, to be conducted in the context of broader continence management strategy, been conducted.

4. When is the review likely to be completed and will the document be made public.

Senator Herron—The Minister for Aged Care has provided the following answer to the honourable senator’s question:

In accordance with advice provided to her:

1. The report is completed with restricted availability in accord with commercial-in-confidence.

2. A random sample of 1394.
(3) and (4) There is no further review to be published.

**Aged Care: Spot Checks**  
(Question No. 2884)

**Senator Chris Evans** asked the Minister representing the Minister for Aged Care, upon notice, on 4 September 2000:

1. Can the Minister indicate what funding has been allocated in the 2000-01 financial year and future years for the 'stepped up program' of spot checks, announced by the Minister on 27 July 2000.

2. What policy or guidelines have been issued to the Accreditation and Standards Agency on its increased use of spot checks.

3. What additional staff have been provided to the Accreditation and Standards Agency to carry out these spot checks.

4. Was the announcement on 27 July 2000 simply the re-announcement of the 2000-01 Budget initiative, 'Ensuring quality of care'.

5. How many surprise inspections have been carried out to date, by state and territory.

**Senator Herron**—The Minister for Aged Care has provided the following answer to the honourable senator's question:

In accordance with advice provided to her:

1. This information is available in the budget papers.

2. The Agency may undertake random and targeted spot checks.

3. Assessors are available at all times in the event of a spot check being required.

4. The announcement provides further detail.

5. 441 spot checks have been carried out.

**Gold Coast Nursing Home: Complaints**  
(Question No. 2886)

**Senator Chris Evans** asked the Minister representing the Minister for Aged Care, upon notice, on 4 September 2000:

1. Can the Minister indicate whether any complaints have been made against Gold Coast Nursing Home; if so, when were those complaints lodged.

2. Has this facility been visited by the Accreditation and Standards Agency; if so: (a) what were the dates of those visits; and (b) what was the purpose of each visit (for example, review audit, support contact, accreditation).

3. Can the Minister confirm that the facility undertook to implement improvements following a complaint in 1999.

4. Can the Minister confirm what action has been taken by the department and the Accreditation and Standards Agency to ensure that the facility has implemented those improvements.

**Senator Herron**—The Minister for Aged Care has provided the following answer to the honourable senator’s question:

In accordance with advice provided to her:

1. The dates on which complaints are lodged and the nature of the complaints are protected information under the Aged Care Act 1997.

2. Various visits were conducted.

3. The facility is accredited – see Website.

4. See above.
Senator Carr asked the Minister representing the Minister for Education, Training and Youth Affairs, upon notice, on 4 September 2000:

(1) Can the Minister confirm that Wesley Mission, Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) No.00858E, is a defaulting provider under the terms of the Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991; if so, is this provider liable to repay full student fee refunds for the balance of the courses remaining at the point of ceasing of training.

(2) Is the Minister aware that Ms Rachael Srinurjani Ong, Director of Vision College, has: (a) announced to students that Wesley Institute of Language and Commerce (WILC) has entered a new partnership with the Australian Institute of Commerce and Language; and (b) offered students who stay with this new entity the same premises and the same staff, and, without charge, assistance to arrange ‘Change of Provider’ application processes.

(3) Has this new partnership been approved by the New South Wales Vocational Education and Training Accreditation Board (VETAB), the Department of Education, Training and Youth Affairs or the Department of Immigration and Multicultural Affairs (DIMA).

(4) Has Vision College or WILC had its VETAB or National ELICOS Accreditation Scheme registration suspended or cancelled; if so, on what basis does Ms Rachael Ong offer continuing educational services for overseas students.

(5) Does Vision College now have, or did it in the past have, a CRICOS registration; if not, on what basis does Ms Rachael Ong offer educational services to overseas students.

(6) Does the company known as Vision College or any of its principals now have, or did they in the past have, registration with the Migration Agents Registration Authority; if not, on what basis does it offer migration advice to overseas students.

(7) (a) What is the status of the Mr Jommer Education Centre (ASIC) registration no. NSW V4961707?; (b) is this organisation continuing to trade offering either education or immigration services to overseas students; (c) has this organisation been offering educational services to overseas students; (d) has this organisation been offering migration services to overseas students; and (e) if this company has ceased trading, what liabilities remain outstanding to other education providers.

(8) Has DIMA received any complaints about the operations of this provider/agency.

Senator Ellison—The Minister for Education, Training and Youth Affairs has provided the following answer to the honourable senator’s question:

(1) As the Department’s enquiries have not been finalised, it is not possible to confirm the registered provider is a defaulting provider under the Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991 (ESOS Act).

(2) (a) On 23 August 2000, the Department received a copy of an undated circular addressed to “valued local agents” issued under Ms Rachel Ong’s name on Wesley Institute of Language and Commerce (WILC) letterhead which, inter alia, announced a partnership between WILC and the Australian Institute for Commerce and Language (AICL).

(b) The circular contained the following advice: “For current students who decided to stay with us there are some advantages for them which are: 1. They can continue to study with the same teachers, at the same building, with the same services from the same staff. 2. WILC will arrange for the students ‘change of provider’ process without charging the fee, which is $120 for each application.”

(3) The proposed partnership was not approved by the NSW Vocational Education and Training Accreditation Board, the Department of Education, Training and Youth Affairs or the Department of Immigration and Multicultural Affairs.

(4) The National ELT Accreditation Scheme (NEAS) is a delegated authority of the NSW Vocational Education Accreditation Board (VETAB) under the Vocational Education and Training Accreditation
Vision College Pty Ltd has never made application to NEAS for accreditation as an ELICOS institution. Wesley Mission made application to NEAS for provisional accreditation for the institution Wesley Institute for Ministry and the Arts under the provider name Uniting Church in Australia Property Trust (NSW) for Wesley Mission, which was granted on 11 October 1996. Under its authority delegated by VETAB under the VETA (Amendment) Act, NEAS concurrently approved Wesley Mission’s ELICOS courses for registration on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).

In July 1999, application was made for a change of trading name of the institution to Wesley Institute for Language and Commerce (WILC). Documentation provided on 3 March 2000 indicated that the trading name was owned by The Uniting Church in Australia Property Trust (NSW) for Wesley Mission. The change in trading name was confirmed by NEAS as part of the conditions of accreditation on 19 June 2000.

NEAS was advised on 17 August 2000 that WILC was no longer offering ELICOS courses. Its NEAS accreditation was revoked on 22 August 2000. VETAB was advised of this.

WILC has never been registered by VETAB. Ms Ong may offer education services to overseas students only under an arrangement made by a registered provider.

(5) Vision College has never been registered on CRICOS. Ms Ong may offer education services to overseas students only under an arrangement made by a registered provider.

(6) DIMA has advised that the Migration Agents Registration Authority (MARA) has no record of Vision College or any of its principals having been registered as migration agents. Section 280 of the Migration Act 1958 applies restrictions on giving immigration assistance and states that a person who is not a registered agent must not give immigration assistance, with some limited exemptions. DIMA investigators have received anecdotal information that marketing personnel at Wesley Institute of Language and Commerce (Vision College) known as “Client Service Managers” were providing immigration assistance beyond what would normally be accepted as educational services. DIMA investigators have interviewed former teachers and a former student in relation to the operation of WILC. These interviews have been conducted to obtain evidence of any offences including the provision of unregistered migration assistance. Further interviews with former teachers and students are scheduled. Investigators will be approaching the owner of the college, Ms Rachel Ong and her associates when sufficient evidence has been obtained. A referral to MARA is not considered appropriate given that the allegations relate to unregistered practice, not breaches of MARA’s code of conduct.

(7)(a) An extract from the Australian Securities and Investments Commission database shows that the business status of Mr Jommer Education Centre, V4961707 is recorded as “ceased” effective from 9 June 2000.

(b) DETYA has no knowledge of the Mr Jommer Education Centre, NSW V4961707 or whether it has offered services to overseas students. DIMA has advised that DIMA investigators have been informed by a former employee of Mr Sommer (Jommer) Enterprises Pty Ltd that the agency ceased trading on 7 August 2000.

(c) DETYA has no knowledge of the Mr Jommer Education Centre (NSW 4961707) or of the services it might offer to overseas students. DIMA has advised that the former employee advised that Mr Sommer (Jommer) Enterprises Pty Ltd was operating as an education consultant dealing mainly with Korean students. There is also information that two Chinese females were using the same premises to provide an education consultancy to Chinese students.

(d) DIMA has advised that there is no substantive evidence that Mr Sommer (Jommer) Enterprises Pty Ltd (MSE) was providing unregistered migration assistance. Six former clients of MSE have been contacted by DIMA investigators to date. All have stated that MSE only charged them the DIMA student lodgement fee of $290, (which they passed onto DIMA). Other monies paid were in relation to
locating suitable colleges and payment of tuition fees. The matter is in the hands of the New South Wales Police Service (NSWPS) Fraud Unit with whom DIMA investigators have been liaising. DIMA investigators have copied information referred to the NSWPS and placed it on file in case DIMA action is warranted in the future. The principals of MSE have departed Australia and are therefore not available to be interviewed by DIMA investigators. This matter has not been reported to MARA by DIMA as MSE were not registered migration agents.

(e) The Department does not have access to information relating to any outstanding liabilities to education providers.

(8) On 15 August 2000 DIMA received a complaint from a Korean student who had paid her college tuition fees to Mr Sommer (Jommer) Enterprises Pty Ltd (MSE) and later found that MSE had ceased business without transferring her fees to her college. On 18 August 2000 DIMA investigators attended MSE and found the office deserted. That same day investigators spoke to a former employee of MSE who informed them that many students had been defrauded; the principal of MSE, KIM Yong Suk, had fled Australia with the students’ money and that the NSWPS Fraud Unit had been informed. DIMA investigators liaised with NSWPS officers and established that many students appeared to have been defrauded. NSWPS officers have spoken to several informants but are awaiting detailed information from a student representative or an accountant prior to launching a full investigation. DIMA investigators have obtained copies of documents forwarded to NSWPS by affected students. DIMA investigators are not making any pro-active enquiries which may compromise the NSWPS investigation. As this complaint was in relation to the alleged criminal activities of an education consultant, NSWPS Fraud Unit is the most appropriate body to take action in the first instance. VETAB have not been briefed as there is no evidence of any college’s collusion in the fraud. Student Compliance and Student Investigations are monitoring any trends relating to affected students.

Department of Health and Aged Care: Complaints and Compliance Taskforce

(Question No. 2897)

Senator Chris Evans asked the Minister representing the Minister for Aged Care, upon notice, on 7 September 2000:

(1) Can details be provided of meetings chaired by Ms Jenny Hefford (Complaints and Compliance Taskforce, Department of Health and Aged Care) on 16 May 2000 and 20 July 2000, held at the New South Wales Office of the Department of Health and Aged Care.

(2) For each meeting, can the following be provided: (a) the purpose of the meeting; (b) the list of invitees and how this list was determined (please advise whether the selection of consumer representatives was in accordance with department policy); (c) attendance list and apologies; and (d) minutes of the meetings; if minutes were not taken, why not.

(3) At the meeting of 16 May 2000, what information was provided to consumer representatives about the department’s process for dealing with serial complaints to the Complaints Resolution Scheme.

Senator Herron—The Minister for Aged Care has provided the following answer to the honourable senator’s question:

In accordance with advice provided to her:

(1) A meeting was held to consult on a service charter for the Complaints Resolution Scheme and a follow up meeting was held to go through issues raised in the previous meeting.

(2)(a) See (1)

(b) and (c) Representation from groups and individuals with a direct interest in the Complaints Resolution Scheme. Departmental staff included the manager of the Complaints Resolution Scheme in each office where the consultation was held.

(d) No formal minutes were taken.

(3) The meeting focussed on complaints in the context of a service charter.
Australian Taxation Office: Employee Share Plan
(Question No. 2899)

Senator Cook asked the Assistant Treasurer, upon notice, on 7 September 2000:

(1) When the Government announced, on 30 June 2000, its decision to legislate against the abuse of employee benefit arrangements relating to superannuation, why did the Government only announce a review rather than legislative action in relation to the abuse by company executives of employee share plans that was identified by the Australian Taxation Office (ATO) in its submission to the inquiry into employee share ownership plans by the House of Representatives Employment, Education and Workplace Relations Committee.

(2) In the ATOs submission to the same House of Representatives committee inquiry into employee share ownership schemes, dated 30 April 1999, the ATO estimated the revenue at risk from abuse by company executives of employee benefit arrangements at $1.5 billion (as confirmed in evidence given to the committee by the ATO on 11 May 2000): What is the latest estimate of revenue at risk from employee benefit arrangement type schemes, given the evidence of ongoing aggressive marketing of the schemes provided by the Member of Lalor at the 11 May 2000 hearings.

