INTERNET
The Votes and Proceedings for the House of Representatives are available at:
Proof and Official Hansards for the House of Representatives,
the Senate and committee hearings are available at:

SITTING DAYS—2002

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<td>December</td>
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RADIO BROADCASTS
Broadcasts of proceedings of the Parliament can be heard on the following Parliamentary and News Network radio stations, in the areas identified.

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<td>DARWIN</td>
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FORTIETH PARLIAMENT
FIRST SESSION—FIRST PERIOD

Governor-General

His Excellency the Right Reverend Dr Peter Hollingworth, Companion of the Order of Australia, Officer of the Order of the British Empire

Senate Officeholders

President—Senator the Hon. Margaret Elizabeth Reid
Deputy President and Chairman of Committees—Senator Suzanne Margaret West
Leader of the Government in the Senate—Senator the Hon. Robert Murray Hill
Deputy Leader of the Government in the Senate—Senator the Hon. Richard Kenneth Robert Alston
Leader of the Opposition—Senator the Hon. John Philip Faulkner
Deputy Leader of the Opposition—Senator Stephen Michael Conroy
Manager of Government Business in the Senate—Senator the Hon. Ian Gordon Campbell
Manager of Opposition Business in the Senate—Senator Joseph William Ludwig

Senate Party Leaders

Leader of the Liberal Party of Australia—Senator the Hon. Robert Murray Hill
Deputy Leader of the Liberal Party of Australia—Senator the Hon. Richard Kenneth Robert Alston
Leader of the National Party of Australia—Senator the Hon. Ronald Leslie Doyle Boswell
Leader of the Australian Labor Party—Senator the Hon. John Philip Faulkner
Deputy Leader of the Australian Labor Party—Senator the Hon. Peter Francis Salmon Cook
Leader of the Australian Democrats—Senator Natasha Jessica Stott Despoja
Deputy Leader of the Australian Democrats—Senator Aden Derek Ridgeway

Printed by authority of the Senate
## Members of the Senate

<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
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<tr>
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</table>

(1) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
(2) Chosen by the Parliament of New South Wales vice Robert Leslie Woods, resigned.
(3) Chosen by the Parliament of New South Wales vice David Brownhill, resigned.
(4) Chosen by the Parliament of New South Wales vice Bruce Kenneth Childs, resigned.
(5) Chosen by the Parliament of Queensland vice Cheryl Kernot, resigned.
(6) Chosen by the Parliament of South Australia to fill a casual vacancy, caused by her resignation.
(7) Chosen by the Parliament of Queensland vice Warwick Raymond Parer, resigned.
(8) Chosen by the Parliament of Queensland vice John Woodley, resigned.
(9) Chosen by the Parliament of South Australia vice John Andrew Quirke, resigned.
(10) Chosen by the Parliament of Western Australia vice John Horace Panizza, deceased.
(11) Appointed by the Governor of Tasmania to fill a casual vacancy, vice Hon. Jocelyn Newman, resigned.

### PARTY ABBREVIATIONS
- AD—Australian Democrats; AG—Australian Greens; ALP—Australian Labor Party; CLP—Country Liberal Party; Ind.—Independent; LP—Liberal Party of Australia; NP—National Party of Australia; PHON—Pauline Hanson’s One Nation

## Heads of Parliamentary Departments

- **Clerk of the Senate**—H. Evans
- **Clerk of the House of Representatives**—I. C. Harris
- **Departmental Secretary, Parliamentary Library**—J. W. Templeton
- **Departmental Secretary, Parliamentary Reporting Staff**—J. W. Templeton
- **Departmental Secretary, Joint House Department**—M. W. Bolton
HOWARD MINISTRY