(3) What is the estimated revenue impact of the exemption provided in Taxation Ruling TR 1999/5 for ‘taxpayers who have received a Private Ruling (under part IV AA of the Taxation Administration Act 1953) and have implemented the arrangement ruled on, in substantially the same terms as the Private Ruling’.

(4) How much money has been identified by the ATO as flowing into non complying NZ superannuation and like schemes over the past 4 financial years.

(5) (a) What estimates, or educated estimates, were available to the Government as at the end of March 1996 of the revenue at risk from the abuse of employee benefit arrangements and (b) what steps were taken by the Government to address the abuse of these arrangements.

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

(1) I refer the honourable Senator to my Press Release of 30 June 2000 which outlines the reasons provided for the actions announced on that day.

(2) The premise of the question is false. The ATO did not claim that $1.5 billion in revenue was at risk. The advice from the ATO is that revenue is not at risk as a result of aggressively marketed employee benefit arrangements because the arrangements are not effective under existing law.

(3) and (4) Estimates have not been published.

(5) (a) No estimates had been provided to the Government at the end of March 1996 of the revenue at risk from the abuse of employee benefit arrangements.

(b) The ATO has always been of the view that aggressively marketed employee benefit arrangements could be dealt with under existing law, including the general anti-avoidance provisions of the income tax and fringe benefits tax laws.

Employment Benefit Arrangements: Review
(Question No. 2904)

Senator Cook asked the Assistant Treasurer, upon notice, on 7 September 2000:

(1) (a) Who is conducting the review into the abuse of employment benefit arrangements announced by the Government on 30 June 2000; (b) what stage has the review reached; (c) on what date is it anticipated the review will be concluded; and (d) will the results of the review be publicly announced and/or tabled in Parliament.

(2) In evidence given to the House of Representatives Employment, Education and Workplace Relations Committee, on 11 May 2000, representatives of the Australian Taxation Office (ATO) stated roughly one-third of the employment benefit arrangement schemes that could be the subject of litigation had made use of the ATOs safe harbour arrangements and sought to come to an agreement regarding the payment of tax: (a) how many schemes have come to an agreement regarding the payment of tax: (b)
how much tax has been paid as a result of these agreements; and (c) how much in tax and penalties has
the ATO agreed to forgo to come to these agreements.

(3) In evidence given to the House of Representatives Employment, Education and Workplace
Relations Committee, on 11 May 2000, representatives of the ATO stated Federal Court litigation was
being undertaken in order to recover tax from employment benefit arrangement schemes: (a) how many
Federal Court cases have been initiated; (b) how much tax would be payable if the ATO were successful
in each of the cases; (c) at what stage is the litigation process in each case; and (d) have any of the cases
in which court action has been initiated been subsequently settled; if so, what are the terms of settlement
and what is the difference between the settlement amount and that originally by the ATO.

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

(1)(a) to (c) A review is being conducted by the Australian Taxation Office (ATO) of the interaction
of the income tax and fringe benefits tax laws to ensure that employee benefit trusts and employee share
plans are taxed appropriately.

(d) If any announcements are to be made, the honourable Senator will be aware of them when they
are made.

(2) (a) to (c) The ATO is taking the necessary action against abusive employee benefit arrangements.
This action is ongoing.

(3) (a) to (d) As above.

Civil Aviation Safety Authority: Board Members’ Travel
(Question No. 2910)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 11 September 2000:

(1) Since September 1997, how many members of the Civil Aviation Safety Authority (CASA) Board have travelled overseas at the Authority’s expense.

(2) In each case (a) who travelled; (b) what was the purpose of the travel; and (c) what was the cost
of the travel.

(3) On any of the above overseas trips did CASA Board Member’s partners, or other family
members, also travel; if so, in each case: (a) who met the cost of the travel, and any related expenses
associated with the travel of a partner or other family member; (b) who approved these payments; and
(c) what was the basis for the approval.

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) Five members of the CASA Board have travelled overseas at the expense of CASA since
September 1997.

(2) (a) Dr Paul Scully-Power
(b) Attendance at Y2K conference, FAI Conference, and visit to International Air Transport
Association (IATA), United Kingdom and Europe, September/ October 1998.
(c) $12,020.66
(a) Mr Tony Pyne [see note (a)]
(b) Visit to the International Civil Aviation Organisation (ICAO), Canada, September 2000
(c) $3,283.02
(a) Mr Tony Pyne [see note (a)]
(b) Airspace briefings in the United Kingdom, briefings by FAA (USA) and Transport Canada, July
1998.
(c) $5,743.06
(a) Mr Dick Smith [see note (b)]
(b) Meeting with New Zealand Civil Aviation Authority (CAA), New Zealand, March 1998
(c) $5,743.06
(a) Mr Bruce Byron [see note (b)]
(b) Meeting with New Zealand CAA, New Zealand, March 1998
(c) $1,356.67
(a) Mr Mick Toller
(b) Meeting with New Zealand CAA, New Zealand, July 1998
(c) $2,328.28
(a) Mr Mick Toller [see response 3]
(b) Attendance at Directors General of Civil Aviation Conference, Nepal, November 1998
(c) $9,058.50
(a) Mr Mick Toller
(b) Attendance at Directors General of Civil Aviation Conference, Vietnam, September 1999
(c) $7,880.37
(a) Mr Mick Toller
(b) Attendance at Aviation in 21st Century Conference, Chicago, December 1999
(c) $8,785.88
(a) Mr Mick Toller [see response 3]
(b) Attendance at Directors General of Civil Aviation Conference, Singapore, February 2000.
(c) $5,031.02
(a) Mr Mick Toller
(b) Meetings with New Zealand CAA and Air New Zealand, New Zealand, September 2000.
(c) $2,279.84

Note (a) Relates to approved travel by Mr Pyne on CASA business while he was travelling overseas at his own expense. Note (b) Mr Smith flew his own aircraft and was reimbursed at the cost of a normal business class airfare. Mr Byron accompanied Mr Smith at no additional airfare cost.

3 Mrs Toller accompanied Mr Toller on the visits marked “See Response 3”.
(a) CASA met the cost of travel. There were no additional costs met by CASA.
(b) The visit to Nepal was approved by the then Chairman of the CASA, Mr Dick Smith. The visit to Singapore was approved by the Chairman of the CASA, Dr Paul Scully-Power.
(c) Mrs Toller’s accompaniment of Mr Toller is in accordance with the terms and conditions under which the CASA Director holds office as set out in CASA Board Determination 2 of 1998.

Aged Care Providers: Sanctions
(Question No. 2912)

Senator Chris Evans asked the Minister representing the Minister for Aged Care, upon notice, on 12 September 2000:

(1) Can the Minister provide details of: (a) how many times in the 1998-99 financial year the Accreditation and Standards Agency recommended that sanctions be applied against a residential aged care provider; (b) how many times sanctions were applied against providers in the 1998-99 financial year and the nature of the sanctions in each case; (c) why the Agency’s recommendation was not followed (in any cases where sanctions were not applied); and (d) how many providers, against which sanctions were applied in the 1998-99 financial year, had previously been the subject of sanctions.
(2) Can the Minister provide details of: (a) how many times in the 1999-2000 financial year the Accreditation and Standards Agency recommended that sanctions be applied against a provider; (b) how many times sanctions were applied against providers in the 1999-2000 financial year and the nature of those sanctions in each case; (c) why the Agency’s recommendation was not followed (in any cases where sanctions were not applied); and (d) how many providers, against which sanctions were applied in the 1999-2000 financial year, had previously been the subject of sanctions.

Senator Herron—The Minister for Aged Care has provided the following answer to the honourable senator’s question:

In accordance with advice provided to her:

(1) (a) While the Agency in some instances is obliged to make a recommendation to the Secretary about whether or not sanctions should be imposed, the decision is for the Secretary (or his delegate).

(b) Not applicable.

(c) Not applicable.

(d) Not applicable.

(2) (a) - (d) The Secretary must consider a range of matters in making the decision. For details see the Website.

Schools: Enrolments
(Question No. 2941)

Senator Brown asked the Minister representing the Minister for Education, Training and Youth Affairs, upon notice, on 18 September 2000:

(1) For each of the school years 2002, 2004, 2006, 2008 and 2010, what is the Minister’s estimate of the ratio of public to non-government school enrolments in Australia.

(2) With respect to each of the enrolment mix ratios referred to in (1), what planning figures is the department using.

(3) With respect to each of the planning figures referred to in (1), what would be the Minister’s preferred outcome.

(4) What policy settings and programmes does the Minister have in place to ensure that these outcomes occur.

(5) What independent advice and analysis has the Minister received that would suggest that these policy settings and programmes are likely to succeed in achieving that enrolment mix.

Senator Ellison—The Minister for Education, Training and Youth Affairs has provided the following answer to the honourable senator’s question:

(1) and (2) The ratios of government to non-government school enrolments in selected years are:

<table>
<thead>
<tr>
<th>Year</th>
<th>Ratio</th>
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<tbody>
<tr>
<td>2002</td>
<td>2.19</td>
</tr>
<tr>
<td>2004</td>
<td>2.14</td>
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<tr>
<td>2006</td>
<td>2.11</td>
</tr>
<tr>
<td>2008</td>
<td>2.09</td>
</tr>
<tr>
<td>2010</td>
<td>2.08</td>
</tr>
</tbody>
</table>

These ratios are derived from DETYA projections, which are limited to full-time students, excluding pre-year 1 in WA and QLD, who are funded but not counted for statistical purposes. Projections for 2000 are based on 1998 and 1999 actual enrolments, Australian Bureau of Statistics population data (for estimating future entry into the first school year) and the maintenance of 1998-1999 grade progression ratios.

They will not reflect such factors as the effects of future changes in education and immigration policy, Government policy, and social and economic conditions. That is, DETYA matches the ABS ‘Schools Australia’ definitions. Projected enrolment data are used in out-year estimates of Commonwealth expenditure on school education. However, these data include FTE of part-time
students, and also the pre-year 1 students in WA and QLD. The ‘planning figures’ are based on the projections on which the ratios are calculated.

(3) to (5) As repeatedly stated, the Minister has no preference on proportions and believes parents should have a choice in education and it is not the role of the Government to determine “appropriate” levels. The Minister believes parents should be supported in exercising choice on which school and which sector is best for the child and should be able to exercise choice, confident that all schools are appropriately resourced and achieving good educational outcomes.

Christmas Island: Harbourmasters

(Question No. 2959)

Senator Brown asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 28 September 2000:

With reference to the management of the port of Christmas Island:

(1) Can the Minister indicate whether or not harbourmasters are permitted to have any financial or other pecuniary interest in shipping companies that operate in the port over which they have jurisdiction; if not, has any harbourmaster, past or present, had any direct or indirect interest or company position in any shipping company, including Assets Shipping (Australia) which operates in and out of the port.

(2) Are decisions relating to whether or not days are suitable and safe to be deemed shipping days and the order in which ships are brought into port for loading and unloading the prerogative of the harbourmaster; if so, does the Minister consider there to be a conflict of interest and a risk to the safety of stevedores if the current or previous harbourmasters have or have had an interest, direct or indirect in the ships being loaded or unloaded in the port.

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

(1) My Department is currently reviewing the existing legislative and administrative framework on Christmas Island to determine if it is in line with shipping and pilotage arrangements elsewhere in Australia. The question of whether current or past harbourmasters have, or had, an interest in ships operating in the port, will be separately examined by the Department’s contracted auditor.

(2) Yes, the harbourmaster is charged with determining whether physical conditions on a given day are suitable and safe for allowing shipping movement to occur in the harbour.

All aspects of stevedoring operations are the responsibility of Indian Ocean Stevedores Pty Ltd and fall outside the direct control of the harbourmaster.

Attorney-General’s Department: Unauthorised Computer Access

(Question No. 2978 and 2981)

Senator O’Brien asked the Minister representing the Attorney-General, 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 January 1999, has there been any external unauthorised access to 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 who illegally accessed the system; and (c) what was the result of that action.

Senator Vanstone—The Attorney-General has provided the following answer to the honourable senator’s question:
(1) I am advised that the Department and agencies in my portfolio utilise either the Secure Gateway Environment (SGE), or Defence Signals Directorate (DSD) approved firewall products, to provide security against unauthorised external access. The SGE is a DSD accredited Internet and firewall provider. Dial-in facilities are encrypted using DSD endorsed encryption devices, as are Wide Area Network (WAN) links. The Department and agencies also utilise anti virus utilities to check incoming E-mail and WEB traffic against viruses and malicious code. Other external connections are facilitated through DSD approved firewall products. In addition to the services provided by the SGE, the Department and agencies carry out regular auditing of security logs files.