Prime Minister
The Hon. John Winston Howard MP
Minister for Transport and Regional Services and Deputy Prime Minister
The Hon. John Duncan Anderson MP
Treasurer
The Hon. Peter Howard Costello MP
Minister for Trade
The Hon. Mark Anthony James Vaile MP
Minister for Defence and Leader of the Government in the Senate
Senator the Hon. Robert Murray Hill
Minister for Communications, Information Technology and the Arts and Deputy Leader of the Government in the Senate
Senator the Hon. Richard Kenneth Robert Alston
Minister for Foreign Affairs
The Hon. Alexander John Gosse Downer MP
Minister for Employment and Workplace Relations, Minister Assisting the Prime Minister for the Public Service and Leader of the House
The Hon. Anthony John Abbott MP
Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Reconciliation
The Hon. Philip Maxwell Ruddock MP
Minister for the Environment and Heritage and Vice-President of the Executive Council
The Hon. Dr David Alistair Kemp MP
Attorney-General
The Hon. Daryl Robert Williams AM, QC, MP
Minister for Finance and Administration
Senator the Hon. Nicholas Hugh Minchin
Minister for Agriculture, Fisheries and Forestry
The Hon. Warren Errol Truss MP
Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women
Senator the Hon. Amanda Eloise Vanstone
Minister for Education, Science and Training
The Hon. Dr Brendan John Nelson MP
Minister for Health and Ageing
Senator the Hon Kay Christine Lesley Patterson
Minister for Industry, Tourism and Resources
The Hon. Ian Elgin Macfarlane MP

(The above ministers constitute the cabinet)
HOWARD MINISTRY—continued

Minister for Justice and Customs
Senator the Hon. Christopher Martin Ellison

Minister for Forestry and Conservation
Senator the Hon. Ian Douglas Macdonald

Minister for the Arts and Sport
Senator the Hon. Rod Kemp

Minister for Small Business and Tourism
The Hon. Joseph Benedict Hockey MP

Minister for Science and Deputy Leader of the House
The Hon. Peter John McGauran MP

Minister for Regional Services, Territories and Local Government
The Hon. Charles Wilson Tuckey MP

Minister for Children and Youth Affairs
The Hon. Lawrence James Anthony MP

Minister for Employment Services
The Hon. Malcolm Thomas Brough MP

Special Minister of State
Senator the Hon. Eric Abetz

Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence
The Hon. Danna Sue Vale MP

Minister for Revenue and Assistant Treasurer
Senator the Hon. Helen Coonan

Minister for Ageing
The Hon. Kevin James Andrews MP

Minister for Citizenship and Multicultural Affairs
The Hon Gary Douglas Hardgrave MP

Parliamentary Secretary to the Prime Minister
The Hon. Jacqueline Marie Kelly MP

Parliamentary Secretary to Cabinet
Senator the Hon. William Daniel Heffernan

Parliamentary Secretary to the Minister for Transport and Regional Services
Senator the Hon. Ronald Leslie Doyle Boswell

Parliamentary Secretary to the Treasurer and Manager of Government Business in the Senate
Senator the Hon. Ian Gordon Campbell

Parliamentary Secretary to the Minister for Foreign Affairs
The Hon. Christine Ann Gallus MP

Parliamentary Secretary to the Minister for Defence
The Hon. Frances Esther Bailey MP

Parliamentary Secretary to the Minister for the Environment and Heritage
The Hon. Dr Sharman Nancy Stone MP

Parliamentary Secretary to the Minister for Finance and Administration
The Hon. Peter Neil Slipper MP

Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry
Senator the Hon. Judith Mary Troeth

Parliamentary Secretary to the Minister for Family and Community Services
The Hon. Ross Alexander Cameron MP

Parliamentary Secretary to the Minister for Health and Ageing
The Hon. Patricia Mary Worth MP

Parliamentary Secretary to the Minister for Industry, Tourism and Resources
The Hon. Warren George Entsch MP
SHADOW MINISTRY

Leader of the Opposition

The Hon. Simon Findlay Crean MP

Deputy Leader of the Opposition and Shadow
Minister for Employment, Education, Training
and Science

Jenny Macklin MP

Leader of the Opposition in the Senate, Shadow
Minister for Public Administration and Home
Affairs

Senator the Hon. John Philip Faulkner

Deputy Leader of the Opposition in the Senate and
Shadow Minister for Finance, Small Business
and Financial Services

Senator Stephen Conroy

Shadow Treasurer and Shadow Minister for
Finance and Small Business

The Hon Bob McMullen MP

Shadow Minister for Innovation, Industry, Trade
and Tourism

Craig Emerson MP

Shadow Minister for Trade and Tourism

The Hon Dr Stephen Martin MP

Shadow Minister for Defence

Senator Chris Evans

Shadow Minister for Regional and Urban
Development, Transport and Infrastructure

Martin Ferguson MP

Shadow Minister for Population and Immigration

Julia Gillard MP

Shadow Minister for Reconciliation, Aboriginal
and Torres Strait Islander Affairs, the Arts, and
Status of Woman

The Hon Dr Carmen Lawrence MP

Shadow Attorney-General and Shadow Minister for
Workplace Relations

Robert McClelland MP

Shadow Minister for Primary Industries and
Resources

Senator Kerry O’Brien

Shadow Minister for Foreign Affairs

Kevin Rudd MP

Shadow Minister for Health and Ageing

Stephen Smith MP

Shadow Minister for Family and Community
Services and Manager of Opposition Business in
the House

Wayne Swan MP

Shadow Minister for Communications

Lindsay Tanner MP

Shadow Minister for Environment and Heritage

Kelvin Thomson MP

Shadow Minister for Science and Research

Senator Kim Carr
### Shadow Ministry—continued

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<tr>
<td>Shadow Minister for Employment Services and Training</td>
<td>David Cox MP</td>
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<tr>
<td>Shadow Minister for Justice and Customs</td>
<td>Daryl Melham MP</td>
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<tr>
<td>Shadow Assistant Treasurer and Economic Ownership and Shadow Minister for Urban Development and Housing</td>
<td>Mark Latham MP</td>
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<tr>
<td>Shadow Minister for Retirement Incomes and Savings, and Consumer Affairs</td>
<td>Senator the Hon Nick Sherry</td>
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<tr>
<td>Shadow Minister for Information Technology and Sport</td>
<td>Senator Kate Lundy</td>
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<td>Shadow Minister for Veterans’ Affairs</td>
<td>Senator Mark Bishop</td>
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<td>Shadow Minister for Regional Services, Territories and Local Government</td>
<td>Gavan O’Connor MP</td>
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<td>Shadow Minister for Multicultural Affairs</td>
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<td>Shadow Minister for Resources</td>
<td>Joel Fitzgibbon MP</td>
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<td>Shadow Minister for Ageing and Seniors</td>
<td>Anthony Albanese MP</td>
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<tr>
<td>Shadow Minister for Children and Youth</td>
<td>Nicola Roxon MP</td>
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<tr>
<td>Parliamentary Secretary (Leader of the Opposition) and Parliamentary Secretary (Consumer Affairs and Banking Services)</td>
<td>Alan Griffin MP</td>
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<tr>
<td>Parliamentary Secretary (Manufacturing Industry)</td>
<td>Senator George Campbell</td>
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<tr>
<td>Parliamentary Secretary (Defence)</td>
<td>The Hon Graham Edwards MP</td>
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<tr>
<td>Parliamentary Secretary (Northern Australia and the Territories)</td>
<td>The Hon Warren Snowdon MP</td>
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<td>Parliamentary Secretary (Attorney-General) and Manager of Opposition Business in the Senate</td>
<td>Senator Joseph Ludwig</td>
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<td>Parliamentary Secretary (Primary Industries and Resources)</td>
<td>Sid Sidebottom MP</td>
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Tuesday, 12 February 2002

OPENING OF THE PARLIAMENT

The Senate met at 10.30 a.m., pursuant to the proclamation of His Excellency the Governor-General.