(2) I am advised that the Department and portfolio agencies are unaware of any external unauthorised access to any of their computer systems since 1 January 2000.

(3) Not Applicable.

**Department of Communications, Information Technology and the Arts: Programs and Grants to the Richmond Electorate**

*(Question No. 2994)*

Senator Mackay asked the Minister for Communications, Information Technology and the Arts, upon notice, on 5 October 2000:

(1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Richmond.

(2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.

(3) What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

Senator Alston—The answer to the honourable senator's question is as follows:

The Department of Communications, Information Technology and the Arts has provided the following level of funding to the electorate of Richmond. The Department's website has more detailed information on these and other programs and/or grants administered by the Department:

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<tr>
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<tbody>
<tr>
<td>Federation Community Projects</td>
<td></td>
<td></td>
<td></td>
<td>$146,500</td>
</tr>
<tr>
<td>The Commonwealth Government allocated $29.8 million from the Federation Fund, established in 1997, for small community driven projects to commemorate the Centenary of Federation and benefit communities across the country. An amount of $200,000 was allocated to each House of Representatives electorate.</td>
<td>(2000/01-2001/02 - $55,350 unexpended to date – all projects to be completed by 31/12/2001)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federation Cultural and Heritage Projects Program</td>
<td>$2,000,000 [ a multi-purpose community and cultural centre, including a performing arts space]</td>
<td>$92,000</td>
<td></td>
<td>$92,000</td>
</tr>
<tr>
<td>Byron Bay Community Centre Redevelopment</td>
<td>$1,000,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Playing Australia (National Performing Arts Touring program)</td>
<td>*part of $36,983</td>
<td>*part of $337,063</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Festivals Australia (funds cultural activities at regional and community festivals)</td>
<td>$16,600</td>
<td>$14,000</td>
<td>$16,000</td>
<td></td>
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</tbody>
</table>

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</thead>
<tbody>
<tr>
<td>Contemporary Music Touring Program (funds musicians to undertake national tours (program began in 1999-2000))</td>
<td></td>
<td></td>
<td></td>
<td>*part of $77,500</td>
</tr>
<tr>
<td>Visions of Australia (national exhibitions touring program)</td>
<td>*part of $68,180</td>
<td>*part of $18,530</td>
<td>*part of $106,663</td>
<td></td>
</tr>
</tbody>
</table>

* tours included venues in electorate

**Networking the Nation** grants program (Regional Telecommunications Infrastructure Fund). Commenced in 1997

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Northern Rivers Regional Marketing Cooperative Study</td>
<td>$40,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Networking the Northern Rivers - Stage 1</td>
<td>$150,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern Rivers Community Services/Access</td>
<td>$105,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Teletask *</td>
<td>$580,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Based Communication Networks *</td>
<td></td>
<td>$132,800</td>
<td></td>
</tr>
<tr>
<td>BAIT - Ballina Access to Information Technology</td>
<td></td>
<td>$100,000</td>
<td></td>
</tr>
<tr>
<td>Northern Rivers Marketing Cooperative Prototype</td>
<td></td>
<td>$83,250</td>
<td></td>
</tr>
<tr>
<td>TAFTCo - The Australian Freshfood Trading Company Ltd</td>
<td></td>
<td>$894,000</td>
<td></td>
</tr>
<tr>
<td>Promotion and Briefing for Remote Indigenous Communities *</td>
<td></td>
<td>$75,000</td>
<td></td>
</tr>
<tr>
<td>Northern Rivers IT Coordinator</td>
<td>$85,840</td>
<td>$25,000</td>
<td></td>
</tr>
<tr>
<td>Internet Tools for NSW Local Government *</td>
<td></td>
<td>$585,215</td>
<td></td>
</tr>
<tr>
<td>Joint Commonwealth/NSW Community Technology Centre Program *</td>
<td></td>
<td>$8,250,000</td>
<td></td>
</tr>
<tr>
<td>Richmond Valley Telecentre</td>
<td></td>
<td>$110,900</td>
<td></td>
</tr>
<tr>
<td>NSW Local Government IT Strategic Framework *</td>
<td></td>
<td>$25,000</td>
<td></td>
</tr>
<tr>
<td>Nationalising E Momentum in Local Government *</td>
<td></td>
<td>$70,000</td>
<td></td>
</tr>
<tr>
<td>Teleworking to the Fore *</td>
<td></td>
<td>$175,000</td>
<td></td>
</tr>
<tr>
<td>Get IT, Got IT, Good (IT &amp; T Roadshow) *</td>
<td></td>
<td>$32,500</td>
<td></td>
</tr>
<tr>
<td>FRAN Internet Access for ALL *</td>
<td></td>
<td>$20,378,000</td>
<td></td>
</tr>
</tbody>
</table>

* Projects marked with an asterisk provide assistance to people in Richmond as well as other electorates.

**Register of Cultural Organisations (ROCO)**

This program allows qualifying cultural bodies involved in activities such as literature, music, design, film, performing and visual arts etc to be approved to seek tax deductible donations for these activities. The program operates under Subdivision 30-B of the Income Tax Assessment Act 1997 (the Act).

Listed below are the organisations currently listed on ROCO in the electorate of Richmond and the value of donations to these organisations.
Cultural Gifts Program

The Cultural Gifts Program encourages donations of significant cultural items from private collections to public art galleries, museums and libraries by offering donors a tax deduction.

The table below lists participant organisations in the electorate in question and the value of cultural property donated to these organisations. As donations in respect of financial year 1999/2000 will continue to be received for some time, figures for that financial year are not conclusive.

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<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Spaghetti Circus Incorporated</td>
<td>Services to Music/Performing Arts</td>
<td>Mullumbimbi</td>
<td>-</td>
<td>-</td>
<td>63</td>
<td>4,500</td>
</tr>
</tbody>
</table>

Department of Industry, Science and Resources: Programs and Grants to the Richmond Electorate

(Question No. 2999)

Senator Mackay asked the Minister for Industry, Science and Resources, upon notice, on 5 October 2000:

(1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Richmond.

(2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.

(3) What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

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

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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Business Networks</td>
<td>Nil</td>
<td>$1,229</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Commercialising</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>$242,400</td>
</tr>
<tr>
<td>Emerging Technologies</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>(commenced Nov 99)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooperative Research Centres</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Passenger Motor Vehicle Export Scheme</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Policy By-Laws</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>R&amp;D START</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>R&amp;D Tax Concession</td>
<td>$75,816*</td>
<td>$105,727*</td>
<td>$50,529*</td>
<td>Nil</td>
</tr>
<tr>
<td>Regional Minerals</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>School Industry Link</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>N/A</td>
</tr>
<tr>
<td>Demonstration</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Science and Technology Awareness</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Tariff Concession Scheme</td>
<td>Nil</td>
<td>Nil</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Department of Sport and Tourism: Programs and Grants to the Richmond Electorate
(Question No. 3003)

Senator Mackay asked the Minister representing the Minister for Sport and Tourism, upon notice, on 5 October 2000:

(1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Richmond.

(2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.

(3) What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

Senator Minchin—The Minister for Sport and Tourism has provided the following answer to the honourable senator’s question:

(1) The Regional Tourism Program and the Regional Online Tourism Program are the programs that are currently available. The Regional Tourism Program commenced in 1998-99 and runs to 2002-03. The Regional Online Tourism Program is only available in 1999-00 and 2000-01. The National Tourism Development Program was available in 1996-97 and 1997-98.

(2)

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<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>National Tourism Development Program</td>
<td>Nil</td>
<td>Nil</td>
<td>N/A</td>
</tr>
<tr>
<td>Regional Tourism Program</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Regional Online Tourism Program</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

(3) Funding provided in 1999-00.

Department of Communications, Information Technology and the Arts: Programs and Grants to the Cowper Electorate
(Question No. 3006)

Senator Mackay asked the Minister for Communications, Information Technology and the Arts, upon notice, on 5 October 2000:

(1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Cowper.

(2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.

(3) What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.
Senator Alston—The answer to the honourable senator’s question is as follows:
The Department of Communications, Information Technology and the Arts has provided the following level of funding to the electorate of Cowper. The Department’s website has more detailed information on these and other programs and/or grants administered by the Department:

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<tr>
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</thead>
<tbody>
<tr>
<td>Federation Community Projects</td>
<td></td>
<td></td>
<td></td>
<td>$146,000</td>
</tr>
<tr>
<td>The Commonwealth Government</td>
<td></td>
<td></td>
<td></td>
<td>unexpended to date – All projects to be completed by 31/12/2001</td>
</tr>
<tr>
<td>allocated $29.8 million from the Federation Fund, established in 1997, for small community driven projects to commemorate the Centenary of Federation and benefit communities across the country. An amount of $200,000 was allocated to each House of Representatives electorate.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Festivals Australia</td>
<td>$29,840</td>
<td>$15,000</td>
<td>$13,000</td>
<td></td>
</tr>
<tr>
<td>(funds cultural activities at regional and community festivals)</td>
<td></td>
<td></td>
<td></td>
<td>(2000-01 is $15,000)</td>
</tr>
<tr>
<td>Contemporary Music Touring Program</td>
<td></td>
<td></td>
<td></td>
<td>*part of $95,000</td>
</tr>
<tr>
<td>(funds musicians to undertake national tours (program began in 1999-2000))</td>
<td></td>
<td></td>
<td></td>
<td>(2000-01 is *part of $58,972)</td>
</tr>
<tr>
<td>tours included venues in Electorate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Networking the Nation grants program (Regional Telecommunications Infrastructure fund). Commenced in 1997.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Holiday Coast Communications Strategy Teletask *</td>
<td>$50,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Based Communication Networks *</td>
<td></td>
<td></td>
<td>$132,800</td>
<td></td>
</tr>
<tr>
<td>Bellingen Telecentre</td>
<td></td>
<td></td>
<td>$55,000</td>
<td></td>
</tr>
<tr>
<td>Nambucca Goori Youth and Training</td>
<td></td>
<td></td>
<td>$40,000</td>
<td></td>
</tr>
<tr>
<td>CoastCall – Holiday Coast Website and Internet Training</td>
<td></td>
<td></td>
<td>$385,750</td>
<td></td>
</tr>
<tr>
<td>Promotion and Briefing for Remote Indigenous Communities *</td>
<td></td>
<td></td>
<td>$75,000</td>
<td></td>
</tr>
<tr>
<td>Internet Tools for NSW Local Government *</td>
<td></td>
<td></td>
<td>$585,215</td>
<td></td>
</tr>
<tr>
<td>Commonwealth/NSW Joint Community Technology Centre Program *</td>
<td></td>
<td></td>
<td>$8,250,000</td>
<td></td>
</tr>
<tr>
<td>e-Nambucca</td>
<td></td>
<td></td>
<td>$180,000</td>
<td></td>
</tr>
<tr>
<td>NSW Local Government IT Strategic Framework *</td>
<td></td>
<td></td>
<td>$25,000</td>
<td></td>
</tr>
<tr>
<td>Nationising E Momentum in Local Government *</td>
<td></td>
<td></td>
<td>$70,000</td>
<td></td>
</tr>
<tr>
<td>Teleworking to the Fore *</td>
<td></td>
<td></td>
<td>$175,000</td>
<td></td>
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</tbody>
</table>
Cultural Gifts Program

The Cultural Gifts Program encourages donations of significant cultural items from private collections to public art galleries, museums and libraries by offering donors a tax deduction.

The table below lists participant organisations in the electorate in question and the value of cultural property donated to these organisations. There have been no donations to public collecting institutions in the electorates of Cowper. As donations in respect of financial year 1999/2000 will continue to be received for some time, figures for that financial year are not conclusive.