The PRESIDENT (Senator the Hon. Margaret Reid) took the chair.

The Clerk read the proclamation.

The Deputy appointed by His Excellency the Governor-General for the opening of the Parliament, the Hon. Anthony Murray Gleeson AC, Chief Justice of Australia, having been announced by the Usher of the Black Rod, entered the chamber and took the chair.

The Deputy directed the Usher to desire the attendance of the members of the House of Representatives.

Members of the House of Representatives having attended accordingly—

The Deputy said:

Members of the Senate and Members of the House of Representatives: His Excellency the Governor-General, not thinking fit to be present in person at this time, has been pleased to appoint me his Deputy to declare open the Parliament of the Commonwealth, as will more fully appear from the instrument which will now be read by the Clerk of the Senate.

The instrument having been read by the Clerk—

COMMISSION TO ADMINISTER THE OATH OR AFFIRMATION OF ALLEGIANCE

The Deputy said:

His Excellency the Governor-General has authorised me to administer the oath or affirmation of allegiance to honourable senators, as will fully appear from the commission which will now be read by the Clerk of the Senate.

The commission having been read by the Clerk—

REPRESENTATION OF AUSTRALIAN CAPITAL TERRITORY AND NORTHERN TERRITORY

The Clerk—The certificates of election of senators elected to represent the Australian Capital Territory and the Northern Territory are tabled:

Australian Capital Territory—
Kate Alexandra Lundy
Margaret Elizabeth Reid

Northern Territory—
Patricia Margaret Crossin
Nigel Gregory Scullion

SENATORS SWORN

Senator Margaret Elizabeth Reid made and subscribed the oath of allegiance.

The Deputy having retired, the President again took the chair—

The following senators made and subscribed the oath or affirmation of allegiance:

Kate Alexandra Lundy
Nigel Gregory Scullion
Patricia Margaret Crossin
REPRESENTATION OF TASMANIA

The PRESIDENT—I inform the Senate that on 1 February 2002 I received a letter from Senator Jocelyn Newman, resigning her place as a senator for the state of Tasmania. Pursuant to the provisions of section 21 of the Constitution, I notified the Governor of Tasmania of the vacancy in the representation of that state caused by the resignation. I have now received through His Excellency the Governor-General the instrument of appointment by the Governor of Tasmania of Richard Mansell Colbeck as a senator to fill the vacancy caused by the resignation of Jocelyn Newman. I table the documents.

SENATORS SWORN
Senator Richard Mansell Colbeck made and subscribed the oath of allegiance.

Sitting suspended from 10.54 a.m. to 3 p.m.

GOVERNOR-GENERAL’S SPEECH

His Excellency the Governor-General entered the chamber and, being seated, with the President on his right hand, commanded that a message be sent to the House of Representatives intimating that His Excellency desired the attendance of honourable members in the Senate chamber.

Honourable members having come with their Speaker, His Excellency was pleased to deliver the following speech:

Honourable Senators and Members of the Parliament of Australia:

Introduction

On the tenth of November 2001, the Australian people re-elected the government and conferred upon it, for a third time, responsibility for managing this nation’s affairs.

In doing so, they endorsed a wide-ranging programme of continued reform, disciplined fiscal management and the implementation of policies underpinned by the characteristic values of the Australian nation.

The government will take early steps to implement the specific policy commitments it made during the recent election campaign.

There are few nations on earth which can enter the early years of this new century with the same sense of optimism, opportunity and quiet confidence that the Australian people are entitled to feel.

The government seeks to build on a century of national achievement and accomplishment evident in fields as diverse as business excellence, scientific endeavour, the arts and culture and in the world’s great sports.

With political stability and social cohesion that are the envy of the world, with the personal freedoms of expression, enterprise and association more certain and assured than ever before, Australians can pursue whatever individual or collective dreams inspire them.

Although neither complacent nor unaware of the many challenges ahead, Australia can create for itself a future of immense prospect and prosperity.

The government pledges itself to that effort. It will continue to be driven by a belief that self-reliance, individual endeavour and choice must be encouraged and rewarded. It will maintain a strong social security safety net for the more vulnerable in our society. It will champion the concept that families, workers and communities striving together towards shared goals create capacities far more potent than any other arrangements.

It will continue to believe that Australian society is fundamentally built upon principles of fairness and decency and the premise that opportunity should be available equally to all, regardless of background, gender, race or religion. It will support the creative talent and entrepreneurial spirit of Australians as they seize the unprecedented opportunities available in the years ahead.

The government’s priorities throughout the coming term will also be based upon an acknowledgment that it must set in place the foundations for national success well beyond the life of a single parliament—addressing such serious long term issues as the changing age composition of Australia’s population and environmental sustainability.

Above all, its decisions will recognise that a government is charged with two overriding responsibilities, namely providing for the security of, and delivering prosperity to, the nation.
Security

The national consciousness of security issues has understandably risen in the wake of the tragic and momentous events of September 11, 2001. The world is sadly neither the safe nor certain place we would all wish it to be.

Australia has joined the United States in an emphatic international response to terrorism.

The government will ensure that Australia maintains a strong and flexible Defence Force, able to act in the nation’s interest whatever circumstances may arise and in support of the principles of democratic freedom that Australians value so highly.

I acknowledge the professionalism, the commitment and the courage of all Australian servicemen and women but particularly those currently on active duty overseas—in the war against terrorism, in East Timor and as peace-keepers in countries throughout the world.

Through the implementation of the 2000 Defence White Paper, which provides for real increases in defence spending of $32 billion over the next 10 years, the government will ensure Australia’s Defence Forces are properly trained, equipped and supported, and that they remain capable of contributing both to the cause of political stability within our region and broader international endeavours.

The government will continue its fight against transnational and organised criminal efforts to boost trafficking in illicit drugs, people smuggling, money laundering, major fraud and other crimes.

Modern terrorism clearly presents a new and dangerous threat. Determined and strong responses are needed. To this end, Commonwealth law enforcement and national security agencies are being reviewed and will be allocated additional resources to achieve even higher levels of effectiveness.

Priority will be given to collaborating with other nations on security and law enforcement issues, enforcing proper control of our borders, ensuring greater efficiency within Commonwealth agencies and providing clear leadership for the states and territories in these vital areas. The Prime Minister will host a summit of state and territory leaders in April to advance new national frameworks for dealing with these challenges.

Both Australia’s security and its prosperity will be enhanced through constructive international relations and Australia’s network of bilateral relationships will remain the foundation of the government’s foreign policy. These relationships are in good order, but will require careful ongoing attention over the term of this parliament.

Our ties with the United States are of immense importance to Australia’s security and economic interests and the government continues to recognise the ongoing relevance of the ANZUS alliance for regional stability. Maintaining our support for the coalition against terrorism and, more generally, our relationship with the United States will be priorities for the government.

Developments in Asia, of course, are of enduring importance to Australian interests. The government will ensure that our already considerable economic and political ties to North and Southeast Asia continue to be strengthened for the benefit of all Australians.

Australia’s Pacific neighbours have faced many difficult challenges in recent years and the government will continue to work with the region to help it address these issues. Australia has strong economic and diplomatic relations with nations around the earth. The government will continue to foster these relations in the interests of domestic prosperity and global security.

Australia is honoured to be hosting the Commonwealth Heads of Government Meeting in Coolum in March and is committed, as Chairman, to ensure that the Commonwealth meets the challenges ahead and encourages members to maintain their shared values of good governance, human rights and economic development. Her Majesty The Queen, as Head of the Commonwealth, will visit Australia for this meeting.