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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Nambucca District Services Museum</td>
<td>Combined Bowraville</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
</tr>
</tbody>
</table>

Department of Industry, Science and Resources: Programs and Grants to the Cowper Electorate

(Question No. 3011)

Senator Mackay asked the Minister for Industry, Science and Resources, upon notice, on 5 October 2000:

1. What programs and/or grants administered by the department provide assistance to people living in the electorate of Cowper.
2. What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.
3. What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

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

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<tr>
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</thead>
<tbody>
<tr>
<td>Business Networks</td>
<td>Nil</td>
<td>$28,064</td>
<td>$2,769</td>
<td>Nil</td>
</tr>
<tr>
<td>Commercialising Emerging</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Nil</td>
</tr>
<tr>
<td>Technologies (commenced Nov 99)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooperative Research Centres</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Passenger Motor Vehicle Export</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Facilitation Scheme Policy By-Laws</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>R&amp;D START</td>
<td>Nil</td>
<td>Nil</td>
<td>$213,150</td>
<td>$201,250</td>
</tr>
<tr>
<td>R&amp;D Tax</td>
<td>$48,754*</td>
<td>$147,415*</td>
<td>$289,276*</td>
<td>Nil</td>
</tr>
</tbody>
</table>
**Department of Sport and Tourism: Programs and Grants to the Cowper Electorate**

*(Question No. 3015)*

Senator Mackay asked the Minister representing the Minister for Sport and Tourism, upon notice, on 5 October 2000:

1. What programs and/or grants administered by the department provide assistance to people living in the electorate of Cowper.
2. What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.
3. What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

Senator Minchin—The Minister for Sport and Tourism has provided the following answer to the honourable senator’s question:

1. The Regional Tourism Program and the Regional Online Tourism Program are the programs that are currently available. The Regional Tourism Program commenced in 1998-99 and runs to 2002-03. The Regional Online Tourism Program is only available in 1999-00 and 2000-01. The National Tourism Development Program was available in 1996-97 and 1997-98.

---|---|---|---|
National Tourism Development Program | Nil | Nil | N/A |
Regional Tourism Program | N/A | N/A | Nil |
Regional Online Tourism Program | N/A | N/A | N/A |

3. Funding provided in 1999-00.

| Program | 1999-00 |
---|---|
Regional Tourism Program | $210 000 |
Regional Online Tourism Program | Nil |

**Department of Communications, Information Technology and the Arts: Programs and Grants to the Page Electorate**

*(Question No. 3018)*
Senator Mackay asked the Minister for Communications, Information Technology and the Arts, upon notice, on 5 October 2000:

(1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Page.

(2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.

(2) What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

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

The Department of Communications, Information Technology and the Arts has provided the following level of funding to the electorate of Page. The Department’s website has more detailed information on these and other programs and/or grants administered by the Department:

<table>
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<tr>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Information Technology Online (ITOL) program</td>
<td>$45,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federation Community Projects</td>
<td>$164,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Commonwealth Government allocated $29.8 million from the Federation Fund, established in 1997, for small community driven projects to commemorate the Centenary of Federation and benefit communities across the country. An amount of $200,000 was allocated to each House of Representatives electorate.</td>
<td>(2000/01-2001/02 - $36,000 unexpended to date – all projects to be completed by 31/12/2001)</td>
<td>$164,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Playing Australia (National Performing Arts Touring program)</td>
<td>*part of $72,018</td>
<td>*part of $576,362</td>
<td>$19,500</td>
<td>$37,233 and *part of $851,369</td>
</tr>
<tr>
<td>Festivals Australia (funds cultural activities at regional and community festivals)</td>
<td>$18,480</td>
<td>$25,000</td>
<td>$12,800</td>
<td></td>
</tr>
<tr>
<td>Contemporary Music Touring Program (funds musicians to undertake national tours (program began in 1999-2000) )</td>
<td></td>
<td></td>
<td></td>
<td>*part of $93,500</td>
</tr>
<tr>
<td>Visions of Australia (national exhibitions touring program)</td>
<td></td>
<td></td>
<td></td>
<td>*part of $184,620</td>
</tr>
</tbody>
</table>

* tours included venues in electorate

Networking the Nation grants program (Regional Telecommunications Infrastructure Fund). Commenced in 1997

<table>
<thead>
<tr>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Networking the Northern Rivers</td>
<td>$150,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern Rivers Community Services/Access</td>
<td>$105,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Teletask *</td>
<td>$580,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Based Communication Networks *</td>
<td></td>
<td>$132,800</td>
<td></td>
</tr>
<tr>
<td>Northern Rivers Marketing Cooperative Prototype Inc</td>
<td></td>
<td>$83,250</td>
<td></td>
</tr>
</tbody>
</table>
Wednesday, 6 December 2000

**TAFTCo - The Australian Freshfood Trading Company Ltd**

Northern Rivers IT Coordinator

- 1997-98: $85,840
- 1998-99: $25,000
- 1999-2000: $75,000

Promotion and Briefing for Remote Indigenous Communities *

Internet Tools for Local Government *


Joint Commonwealth/NSW Community Technology Centre Program *

- 1999-2000: $8,250,000

Networking the Northern Rivers - Stage 4

- 1999-2000: $30,000

Nationalising E Momentum in Local Government *

- 1999-2000: $70,000

Teleworking to the Fore *

- 1999-2000: $175,000

Get IT, Got IT, Good (IT & T Roadshow) *

- 1999-2000: $32,500

FRAN Internet Access for ALL *

- 1999-2000: $20,378,000

* Projects marked with an asterisk provide assistance to people in Page as well as other electorates.

### Register of Cultural Organisations (ROCO)

This program allows qualifying cultural bodies involved in activities such as literature, music, design, film, performing and visual arts etc to be approved to seek tax deductible donations for these activities. The program operates under Subdivision 30-B of the Income Tax Assessment Act 1997 (the Act).

Listed below are the organisations currently listed on ROCO in the electorate of Page and the value of donations to these organisations.

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Clarence Valley Christian Broadcasters Incorporated</td>
<td>Public Radio Services</td>
<td>Grafton</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>5666</td>
</tr>
<tr>
<td>Friends of the Young Drums Incorporated</td>
<td>Services to Music/Performing Arts</td>
<td>Goonellabah</td>
<td>-</td>
<td>895</td>
<td>11,600</td>
<td>NIL</td>
</tr>
<tr>
<td>Frontline Film Foundation Incorporated</td>
<td>Service to Film/Video</td>
<td>Lismore</td>
<td>-</td>
<td>3,500</td>
<td>4,635</td>
<td>11,395</td>
</tr>
<tr>
<td>Growth Through Artwise Lismore Incorporated</td>
<td>Primary Visual Arts</td>
<td>Lismore</td>
<td>0</td>
<td>30</td>
<td>NIL</td>
<td>NIL</td>
</tr>
<tr>
<td>Lismore City Ballet Productions Incorporated</td>
<td>Dance</td>
<td>Mallonrie</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
</tr>
<tr>
<td>Local Informative Network Community Television (LINK TV) Inc</td>
<td>Other television/radio NEC</td>
<td>Lismore</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
</tr>
<tr>
<td>Northern Rivers Performing Arts Incorporated</td>
<td>Services to Music/Performing Arts</td>
<td>Lismore</td>
<td>10,350</td>
<td>11,650</td>
<td>21,960</td>
<td>55,980</td>
</tr>
</tbody>
</table>

### Cultural Gifts Program

The Cultural Gifts Program encourages donations of significant cultural items from private collections to public art galleries, museums and libraries by offering donors a tax deduction.

The table below lists participant organisations in the electorate of Page. There have been no donations to public collecting institutions in the electorate of Page. As donations in respect of financial year 1999/2000 will continue to be received for some time, figures for that financial year are not conclusive.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Southern Cross Library</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
</tr>
</tbody>
</table>

**Department of Industry, Science and Resources: Programs and Grants to the Page Electorate**

(Question No. 3023)

**Senator Mackay** asked the Minister for Industry, Science and Resources, upon notice, on 5 October 2000:

1. What programs and/or grants administered by the department provide assistance to people living in the electorate of Page.

2. What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.

3. What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

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

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Networks</td>
<td>$26,000</td>
<td>$41,896</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>Commercialising Emerging Technologies (commenced Nov 99)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>$5,000</td>
</tr>
<tr>
<td>Cooperative Research Centres</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Passenger Motor Vehicle Export Facilitation Scheme</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Policy By-Laws</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>R&amp;D START</td>
<td>Nil</td>
<td>Nil</td>
<td>$85,000</td>
<td>$168,675</td>
</tr>
<tr>
<td>R&amp;D Tax Concession</td>
<td>$160,598*</td>
<td>$111,097*</td>
<td>$273,046*</td>
<td>Nil</td>
</tr>
<tr>
<td>Regional Minerals</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>School Industry Link Demonstration</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>N/A</td>
</tr>
<tr>
<td>Science and Technology Awareness</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Tariff Export Concession Scheme</td>
<td>Nil</td>
<td>Nil</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Technology Diffusion</td>
<td>Nil</td>
<td>$7,100</td>
<td>$7,100</td>
<td>Nil</td>
</tr>
<tr>
<td>Textiles, Clothing and Footwear Development Package</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Textiles, Clothing and Footwear Import Credits Scheme</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
</tbody>
</table>

* Estimated cost to revenue

**Department of Sport and Tourism: Programs and Grants to the Page Electorate**

(Question No. 3027)

**Senator Mackay** asked the Minister representing the Minister for Sport and Tourism, upon notice, on 5 October 2000:

1. What programs and/or grants administered by the department provide assistance to people living in the electorate of Page.

2. What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.

3. What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

**Senator Minchin**—The Minister for Sport and Tourism has provided the following answer to the honourable senator’s question:

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>R&amp;D Tax Concession</td>
<td>$160,598*</td>
<td>$111,097*</td>
<td>$273,046*</td>
<td>Nil</td>
</tr>
<tr>
<td>Regional Minerals</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>School Industry Link Demonstration</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>N/A</td>
</tr>
<tr>
<td>Science and Technology Awareness</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Tariff Export Concession Scheme</td>
<td>Nil</td>
<td>Nil</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Technology Diffusion</td>
<td>Nil</td>
<td>$7,100</td>
<td>$7,100</td>
<td>Nil</td>
</tr>
<tr>
<td>Textiles, Clothing and Footwear Development Package</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Textiles, Clothing and Footwear Import Credits Scheme</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
</tbody>
</table>
(1) The Regional Tourism Program and the Regional Online Tourism Program are the programs that are currently available. The Regional Tourism Program commenced in 1998-99 and runs to 2002-03. The Regional Online Tourism Program is only available in 1999-00 and 2000-01. The National Tourism Development Program was available in 1996-97 and 1997-98.

(2)

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>National Tourism Development Program</td>
<td>Nil</td>
<td>Nil</td>
<td>N/A</td>
</tr>
<tr>
<td>Regional Tourism Program</td>
<td>N/A</td>
<td>N/A</td>
<td>Nil</td>
</tr>
<tr>
<td>Regional Online Tourism Program</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

(3) Funding provided in 1999-00.

<table>
<thead>
<tr>
<th>Program</th>
<th>1999-00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Tourism Program</td>
<td>Nil</td>
</tr>
<tr>
<td>Regional Online Tourism Program</td>
<td>Nil</td>
</tr>
</tbody>
</table>

Department of Communications, Information Technology and the Arts: Programs and Grants to the Bass Electorate

(Question No. 3030)

Senator Mackay asked the Minister for Communications, Information Technology and the Arts, upon notice, on 5 October 2000:

1. What programs and/or grants administered by the department provide assistance to people living in the electorate of Bass.