This year marks the Golden Jubilee of the Queen’s accession to the Throne. There can be little doubt that, during the past fifty years, Her Majesty has fulfilled her duties...
with great dedication, skill and remarkable energy. Australians will wish her well on the occasion of her Golden Jubilee.

**Shared prosperity**

The second fundamental obligation of government is the pursuit of prosperity in which all citizens may share. The government remains committed to achieving higher living standards and more jobs for Australians over the next three years.

The resilience of the Australian economy, despite a global slowdown, is a strong endorsement of the government’s disciplined approach to economic management and the structural reforms it undertook to improve the efficiency and flexibility of Australia’s product, labour and financial markets.

Since 1995-96, the government has repaid over $55 billion of public debt. A key priority in the government’s third term will be to maintain a strong fiscal position.

While Australia’s recent economic performance has been extremely impressive, the process of economic reform is ongoing and the government will vigorously pursue economic policies which further strengthen and reform our economy.

The government will continue to vigorously advocate genuine trade liberalisation. Securing additional market access through WTO and bilateral trade agreements will be a high priority. The government will continue to explore the prospects of achieving a free trade agreement with the United States. This will be very difficult but, if such an outcome can be realised, the benefits for Australia will be significant.

**A thriving business sector**

At home, competitive, well-functioning markets, supported by good regulatory frameworks, encourage economic growth.

The proposed review of the competition provisions of the Trade Practices Act, and their administration, will examine whether they adequately encourage growth and international competitiveness, protect the balance of power between small and large business and support the growth of regional business.

Attracting overseas direct investment to Australia will also be an important activity of government. The government will continue to develop strategies to promote and attract investment, promote new venture capital arrangements and focus efforts in sectors of high growth potential, such as information and communications technology.

The government will consider appropriate changes to current foreign ownership and control of Australian media laws and the cross media rules, aimed at opening up the broadcasting sector to new investment while ensuring continued diversity of opinion.

The government will continue to pursue reforms that deliver an efficient, cost competitive energy sector. This will include an improved national energy market for both electricity and gas. The government will also actively promote the responsible development and export of our abundant minerals and energy resources.

The government will also undertake a review of the current governance arrangements for statutory authorities and office holders. The government will focus on improving their structures and practices, particularly of those authorities that impact upon the business community, to ensure more efficient and effective operations and the highest standards of accountability.

**Families**

Policies that support families and provide them with effective opportunities and choices are crucial to Australia’s economic and social future. The government will continue to provide practical assistance to families in their day to day needs and in support of their longer term aspirations.

The government will take early legislative steps to implement its election promise to introduce a First Child Tax Refund, recognising the loss of family income that generally results from the arrival of a first child. Tax initiatives aimed at improving Australia’s superannuation system and securing family income throughout retirement will also be priorities.

The government remains committed to supporting the right of parents to choose the type of education that best suits the needs of their children and to quality schooling for all Australians. In particular, it will maintain its
strong emphasis on literacy and numeracy for all young Australians, including indigenous children.

**Choice and access in health care**

The government will continue its commitment to improving choice and access to high quality health care for all Australians regardless of their personal circumstances.

Australia’s world-class public Medicare system will continue to provide access for all to high quality health care, complemented by a vibrant private health sector. This mix of public and private health provision means that Australia’s health system will be viable in the long term and able to adapt to our nation’s changing needs.

In its third term, the government will negotiate new Australian Health Care Agreements between the Commonwealth and the States and Territories. The aim of the Agreements will be to achieve improvements for people who use public hospitals to ensure that they receive appropriate treatment in a timely and responsive way.

**Welfare Reform**

Welfare reform remains a key focus of this government. It believes all Australians should have the opportunity to become more self-reliant and attain higher standards of living for themselves and their families.

The government’s commitment to welfare reform is expressed through the Australians Working Together package. Using Centrelink as a gateway, this package will provide increased assistance and improved incentives for people on welfare to get paid work, at a cost of $1.7 billion over four years.