2. What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.

3. What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

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

The Department of Communications, Information Technology and the Arts has provided the following level of funding to the electorate of Bass. The Department’s website has more detailed information on these and other programs and/or grants administered by the Department:

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Information Technology Online (ITOL) program</td>
<td>$27,200</td>
<td></td>
<td></td>
<td>$72,200</td>
</tr>
<tr>
<td>Launceston Broadband Project – program to introduce the Launceston community to new online applications through limited market trials and early deployment of new products</td>
<td></td>
<td>$2.4m (00/01 figure is $2.94m)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intelligent Island Program – to further develop and internationally competitive IT&amp;T sector in Tasmania by funding a range of new projects and building on existing Tasmanian Government initiatives and the research capacity of Tasmania’s tertiary education infrastructure. Program is Tasmania wide but will include initiatives in Bass.</td>
<td></td>
<td></td>
<td></td>
<td>$20m</td>
</tr>
<tr>
<td>National Council for the</td>
<td></td>
<td></td>
<td></td>
<td>$20,000</td>
</tr>
</tbody>
</table>

Centenary of Federation’s History and Education Program:
(Project: Migration and Tasmania – an exhibition)
The Commonwealth Government allocated $29.8 million from the Federation Fund, established in 1997, for small community driven projects to commemorate the Centenary of Federation and benefit communities across the country. An amount of $200,000 was allocated to each House of Representatives electorate. Federation Cultural and Heritage Projects Program

Launceston Railway Workshops Museum Redevelopment ($1,000,000) – interpretive gallery and heritage trail
Culture Development Program
Visitor Orientation and Service Facilities for Queen Victoria Museum and Art Gallery at the Launceston Railway Workshops, Inveresk ($1,500,000)

Festivals Australia (funds cultural activities at regional and community festivals)
Contemporary Music Touring Program (funds musicians to undertake national tours (program began in 1999-2000)

Visions of Australia (national exhibitions touring program) *part of $55,463 and *part of $61,800 *part of $79,385 *part of $133,500

* tours included venues in electorate

Networking the Nation grants program (Regional Telecommunications Infrastructure Fund). Commenced in 1997

Letyas - Leading Edge Technology Advisory Services $106,500
CARE NET Online $241,856
CARE NET Tasmania $45,520
Access for People with Disabilities *
<table>
<thead>
<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Career Planning Information System</td>
<td></td>
<td>$174,000</td>
<td></td>
</tr>
<tr>
<td>Central Product Inventory Management System (CPIMS)</td>
<td></td>
<td>$500,000</td>
<td></td>
</tr>
<tr>
<td>Communities Online</td>
<td>$965,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Services Sector Electronic Communications Project</td>
<td></td>
<td>$20,000</td>
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</tr>
<tr>
<td>Local Government Online Service Delivery</td>
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<td>$817,000</td>
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</tr>
<tr>
<td>Digital Media Industry Development Initiative</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Furneaux In Flow Project</td>
<td></td>
<td>$35,000</td>
<td></td>
</tr>
<tr>
<td>Furneaux InFlow</td>
<td>$10,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Information and Consultative Gateway</td>
<td></td>
<td>$70,000</td>
<td></td>
</tr>
<tr>
<td>Launceston Online Access Centre</td>
<td></td>
<td>$67,717</td>
<td></td>
</tr>
<tr>
<td>NATT Program - Network Access, Technology and Training for Tasmanian Farmers</td>
<td></td>
<td>$335,000</td>
<td></td>
</tr>
<tr>
<td>NET - TREK for people with disabilities</td>
<td></td>
<td>$1,000</td>
<td></td>
</tr>
<tr>
<td>OACAT - Executive Support</td>
<td></td>
<td>$258,400</td>
<td></td>
</tr>
<tr>
<td>OPEN IT (Stage 3)</td>
<td></td>
<td>$1,682,150</td>
<td></td>
</tr>
<tr>
<td>OPEN IT</td>
<td>$250,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OPEN IT - (phase 3) - Online Course Material Project</td>
<td></td>
<td>$2,057,500</td>
<td></td>
</tr>
<tr>
<td>Online Access for People with Disabilities</td>
<td></td>
<td>$1,583,734</td>
<td></td>
</tr>
<tr>
<td>Service Tasmania</td>
<td></td>
<td>$1,000,000</td>
<td></td>
</tr>
<tr>
<td>Service Tasmania Project - Stage 3</td>
<td></td>
<td>$852,000</td>
<td></td>
</tr>
<tr>
<td>Tasmania Business Online</td>
<td></td>
<td>$1,805,000</td>
<td></td>
</tr>
<tr>
<td>Tasmania’s Natural Experiences Online E Commerce and Marketing Solution</td>
<td>$400,875</td>
<td></td>
<td>$20,000</td>
</tr>
<tr>
<td>Tasmania Broadband Network</td>
<td></td>
<td>$50,000</td>
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</tr>
<tr>
<td>Tasmanian Communities Online</td>
<td></td>
<td>$105,541</td>
<td></td>
</tr>
<tr>
<td>Tasmanian Communities Online - Phase 2</td>
<td></td>
<td>$1,640,798</td>
<td></td>
</tr>
<tr>
<td>Tasmanian Communities Online - Phase 3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tasmanian Community Housing Network</td>
<td>$164,800</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tasmanian Community Network - Stage 2</td>
<td></td>
<td>$538,000</td>
<td></td>
</tr>
<tr>
<td>Tasmanian Community Network - Stage 3</td>
<td></td>
<td>$530,000</td>
<td></td>
</tr>
<tr>
<td>Tasmanian Electronic Commerce Centre</td>
<td></td>
<td>$6,600,000</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Tasmanian Electronic Commerce Centre</td>
<td>$4,500,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tasmanian Government Online Procurement</td>
<td></td>
<td>$488,600</td>
<td></td>
</tr>
<tr>
<td>Tasmanian Integrated Community Network Process and Marketing</td>
<td>$377,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Telecommunications - the means to improved service delivery - Launceston Blueprint</td>
<td></td>
<td>$50,000</td>
<td></td>
</tr>
<tr>
<td>Telehealth Tasmania Network</td>
<td>$5,595,880</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Telemedicine Service - Clarke and Cape Barren Islands</td>
<td></td>
<td>$249,200</td>
<td></td>
</tr>
<tr>
<td>Promotion and Briefing for Remote Indigenous Communities *</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FRAN Internet Access for ALL *</td>
<td></td>
<td>$20,378,000</td>
<td></td>
</tr>
<tr>
<td>Nationalising E Momentum in Local Government *</td>
<td></td>
<td>$70,000</td>
<td></td>
</tr>
<tr>
<td>Teletask *</td>
<td></td>
<td>$580,000</td>
<td></td>
</tr>
<tr>
<td>Community Based Communication Networks *</td>
<td></td>
<td>$132,800</td>
<td></td>
</tr>
</tbody>
</table>

* Projects marked with an asterisk provide assistance to people in Bass as well as other electorates.

### Register of Cultural Organisations (ROCO)

This program allows qualifying cultural bodies involved in activities such as literature, music, design, film, performing and visual arts etc to be approved to seek tax deductible donations for these activities. The program operates under Subdivision 30-B of the Income Tax Assessment Act 1997 (the Act).

Listed below are the organisations currently listed on ROCO in the electorate of Bass and the value of donations to these organisations.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Stompin’ Youth Dance Co Inc</td>
<td>Dance</td>
<td>Launceston</td>
<td>-</td>
<td>130</td>
<td>4,000</td>
<td>NIL</td>
</tr>
<tr>
<td>Tasdance</td>
<td>Dance</td>
<td>Launceston</td>
<td>50</td>
<td>700</td>
<td>NIL</td>
<td>NIL</td>
</tr>
<tr>
<td>Tasmanian Wood Design Collection Ltd</td>
<td>Design</td>
<td>Launceston</td>
<td>300</td>
<td>2,950</td>
<td>10,800</td>
<td>14,700</td>
</tr>
<tr>
<td>Theatre North Inc (Tas)</td>
<td>Theatre</td>
<td>Launceston</td>
<td>270</td>
<td>410</td>
<td>245</td>
<td>NIL</td>
</tr>
</tbody>
</table>

### Cultural Gifts Program

The Cultural Gifts Program encourages donations of significant cultural items from private collections to public art galleries, museums and libraries by offering donors a tax deduction.

The table below lists participant organisations in the electorate in question and the value of cultural property donated to these organisations. As donations in respect of financial year 1999/2000 will continue to be received for some time, figures for that financial year are not conclusive.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Entally House</td>
<td>Hadspen</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
</tr>
<tr>
<td>National Trust of Australia (Tas)</td>
<td>Launceston</td>
<td>NIL</td>
<td>NIL</td>
<td>7,675</td>
<td>NIL</td>
</tr>
<tr>
<td>Queen Victoria Museum and</td>
<td>Launceston</td>
<td>20,300</td>
<td>11,500</td>
<td>72,680</td>
<td>37,820</td>
</tr>
</tbody>
</table>
Department of Sport and Tourism: Programs and Grants to the Bass Electorate
(Question No. 3039)

Senator Mackay asked the Minister representing the Minister for Sport and Tourism, upon notice, on 5 October 2000:

(1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Bass.

(2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.

(3) What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

Senator Minchin—The Minister for Sport and Tourism has provided the following answer to the honourable senator’s question:

(1) The Regional Tourism Program and the Regional Online Tourism Program are the programs that are currently available.

The Regional Tourism Program commenced in 1998-99 and runs to 2002-03. The Regional Online Tourism Program is available in 1999-00 and 2000-01. The National Tourism Development Program was available in 1996-97 and 1997-98. The Tasmanian Sporting Facilities Upgrade was an election commitment of $5 million for the upgrade of York Park Oval in Launceston.

(2)

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>National Tourism Development Program</td>
<td>Nil</td>
<td>Nil</td>
<td>N/A</td>
</tr>
<tr>
<td>Regional Tourism Program</td>
<td>N/A</td>
<td>N/A</td>
<td>$230,000</td>
</tr>
<tr>
<td>Regional Online Tourism Program</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Tasmanian Sporting Facilities Upgrade</td>
<td>N/A</td>
<td>N/A</td>
<td>$5,000,000</td>
</tr>
</tbody>
</table>

(3) Funding provided in 1999-00.

Department of Communications, Information Technology and the Arts: Programs and Grants to the Hinkler Electorate
(Question No. 3042)

Senator Mackay asked the Minister for Communications, Information Technology and the Arts, upon notice, on 5 October 2000:

(1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Hinkler.

(2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.

(3) What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

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

<table>
<thead>
<tr>
<th>Program</th>
<th>1999-00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Tourism Program</td>
<td>Nil</td>
</tr>
<tr>
<td>Regional Online Tourism Program</td>
<td>Nil</td>
</tr>
</tbody>
</table>
The Department of Communications, Information Technology and the Arts has provided the following level of funding to the electorate of Hinkler. The Department’s website has more detailed information on these and other programs and/or grants administered by the Department:

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Federation Community Projects</td>
<td></td>
<td></td>
<td></td>
<td>$157,875</td>
</tr>
<tr>
<td>The Commonwealth Government</td>
<td>(2000/01-2001/02)</td>
<td>$41,935</td>
<td>unexpended to date - programs to be completed by 31/12/2001</td>
<td></td>
</tr>
<tr>
<td>allocated $29.8 million from the Federation Fund, established in 1997, for small community driven projects to commemorate the Centenary of Federation and benefit communities across the country. An amount of $200,000 was allocated to each House of Representatives electorate.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Playing Australia (National Performing Arts Touring program)</td>
<td>*part of $396,847</td>
<td>*part of $618,526</td>
<td>*part of $348,730</td>
<td>*part of $643,791</td>
</tr>
<tr>
<td>Festivals Australia (funds cultural activities at regional and community festivals)</td>
<td>$10,500</td>
<td>$15,000</td>
<td>$19,591</td>
<td></td>
</tr>
<tr>
<td>Contemporary Music Touring Program (funds musicians to undertake national tours (program began in 1999-2000))</td>
<td>*part of $25,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Visions of Australia (national exhibitions touring program)</td>
<td>*part of $40,082</td>
<td>*part of $125,267</td>
<td>*part of $193,560</td>
<td></td>
</tr>
</tbody>
</table>

* tours included venues in electorate

**Networking the Nation** grants program (Regional Telecommunications Infrastructure Fund). Commenced in 1997

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dawson Callide Community Information Network and Technology Training Centres</td>
<td>$392,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wide Bay 2020 Growth Management Project - Information Access Teletask *</td>
<td>$580,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Based Communication Networks *</td>
<td>$132,800</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Burnett Business and Education Communication Centre</td>
<td>$105,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RFDS - Upgrade of Statewide Internal and External Communication System</td>
<td>$106,100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Promotion and Briefing for Remote Indigenous Communities *</td>
<td>$75,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dawson Callide Net</td>
<td>$410,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capricornia Connect Indigenous Community Access</td>
<td>$10,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>QLD Electronic Business Network</td>
<td>$280,280</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Queensland Local Government - Connecting Communities</td>
<td>$19,100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RCC Central QLD Community Informatics</td>
<td>$217,650</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wide Bay Digital Network</td>
<td>$25,500</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Wednesday, 6 December 2000

<table>
<thead>
<tr>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>A Network of Communities Project *</td>
<td>$1,758,751</td>
<td></td>
<td></td>
</tr>
<tr>
<td>QLD Local Government - Connecting Communities *</td>
<td>$1,026,700</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Teleworking to the Fore *</td>
<td>$175,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FRAN Internet Access for ALL *</td>
<td>$20,378,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nationalising E Momentum in Local Government *</td>
<td>$70,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Projects marked with an asterisk provide assistance to people in Hinkler as well as other electorates.

Register of Cultural Organisations (ROCO)

This program allows qualifying cultural bodies involved in activities such as literature, music, design, film, performing and visual arts etc to be approved to seek tax deductible donations for these activities. The program operates under Subdivision 30-B of the Income Tax Assessment Act 1997 (the Act).

Listed below are the organisations currently listed on ROCO in the electorate of Hinkler and the value of donations to these organisations.

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Gladstone and District Christian Broadcasting Association Inc</td>
<td>Public Radio Service</td>
<td>Gladstone</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>17,997</td>
</tr>
</tbody>
</table>

Cultural Gifts Program

The Cultural Gifts Program encourages donations of significant cultural items from private collections to public art galleries, museums and libraries by offering donors a tax deduction.