The government will maintain a strong social security safety net and increase opportunities for people with disabilities wishing to work to their fullest potential.

In addition, Work for the Dole will remain a vital element of Australia’s new active welfare system. The government will strengthen Mutual Obligation arrangements to focus on what people can do, rather than what they cannot.

**Flexibility and reward in the workplace**

The government considers that further workplace reform is essential to deliver higher living standards and create more jobs.

In the first weeks of parliament, the government will introduce bills to ban compulsory union fees, ensure secret ballots before strikes, prevent one-size-fits-all industry bargaining and establish fair dismissal procedures. The Autumn sittings will also include the introduction of bills to improve protection for workers in Victoria, ensure more democratic and accountable unions and employer organisations, and give more workers a say on workplace safety issues.

The government will also provide an effective safety net of minimum wages and conditions that can be relied upon by low paid employees whilst contributing to workplace bargaining above that safety net. The government will consult further about ways to give employees priority over secured creditors in the event of company failures. It will also work with employers to extend opportunities for workers to more effectively balance their family and workplace responsibilities.

In its third term, the government will give particular attention to addressing the challenges of an ageing population through helping mature aged people remain in and/or get back into work.

**Innovation, technology and higher education**

Recognising the vital link between science and business in building a prosperous future, an important focus for the new Education, Science and Training portfolio will be the continuing implementation of Backing Australia’s Ability, which commits an extra $3 billion to supporting research, commercialisation and skills development. As part of this effort, the government has initiated a process to develop national research priorities to assist and guide research funding decisions across a range of government funded research programmes. The government expects to announce these national research priorities towards the end of this year.

The government understands that the higher education sector is critical to main-
taining Australia’s international competitiveness, economic prosperity and cultural development. It will work with universities, the business sector and the broader community to ensure that its policies enhance the quality of teaching and encourage universities to develop their particular teaching and research strengths and areas of specialisation.

In today’s global economy, knowledge and skills development provide the essential platform for business competitiveness and community prosperity. In the time that the government has been in office, the number of people undertaking new apprenticeships has more than doubled from about 143,000 to an estimated 330,040 in September 2001. The government’s support for vocational education and training will be further strengthened in its third term.

**A stronger country Australia**

This will be a government committed to creating greater opportunities for country Australia.

An important priority for the government is to help improve the profitability and competitiveness of Australia’s rural industries. A strong, vibrant primary sector will not only create jobs and earn this country valuable export income, but will also help revitalise many rural and regional communities across Australia.

The government will continue to improve the transport system, an important social and economic issue for country Australia. It will maintain its commitment to national highways and roads of national importance and seek further progress in rail reform.

Domestic and international aviation will be reviewed, to ensure that the government’s approach to competition and regulation recognises the major changes in the aviation operating environment. Australia will also participate in international efforts to strengthen aviation security.

The government remains committed to ensuring adequate levels of telecommunications services across regional, rural and remote Australia. It will build on the significant improvements achieved through the *Networking the Nation* programme and other Social Bonus initiatives. These programmes, combined with the $163 million response to the Telecommunications Service Inquiry, will mean that almost $1 billion will have been spent on improving regional communications services over the life of the government. In response to the Telecommunications Service Inquiry, the government is also introducing further enhancements to the regulatory safety net, achieved through the Universal Service Obligation and the Customer Service Guarantee, to ensure that all Australians have timely, affordable and reliable access to basic telecommunications services.

The government’s programme of telecommunications sector reform has encouraged greater competition and given Australians access to a wide range of high quality, innovative and low cost telecommunications services. The government’s priority is to ensure more services for rural and regional Australia.

The government will not proceed with any further sale of Telstra until it is satisfied that arrangements are in place to deliver adequate services to all Australians.

**Our citizens**

The government recognises the special place indigenous people occupy in our society as the original inhabitants of Australia and will continue to implement its practical reconciliation agenda, sustaining its focus on tackling disadvantage in the key areas of education, employment, health and housing.