The table below lists participant organisations in the electorate in question and the value of cultural property donated to these organisations. As donations in respect of financial year 1999/2000 will continue to be received for some time, figures for that financial year are not conclusive.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Gladstone Regional Art Gallery &amp; Museum</td>
<td></td>
<td>19,117</td>
<td>NIL</td>
<td>10,500</td>
<td>NIL</td>
</tr>
</tbody>
</table>

Department of Family and Community Services: Programs and Grants to the Hinkler Electorate

(Question No. 3044)

Senator Mackay asked the Minister for Family and Community Services, upon notice, on 5 October 2000:

(1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Hinkler.

(2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.

(3) What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

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

Refer to tables below.

Programs and Grants – Hinkler Electorate
<table>
<thead>
<tr>
<th>Program</th>
<th>Funding 1996-97</th>
<th>Funding 1997-98</th>
<th>Funding 1998-99</th>
<th>Funding 1999-00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Relief</td>
<td>$156,926</td>
<td>$217,451</td>
<td>$181,694 (a)</td>
<td>$188,207</td>
</tr>
<tr>
<td>Children’s Services - including Mt Morgan Youth</td>
<td>$8,672,772</td>
<td>$7,985,836</td>
<td>$7,473,574</td>
<td>$7,559,758</td>
</tr>
<tr>
<td>Activities Service and Field Worker</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supported Accommodation</td>
<td>$1,058,252 recurrent funding</td>
<td>$1,049,559 (b) recurrent funding</td>
<td>$1,060,228 recurrent funding</td>
<td>$1,070,818 recurrent funding</td>
</tr>
<tr>
<td>Assistance Program – Includes Qld State Govt. funding.</td>
<td>$1,015,626 (c)</td>
<td>$1,288,309 (c)</td>
<td>$1,417,723 (c)</td>
<td>$1,389,819 (c)</td>
</tr>
<tr>
<td>Employment assistance for people with a disability</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supported Wages and Workforce Modifications Programs</td>
<td>Detailed info is not readily available in consolidated form</td>
<td>Detailed info is not readily available in consolidated form</td>
<td>Detailed info is not readily available in consolidated form</td>
<td>Detailed info is not readily available in consolidated form</td>
</tr>
<tr>
<td>Carer Respite</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Total funding for the Wide Bay planning area (including Hinkler) = $56,986. Funded organisation based outside Hinkler but provides services to people in that electorate.</td>
</tr>
<tr>
<td>CRS Australia rehabilitation programs</td>
<td>Date unable to be disaggregated</td>
<td>Date unable to be disaggregated</td>
<td>Date unable to be disaggregated</td>
<td>Date unable to be disaggregated</td>
</tr>
<tr>
<td>Child Support Agency</td>
<td>Services provided from Bundaberg office</td>
<td>Services provided from Bundaberg office</td>
<td>Services provided from Bundaberg office</td>
<td>Services provided from Bundaberg office</td>
</tr>
</tbody>
</table>

(a) Electorate boundary changes 10 December 1997 decreased number of Emergency Relief services.

(b) Electorate boundary changes 10 December 1997 removed Biloela and Eidsvold from the Hinkler Electorate.

(c) Amounts include grants for wage subsidy and for School Leaver Initiative.

The detailed information on income support payments required to answer the honourable senator’s question is not readily available in consolidated form. I do not consider appropriate the expenditure of resources and effort that would be involved in collecting and assembling information for the sole purpose of answering questions of this nature.

**Department of Industry, Science and Resources: Programs and Grants to the Hinkler Electorate**

(Senator Mackay) asked the Minister for Industry, Science and Resources, upon notice, on 5 October 2000:

1. What programs and/or grants administered by the department provide assistance to people living in the electorate of Hinkler.

2. What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.
(3) What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

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

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Networks</td>
<td>Nil</td>
<td>$45,375</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Commercialising Emerging Technologies (commenced Nov 99)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Nil</td>
</tr>
<tr>
<td>Cooperative Research Centres</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Passenger Motor Vehicle Export Facilitation Scheme</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Policy By-Laws</td>
<td>Nil</td>
<td>$480,967#</td>
<td>$1,028,973#</td>
<td>Nil</td>
</tr>
<tr>
<td>R&amp;D START</td>
<td>$95,200</td>
<td>Nil</td>
<td>$319,459</td>
<td>$18,750</td>
</tr>
<tr>
<td>R&amp;D Tax Concession</td>
<td>$804,205*</td>
<td>$435,342*</td>
<td>$649,387*</td>
<td>Nil</td>
</tr>
<tr>
<td>Regional Minerals</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>School Industry Link Demonstration</td>
<td>Nil</td>
<td>Nil</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Science and Technology Awareness</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Tariff Export Concession Scheme</td>
<td>Nil</td>
<td>Nil</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Technology Diffusion</td>
<td>$26,784</td>
<td>$30,850</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Textiles, Clothing and Footwear 2000 Development Package</td>
<td>Nil</td>
<td>$10,000</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Textiles, Clothing and Footwear Import Credits Scheme</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
</tbody>
</table>

* Estimated cost to revenue
# Duty forgone

**Department of Sport and Tourism: Programs and Grants to the Hinkler Electorate**

(Question No. 3051)

**Senator Mackay** asked the Minister representing the Minister for Sport and Tourism, upon notice, on 5 October 2000:

(1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Hinkler.

(2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.

(3) What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

**Senator Minchin**—The Minister for Sport and Tourism has provided the following answer to the honourable senator’s question:
(1) The Regional Tourism Program and the Regional Online Tourism Program are the programs that are currently available. The Regional Tourism Program commenced in 1998-99 and runs to 2002-03. The Regional Online Tourism Program is only available in 1999-00 and 2000-01. The National Tourism Development Program was available in 1996-97 and 1997-98.

(2)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>National Tourism Development Program</td>
<td>Nil</td>
<td>Nil</td>
<td>N/A</td>
</tr>
<tr>
<td>Regional Tourism Program</td>
<td>N/A</td>
<td>N/A</td>
<td>Nil</td>
</tr>
<tr>
<td>Regional Online Tourism Program</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

(3) Funding provided in 1999-00.

<table>
<thead>
<tr>
<th>Program</th>
<th>1999-00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Tourism Program</td>
<td>Nil</td>
</tr>
<tr>
<td>Regional Online Tourism Program</td>
<td>Nil</td>
</tr>
</tbody>
</table>

Department of Communications, Information Technology and the Arts: Programs and Grants to the Gwydir Electorate

(Question No. 3054)

Senator Mackay asked the Minister for Communications, Information Technology and the Arts, upon notice, on 5 October 2000:

(1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Gwydir.

(2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.

(3) What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

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

The Department of Communications, Information Technology and the Arts has provided the following level of funding to the electorate of Gwydir. The Department’s website has more detailed information on these and other programs and/or grants administered by the Department:

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Federation Community Projects</td>
<td></td>
<td></td>
<td></td>
<td>$170,800</td>
</tr>
<tr>
<td>The Commonwealth Government allocated $29.8 million from the Federation Fund, established in 1997, for small community driven projects to commemorate the Centenary of Federation and benefit communities across the country. An amount of $200,000 was allocated to each House of Representatives electorate.</td>
<td>(200/01-2001/02 - $33,850 unexpended to date – projects to be completed by 31/12/2001)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federation Cultural and Heritage Projects Program</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gilgandra Centennial Celebration of Federation $1,000,000 (construction of the Gilgandra Cultural Heritage Centre)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Playing Australia (National Performing Arts Touring program)</td>
<td>*part of $37,315</td>
<td>*part of $378,109</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Festivals Australia</td>
<td>$30,500</td>
<td></td>
<td></td>
<td>$15,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>(funds cultural activities at regional and community festivals)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contemporary Music Touring Program</td>
<td></td>
<td></td>
<td></td>
<td>*part of $35,000</td>
</tr>
<tr>
<td>(funds musicians to undertake national tours (program began in 1999-2000))</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Visions of Australia (national exhibitions touring program)</td>
<td></td>
<td></td>
<td>*part of $88,117</td>
<td>*part of $123,560</td>
</tr>
<tr>
<td>* tours included venues in electorate</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**Networking the Nation** grants program (Regional Telecommunications Infrastructure Fund). Commenced in 1997

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Northern Inland Online 1</td>
<td>$358,900</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CEZ Heartland E Commerce Project</td>
<td>$120,000</td>
<td>$155,000</td>
<td></td>
</tr>
<tr>
<td>Coolah’s “Technology Heart”</td>
<td></td>
<td>$329,165</td>
<td></td>
</tr>
<tr>
<td>Coonabarabran Telecentre</td>
<td></td>
<td>$98,000</td>
<td>$10,000</td>
</tr>
<tr>
<td>Teletask *</td>
<td>$580,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Based Communication Networks *</td>
<td></td>
<td>$132,800</td>
<td></td>
</tr>
<tr>
<td>Orana Region Telecommunications Strategy</td>
<td></td>
<td>$50,000</td>
<td></td>
</tr>
<tr>
<td>Coonamble Telecentre</td>
<td></td>
<td>$150,000</td>
<td></td>
</tr>
<tr>
<td>Upper Hunter Remote Community Access</td>
<td></td>
<td>$31,530</td>
<td></td>
</tr>
<tr>
<td>Reach Out! Bush Network</td>
<td></td>
<td>$315,000</td>
<td></td>
</tr>
<tr>
<td>Videoconferencing for Remote Communities</td>
<td></td>
<td>$270,500</td>
<td></td>
</tr>
<tr>
<td>Central West Internet Access</td>
<td></td>
<td>$435,990</td>
<td></td>
</tr>
<tr>
<td>Orana Region Telecommunications Initiative</td>
<td></td>
<td>$85,000</td>
<td></td>
</tr>
<tr>
<td>Promotion and Briefing for Remote Indigenous Communities *</td>
<td></td>
<td>$75,000</td>
<td></td>
</tr>
<tr>
<td>Gilgandra Telecentre</td>
<td></td>
<td></td>
<td>$185,000</td>
</tr>
<tr>
<td>Northern Inland Online 2</td>
<td></td>
<td>$1,095,090</td>
<td></td>
</tr>
<tr>
<td>Coolah Shire Mobile Phone Service</td>
<td></td>
<td></td>
<td>$90,000</td>
</tr>
<tr>
<td>Lightning Ridge and Collarenebri POP Centres</td>
<td></td>
<td></td>
<td>$180,000</td>
</tr>
<tr>
<td>Coonamble Shire Remote Online Access</td>
<td></td>
<td></td>
<td>$187,500</td>
</tr>
<tr>
<td>Mudgee Netsurf Training Centre</td>
<td></td>
<td></td>
<td>$170,000</td>
</tr>
<tr>
<td>Internet Tools for NSW Local Government *</td>
<td></td>
<td></td>
<td>$585,215</td>
</tr>
<tr>
<td>Joint Commonwealth/NSW Community Technology Centre Program *</td>
<td></td>
<td></td>
<td>$8,250,000</td>
</tr>
<tr>
<td>Walgett Community Internet Access Centre</td>
<td></td>
<td></td>
<td>$195,000</td>
</tr>
<tr>
<td>Wellington Valley Network</td>
<td></td>
<td></td>
<td>$220,000</td>
</tr>
<tr>
<td>NSW Local Government IT Strategic Framework</td>
<td></td>
<td></td>
<td>$25,000</td>
</tr>
</tbody>
</table>
* Get IT, Got IT, Good (IT & T Roadshow) * $32,500
Nationalising E Momentum in Local Government * $70,000
Teleworking to the Fore * $175,000
FRAN Internet Access for ALL * $20,378,000

* Projects marked with an asterisk provide assistance to people in Gwydir as well as other electorates.

Register of Cultural Organisations (ROCO)

This program allows qualifying cultural bodies involved in activities such as literature, music, design, film, performing and visual arts etc to be approved to seek tax deductible donations for these activities. The program operates under Subdivision 30-B of the Income Tax Assessment Act 1997 (the Act).

Listed below are the organisations currently listed on ROCO in the electorate of Gwydir and the value of donations to these organisations.

<table>
<thead>
<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dorothea Mackellar Memorial Society</td>
<td>Services to Art and Literature</td>
<td>Gunnedah</td>
<td>100</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
</tr>
<tr>
<td>Dubbo Christian Broadcasters Inc</td>
<td>Public Radio Services</td>
<td>Dubbo</td>
<td>-</td>
<td>1,450</td>
<td>4,435</td>
<td>40,872</td>
</tr>
<tr>
<td>Warrumbungles Community Broadcasting Association Inc</td>
<td>Public Radio Services</td>
<td>Gilgandra</td>
<td>-</td>
<td>-</td>
<td>NIL</td>
<td>NIL</td>
</tr>
</tbody>
</table>

Cultural Gifts Program

The Cultural Gifts Program encourages donations of significant cultural items from private collections to public art galleries, museums and libraries by offering donors a tax deduction.

The table below lists participant organisations in the electorate in question and the value of cultural property donated to these organisations. As donations in respect of financial year 1999/2000 will continue to be received for some time, figures for that financial year are not conclusive.

<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dubbo Regional Art Gallery</td>
<td>Dubbo</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
</tr>
<tr>
<td>Mining Tower Museum</td>
<td>Inverell</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
</tr>
<tr>
<td>Moree Plains Gallery</td>
<td>Moree</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
</tr>
<tr>
<td>Colonial Inn Museum</td>
<td>Mudgee</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
</tr>
</tbody>
</table>

Department of Industry, Science and Resources: Programs and Grants to the Gwydir Electorate

(QUESTION No. 3059)

Senator Mackay asked the Minister for Industry, Science and Resources, upon notice, on 5 October 2000:

(1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Gwydir.
(2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.
(3) What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.
**Senator Minchin**—The answer to the honourable senator’s question is as follows:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Networks</td>
<td>Nil</td>
<td>$43,328</td>
<td>$5,000</td>
<td>Nil</td>
</tr>
<tr>
<td>Commercialising</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Emerging Technologies (commenced Nov 99)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooperative Research Program</td>
<td>$2,151,438</td>
<td>$2,200,278</td>
<td>$2,163,557</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Passenger Motor Vehicle Export Facilitation Scheme</td>
<td>Nil</td>
<td>$219,934</td>
<td>$16,262</td>
<td>Nil</td>
</tr>
<tr>
<td>Policy By-Laws</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>R&amp;D START</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>R&amp;D Tax Concession</td>
<td>$445,507*</td>
<td>$303,291*</td>
<td>$453,455*</td>
<td>Nil</td>
</tr>
<tr>
<td>Regional Minerals</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>School Industry Link Demonstration</td>
<td>Nil</td>
<td>Nil</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Science and Technology Awareness</td>
<td>Nil</td>
<td>Nil</td>
<td>$2,800</td>
<td>Nil</td>
</tr>
<tr>
<td>Tariff Export Concession Scheme</td>
<td>Nil</td>
<td>Nil</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Technology Diffusion</td>
<td>$11,272</td>
<td>$8,000</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Textiles, Clothing and Footwear Development Package</td>
<td>$6,550</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Textiles, Clothing and Footwear Import Credits Scheme</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
</tbody>
</table>

* Estimated cost to revenue

**Department of Sport and Tourism: Programs and Grants to the Gwydir Electorate**

(Question No. 3063)

**Senator Mackay** asked the Minister representing the Minister for Sport and Tourism, upon notice, on 5 October 2000:

1. What programs and/or grants administered by the department provide assistance to people living in the electorate of Gwydir.
2. What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.
3. What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

**Senator Minchin**—The Minister for Sport and Tourism has provided the following answer to the honourable senator’s question:

1. The Regional Tourism Program and the Regional Online Tourism Program are the programs that are currently available. The Regional Tourism Program commenced in 1998-99 and runs to 2002-03. The Regional Online Tourism Program is only available in 1999-00 and 2000-01. The National Tourism Development Program was available in 1996-97 and 1997-98.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>National Tourism Development Program</td>
<td>Nil</td>
<td>$300,000</td>
<td>N/A</td>
</tr>
<tr>
<td>Regional Tourism Program</td>
<td>N/A</td>
<td>N/A</td>
<td>Nil</td>
</tr>
<tr>
<td>Regional Online Tourism Program</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
(3) Funding provided in 1999-00.

<table>
<thead>
<tr>
<th>Program</th>
<th>1999-00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Tourism Program</td>
<td>Nil</td>
</tr>
<tr>
<td>Regional Online Tourism Program</td>
<td>$21,000</td>
</tr>
</tbody>
</table>

Department of Communications, Information Technology and the Arts: Programs and Grants to the Eden-Monaro Electorate

(Question No. 3066)

Senator Mackay asked the Minister for Communications, Information Technology and the Arts, upon notice, on 5 October 2000:

(1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Eden-Monaro.

(2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.

(3) What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

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

The Department of Communications, Information Technology and the Arts has provided the following level of funding to the electorate of Eden-Monaro. The Department’s website has more detailed information on these and other programs and/or grants administered by the Department:

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>National Council for the Centenary of Federation’s History &amp; Education Program</td>
<td>Nil</td>
<td>Nil</td>
<td>$8,688</td>
<td>$7,500</td>
</tr>
<tr>
<td>Federation Community Projects</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Commonwealth Government allocated $29.8 million from the Federation Fund, established in 1997, for small community driven projects to commemorate the Centenary of Federation and benefit communities across the country. An amount of $200,000 was allocated to each House of Representatives electorate.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Playing Australia (National Performing Arts Touring program)</td>
<td>*PART OF $158,676</td>
<td>$10,368 AND *PART OF $131,182</td>
<td>* PART OF $308,594</td>
<td>*PART OF $489,060</td>
</tr>
<tr>
<td>Festivals Australia (funds cultural activities at regional and community festivals)</td>
<td>$36,800</td>
<td></td>
<td>$15,400</td>
<td>$5,130</td>
</tr>
<tr>
<td>Contemporary Music Touring Program (funds musicians to undertake national tours)</td>
<td></td>
<td></td>
<td></td>
<td>*PART OF $70,000</td>
</tr>
</tbody>
</table>
**Networking the Nation** grants program (Regional Telecommunications Infrastructure Fund) – commenced in 1997

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Promotion and Briefing for Remote Indigenous Communities *</td>
<td>$75,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Australian Capital Region - Telecommunications Strategy ACROSS</td>
<td>$45,000</td>
<td></td>
<td>$300,000</td>
</tr>
<tr>
<td>Healthy Communities@NSW</td>
<td></td>
<td>$840,966</td>
<td></td>
</tr>
<tr>
<td>South Coast Telecommunications Network Study</td>
<td>$110,000</td>
<td>$55,000</td>
<td></td>
</tr>
<tr>
<td>Teletask *</td>
<td>$580,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Based Communication Networks *</td>
<td></td>
<td>$132,800</td>
<td></td>
</tr>
<tr>
<td>Eden Community Access Centre</td>
<td></td>
<td>$161,599</td>
<td></td>
</tr>
<tr>
<td>Batlow Mobile Telephony</td>
<td></td>
<td>$82,500</td>
<td></td>
</tr>
<tr>
<td>FRAN Internet Access for ALL *</td>
<td></td>
<td>$20,378,000</td>
<td></td>
</tr>
<tr>
<td>Nationalising E Momentum in Local Government *</td>
<td>$70,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Get IT, Got IT, Good (IT &amp; T Roadshow) *</td>
<td>$32,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Teleworking to the Fore *</td>
<td>$175,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Internet Tools for NSW Local Government *</td>
<td>$585,215</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Joint Community/NSW Community Technology Centre Program *</td>
<td>$8,250,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NSW Local Government IT Strategic Framework *</td>
<td>$25,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Projects marked with an asterisk provide assistance to people in Eden-Monaro as well as other electorates.

**Register of Cultural Organisations (ROCO)**

This program allows qualifying cultural bodies involved in activities such as literature, music, design, film, performing and visual arts etc to be approved to seek tax deductible donations for these activities. The program operates under Subdivision 30-B of the Income Tax Assessment Act 1997 (the Act).

Listed below are the organisations currently listed on ROCO in the electorate of Eden-Monaro and the value of donations to these organisations.

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<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Bay Players Inc</td>
<td>Theatre Players Inc</td>
<td>Batemans Bay</td>
<td>2,717</td>
<td>2,700</td>
<td>1,880</td>
<td>425</td>
</tr>
<tr>
<td>Four Winds Festivals</td>
<td>Narooma</td>
<td>25,020</td>
<td>20</td>
<td>20</td>
<td>NIL50</td>
<td></td>
</tr>
</tbody>
</table>
Cultural Gifts Program

The Cultural Gifts Program encourages donations of significant cultural items from private collections to public art galleries, museums and libraries by offering donors a tax deduction.

The table below lists participant organisations in the electorate in question and the value of cultural property donated to these organisations. As donations in respect of financial year 1999/2000 will continue to be received for some time, figures for that financial year are not conclusive.

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<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Eden Killer Whale Museum</td>
<td>Eden</td>
<td>$1,010</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
</tr>
</tbody>
</table>

Department of Industry, Science and Resources: Programs and Grants to the Eden-Monaro Electorate
(Question No. 3071)

Senator Mackay asked the Minister for Industry, Science and Resources, upon notice, on 5 October 2000:

1. What programs and/or grants administered by the department provide assistance to people living in the electorate of Eden-Monaro.
2. What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.
3. What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

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

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<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Networks</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Commercialising Technologies</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>$80,000</td>
</tr>
<tr>
<td>Cooperative Research Centres</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Passenger Motor Vehicle Export Facilitation Scheme</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Policy By-Laws</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>R&amp;D START</td>
<td>$125,000</td>
<td>$150,000</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>R&amp;D Tax Concession</td>
<td>$726,377*</td>
<td>$568,038*</td>
<td>$477,057*</td>
<td>Nil</td>
</tr>
<tr>
<td>Regional Minerals</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>School Industry Link Demonstration Science and Technology</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Department of Sport and Tourism: Programs and Grants to the Eden-Monaro Electorate
(Question No. 3075)

Senator Mackay asked the Minister representing the Minister for Sport and Tourism, upon notice, on 5 October 2000:

(1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Eden-Monaro.

(2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.

(3) What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

Senator Minchin—The Minister for Sport and Tourism has provided the following answer to the honourable senator’s question:

(1) The Regional Tourism Program and the Regional Online Tourism Program are the programs that are currently available. The Regional Tourism Program commenced in 1998-99 and runs to 2002-03. The Regional Online Tourism Program is only available in 1999-00 and 2000-01. The National Tourism Development Program was available in 1996-97 and 1997-98.

(2)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>National Tourism Development Program</td>
<td>$85 000</td>
<td>Nil</td>
<td>N/A</td>
</tr>
<tr>
<td>Regional Tourism Program</td>
<td>N/A</td>
<td>N/A</td>
<td>$100 000</td>
</tr>
<tr>
<td>Regional Online Tourism Program</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

(3) Funding provided in 1999-00.

<table>
<thead>
<tr>
<th>Program</th>
<th>1999-00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Tourism Program</td>
<td>Nil</td>
</tr>
<tr>
<td>Regional Online Tourism Program</td>
<td>$50 000</td>
</tr>
</tbody>
</table>

Mobile Telephones: Emission Information
(Question No. 3077)

Senator Brown asked the Minister for Communications, Information Technology and the Arts, upon notice, on 9 October 2000:

With reference to the answer to question on notice No. 2624, (Hansard, 12 October 2000, page 18274):

(1) Which companies manufacture or, through import, provide mobile telephones for sale in Australia.
(2) Which of these companies has volunteered to provide the information for customers about maximum emission levels of electromagnetic energy emission levels.

(3) When does the agreement and disclosure begin.

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

Based on advice received from the Australian Communications Authority (ACA)

(1) A list of companies which manufacture or import mobile telephones for sale in Australia is attached.

(2) As the precise details of the agreement between the ACA, the Australian Mobile Telecommunications Association and industry representatives are still being developed (see the answer to (3) below), manufacturers and importers of mobile telephones for sale in Australia do not yet have a final document to sign. However, the ACA understands that the major manufacturers and importers of mobile telephones for sale in Australia intend to participate, including Nokia, Motorola, Ericsson, Philips and Panasonic.

(3) Since the agreement was announced in August 2000, members of the Australian Mobile Telecommunications Association have indicated to the ACA that they are working to make the agreement’s operation within Australia consistent with soon-to-be-ratified internationally agreed methods for the determination, and subsequent disclosure, of mobile telephone SAR levels. The SAR is the basic measure of radio frequency exposure in the standard. These internationally agreed methods are expected to be finalised in April 2001. The ACA expects that information on SAR levels will be available from manufacturers and provided as part of the packaging shortly thereafter.

Manufacturers and importers of mobile telephones for sale in Australia (a)

- Alcatel Australia Limited
- Ericsson Australia Pty Ltd
- Hyundai Electronics Australia
- Kyocera Wireless (Australia) Pty Ltd
- LG Electronics Australia Pty Ltd
- Mitsubishi Electric Australia Pty Ltd.
- Motorola Australia Pty. Limited
- NEC Australia Pty. Ltd.
- NMP Australia Pty Limited
- Panasonic Australia Pty Limited
- Philips Electronics Australia Limited
- Robert Bosch (Australia) Proprietary Limited
- Sagem Australasia Pty Ltd
- Samsung Electronics Australia Pty Ltd
- Siemens Ltd
- Sony Australia Limited

Note: (a) This list includes the major manufacturers and importers, but may not be exhaustive.

Department of the Prime Minister and Cabinet: Motor Vehicle Fuel Expenditure

(Question No. 3081)

Senator Cook asked the Minister representing the Prime Minister, 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 Hill**—The Prime Minister has provided the following answer to the honourable senator’s question:

I am advised by my department as follows:

(1) Total expenditure by my department and agencies for the financial year ended 30 June 2000 was $190,668 as follows:

<table>
<thead>
<tr>
<th>Department of The Prime Minister and Cabinet *</th>
<th>Australian National Audit Office $</th>
<th>Office of the Commonwealth Ombudsman $</th>
<th>Office of the Official Secretary to the Governor-General $</th>
<th>Office of National Assessments $</th>
<th>Public Service and Merit Protection Commission $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

* Expenditure for the Office of the Inspector-General of Intelligence and Security is included in the department’s figures.

Note: A preliminary analysis of monthly fuel invoices undertaken in preparing this answer indicates that at least in 1999-2000, there were significant and variable delays in the presentation of monthly fuel invoices by several fuel companies. As a result the department is not able to provide an expenditure series that accurately reflects monthly fuel usage.

(2) Total expenditure this financial year, to 30 September 2000, excluding GST is $50,091.

<table>
<thead>
<tr>
<th>Department of the Prime Minister and Cabinet</th>
<th>Australian National Audit Office $</th>
<th>Office of the Commonwealth Ombudsman $</th>
<th>Office of the Official Secretary to the Governor-General $</th>
<th>Office of National Assessments $</th>
<th>Public Service and Merit Protection Commission $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Note: The monthly data for the period July-September 2000 is not provided for the reasons outlined in the note to answer (1) above, any comparison with the data in the period July-September 1999 would be spurious.

(3) (a) Individual budget for fuel for the current financial year.
(b) Money spent to date for fuel for current financial year.

<table>
<thead>
<tr>
<th>Department of the Prime Minister and Cabinet</th>
<th>Australian National Audit Office</th>
<th>Office of the Commonwealth Ombudsman</th>
<th>Office of the Official Secretary to the Governor-General</th>
<th>Office of National Assessments</th>
<th>Public Service and Merit Protection Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>*</td>
<td>4,580</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

(4) This year’s budget compared with last year’s budget.

<table>
<thead>
<tr>
<th>Department of the Prime Minister and Cabinet</th>
<th>Australian National Audit Office</th>
<th>Office of the Commonwealth Ombudsman</th>
<th>Office of the Official Secretary to the Governor-General</th>
<th>Office of National Assessments</th>
<th>Public Service and Merit Protection Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>+680</td>
<td>*</td>
</tr>
</tbody>
</table>

(5) Fuel expenditure budget compared with actual outcome.

<table>
<thead>
<tr>
<th>Department of the Prime Minister and Cabinet</th>
<th>Australian National Audit Office</th>
<th>Office of the Commonwealth Ombudsman</th>
<th>Office of the Official Secretary to the Governor-General</th>
<th>Office of National Assessments</th>
<th>Public Service and Merit Protection Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>$</td>
<td>*</td>
</tr>
</tbody>
</table>

(6) See (3) above.

Department of Defence: Motor Vehicle Fuel Expenditure

(Question No. 3090)

Senator Cook asked the Minister representing the Minister for Defence, 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 Newman—The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) For the financial year ended 30 June 2000, the total monies expended by the department on fuel purchased for motor vehicles was $29.561 million. The breakdown by month of the financial year is as follows:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1999</td>
<td>$3.250m</td>
</tr>
<tr>
<td>August 1999</td>
<td>$3.824</td>
</tr>
<tr>
<td>September 1999</td>
<td>$2.223m</td>
</tr>
<tr>
<td>October 1999</td>
<td>$2.492m</td>
</tr>
<tr>
<td>November 1999</td>
<td>$7.533</td>
</tr>
<tr>
<td>December 1999</td>
<td>$1.651</td>
</tr>
<tr>
<td>January 2000</td>
<td>$1.886m</td>
</tr>
<tr>
<td>February 2000</td>
<td>$1.113</td>
</tr>
<tr>
<td>March 2000</td>
<td>$1.649m</td>
</tr>
<tr>
<td>April 2000</td>
<td>$1.538m</td>
</tr>
<tr>
<td>May 2000</td>
<td>$1.581</td>
</tr>
<tr>
<td>June 2000</td>
<td>$0.819m</td>
</tr>
</tbody>
</table>

The above amounts include expenditure in relation to East Timor.

(2) The total amount of monies expended to date for the 2000-01 financial year on fuel for motor vehicles is $12.645 million. The breakdown for each month up to and including September 2000 is:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 2000</td>
<td>$3.626m</td>
</tr>
<tr>
<td>August 2000</td>
<td>$4.002m</td>
</tr>
<tr>
<td>September 2000</td>
<td>$5.017</td>
</tr>
</tbody>
</table>

The above amounts include expenditure in relation to East Timor.

(3)(a) The budget for the current year for fuel for motor vehicles is $17.457 million. This does not include expenditure in relation to East Timor.

(b) The amount spent to date is answered in part (2) above.


(6)(a) The budget for the current year for fuel for motor vehicles is answered in part 3.

(b) The expenditure to date on fuel for motor vehicles is answered in part 2.

Department of Veterans’ Affairs: Motor Vehicle Fuel Expenditure

(Question No. 3098)

Senator Cook asked the Minister representing the Minister for Veterans’ 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 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 years fuel expenditure budget compare to last years fuel expenditure budget for the department and each of its agencies.

(5) How did the last financial years 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 years fuel expenditure budget for both the department and each of its agencies; and (b) how much has been spent to date.

Senator Newman—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

(1) The following table shows expenditure on fuel costs for the financial year ended 30 June 2000 for the Department of Veterans’ Affairs and the Australian War Memorial (AWM).

<table>
<thead>
<tr>
<th>Month</th>
<th>AWM (a)</th>
<th>DVA (b)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>July</td>
<td>0</td>
<td>12,903</td>
<td>12,903</td>
</tr>
<tr>
<td>August</td>
<td>2,895</td>
<td>14,743</td>
<td>17,638</td>
</tr>
<tr>
<td>September</td>
<td>2,293</td>
<td>15,874</td>
<td>18,167</td>
</tr>
<tr>
<td>October</td>
<td>1,732</td>
<td>10,679</td>
<td>12,411</td>
</tr>
<tr>
<td>November</td>
<td>1,671</td>
<td>12,098</td>
<td>13,769</td>
</tr>
<tr>
<td>December</td>
<td>1,460</td>
<td>14,346</td>
<td>15,806</td>
</tr>
<tr>
<td>January</td>
<td>1,039</td>
<td>23,878</td>
<td>24,917</td>
</tr>
<tr>
<td>February</td>
<td>1,611</td>
<td>15,787</td>
<td>17,398</td>
</tr>
<tr>
<td>March</td>
<td>6,548</td>
<td>11,049</td>
<td>17,597</td>
</tr>
<tr>
<td>April</td>
<td>2,107</td>
<td>25,352</td>
<td>27,459</td>
</tr>
<tr>
<td>May</td>
<td>2,517</td>
<td>20,397</td>
<td>22,914</td>
</tr>
<tr>
<td>June</td>
<td>3,279</td>
<td>20,690</td>
<td>23,969</td>
</tr>
<tr>
<td>Total 1999/2000</td>
<td>27,152</td>
<td>197,796</td>
<td>224,948</td>
</tr>
</tbody>
</table>

(a) Source – AWM; (b) Source - DASFLEET

(2) The expenditure on fuel costs for this year to date is:

Financial Year 2000-2001

<table>
<thead>
<tr>
<th>Month</th>
<th>AWM (a)</th>
<th>DVA (b)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>July</td>
<td>43</td>
<td>4,917</td>
<td>4,960</td>
</tr>
<tr>
<td>August</td>
<td>3,378</td>
<td>25,552</td>
<td>28,930</td>
</tr>
<tr>
<td>September</td>
<td>1,175</td>
<td>21,786</td>
<td>22,961</td>
</tr>
<tr>
<td>Year to Date</td>
<td>4,596</td>
<td>52,255</td>
<td>56,851</td>
</tr>
</tbody>
</table>

(a) Source - AWM; (b) Source - DASFLEET
(3) The department budgets for total vehicle leasing costs including fuel – there is no separately identifiable budget for fuel costs.

(4) See answer to Question (3) above.

(5) See answer to Question (3) above.

(6) See answer to Question (3) above.

Environment: Eastern Suburbs Banksia Scrub

(Question No. 3142)

Senator Brown asked the Minister representing the Minister for Finance and Administration, upon notice, on 31 October 2000:

With reference to the Commonwealth land on the headland between Maroubra and Malabar beaches in Randwick, New South Wales:

(1) Given recent damage to the western bushland and the threat to the nationally-endangered Eastern Suburbs Banksia Scrub ecological community (see letters from Friends of Malabar Headland to Environment Australia, 17 August 2000, and to the Minister, 10 October 2000): (a) how many patrols have Commonwealth officers or representatives taken inside the western bushland in the past 2 months; (b) what plans does the Commonwealth have for regular surveillance of the bushland to prevent further damage; (c) when will signs be erected alerting the public to penalties under the Environment Protection and Biodiversity Conservation Act 1999; and (d) what action is being taken to secure access at vulnerable points into the bushland.

(2) What action will the Commonwealth be taking to fulfil its obligation to protect the nationally-endangered Eastern Suburbs Banksia Scrub on Malabar Headland and relevant buffer areas.

(3) What action is the Commonwealth taking to remove noxious weeds that are threatening important ecological communities.

(4) When will the Commonwealth make publicly available the reports and results of studies over the past 3 years of contaminants on the Commonwealth land on Malabar Headland.

(5) What are the plans for addressing current contamination of the site.

(6) What erosion control methods will be in place whilst works are underway.

(7) In relation to the current works to address contamination from the landfill site now underway at the southern end of Maroubra Beach and recognising the importance of this area as a bird habitat and a breeding site: (a) will the wetland values of the area be maintained as a result of these works; and (b) what consideration has been given to restoring the original extent of the wetland.

Senator Ellison—The Minister for Finance and Administration has supplied the following answer to the honourable senator’s question:

(1) (a) The Commonwealth has not kept records of the number of inspections of the Western Bushland undertaken by the Commonwealth Site Manager and Caretaker over the past 2 months.

    (b) The Commonwealth has agreed that the on-site Caretaker will patrol the Western Bushland area twice a day.

    (c) Signs have been erected at access points around the site alerting the public to penalties under the Environment Protection and Biodiversity Conservation Act 1999.

    (d) The Commonwealth has installed gates at strategic locations around the Anzac Rifle Range to prevent damage to vulnerable and protected bushland. The Commonwealth is currently assessing fencing options to best protect the western bushland area.

(2) The Commonwealth is currently working with the NSW National Parks and Wildlife Service to prepare a recovery plan for the nationally endangered Eastern Suburbs Banksia Scrub. The Commonwealth will implement the agreed actions under this plan to encourage and protect this threatened species.
(3) The Commonwealth has financially supported regeneration work undertaken by recovery groups in the community. This work has ensured that noxious weeds have been controlled on the site as evidenced by the large areas of untouched Eastern Suburbs Banksia Scrub communities.

(4) The Commonwealth is undertaking a number of environmental studies of the Anzac Rifle Range. These reports provide internal working information which will be incorporated in development of a recommendation for future use of the site.

(5) The Commonwealth is currently preparing a Remediation Action Plan for the Anzac Rifle Range. This plan will be implemented following the relocation of the current shooting organisations to a new facility at Holsworthy.

(6) The Commonwealth has ensured that water collection mounds and trenches were constructed to act as a barrier down gradient of the excavated material. These measures are in place and are effectively controlling any potential for erosion and sediment run-off.

(7) (a) The current works being undertaken to enhance the leachate collection ponds and stormwater collection systems at the southern end of Maroubra Beach will enhance the man made wetland areas of the site.

(b) The current pollution control works will increase the original extent of the leachate collection ponds and stormwater control system and hence enhance the man-made wetland areas of the site.