These important endeavours will be pursued in partnership with indigenous people. Our joint goals should be to improve outcomes for Aboriginal and Torres Strait Islander peoples.

The government will continue an immigration programme that places a strong emphasis on attracting people with skills. Australia will also continue to be one of the very few nations in the world to maintain a refugee programme.

Whilst continuing to work for solutions that give help to those most desperately in need, the government is committed to following the fundamental principle, accepted in international law, that Australia alone has the sovereign right to determine who is allowed entry.
Australia will continue to seek effective co-operation with nations in our region to combat people smuggling.

**Protecting the environment**

A whole of government approach to sustainable environment issues is to be one of the highest priorities in the government’s third term. To this end, the government has established a new Sustainable Environment Committee of Cabinet, chaired by the Prime Minister.

Immediate action to tackle salinity and water quality problems is essential and, for this reason, the Commonwealth, state and territory governments will jointly invest $1.4 billion over seven years under the National Action Plan for Salinity and Water Quality. The Plan will target some of Australia’s worst affected areas and will support action by regional communities and local landholders. The Plan will be complemented by the extension of Australia’s largest ever environmental rescue effort, the Natural Heritage Trust.

The government’s ongoing funding package of $1 billion over five years for greenhouse gas abatement is among the largest by any government in the world. These funds are assisting to develop strong government-industry and government-community partnerships that are beginning to reduce the rate of greenhouse gas emissions.

**Conclusion**

Honourable Senators and Members, in the pursuit of success in all areas of national endeavour, the government will maintain its characteristic pragmatism, drive and determination. It will seek to defend all that is best within Australian society today whilst initiating the bold reform necessary for a prosperous and secure future.

Its overarching goal will be to better the lives of all Australians, wherever they may live and whatever their own aspirations may be.

*His Excellency the Governor-General and members of the House of Representatives retired.*

*Sitting suspended from 3.41 p.m. to 5 p.m.*

The PRESIDENT took the chair at 5 p.m., and read prayers.

**GOVERNOR-GENERAL’S SPEECH**

The PRESIDENT—I inform the Senate that I have received a copy of the opening speech which His Excellency the Governor-General was pleased to deliver to both houses of the parliament.

Ordered that consideration of the Governor-General’s opening speech be made an order of the day for the next day of sitting.

**MINISTERIAL ARRANGEMENTS**

Senator HILL (South Australia—Leader of the Government in the Senate) (5.01 p.m.)—by leave—I have the honour to inform the Senate that, following the election held on 10 November 2001 in which the coalition was returned, the Governor-General commissioned the Prime Minister, Mr Howard, to form a government. Ministers and parliamentary secretaries were appointed on 26 November 2001, except for the honourable member for O’Connor, who was appointed as Minister for Regional Services, Territories and Local Government on 25 January 2002. Ministerial arrangements, including a listing of all ministers and parliamentary secretaries and the offices they hold, and arrangements for representation in each chamber are set out in the document which I understand has been circulated. I seek leave to have the document incorporated into Hansard.

Leave granted.

*The document read as follows—*
### THIRD HOWARD MINISTRY

<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
<th>Other Chamber</th>
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<tbody>
<tr>
<td>Prime Minister</td>
<td>The Hon John Howard, MP</td>
<td>Senator the Hon Robert Hill</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Jackie Kelly, MP</td>
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<tr>
<td>Parliamentary Secretary to Cabinet</td>
<td>Senator the Hon Bill Heffernan</td>
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<tr>
<td>Minister for Transport and Regional Services (Deputy Prime Minister)</td>
<td>The Hon John Anderson, MP</td>
<td>Senator the Hon Ian Macdonald</td>
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<tr>
<td>Minister for Regional Services, Territories and Local Government *</td>
<td>The Hon Wilson Tuckey, MP *</td>
<td>Senator the Hon Ian Macdonald *</td>
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<tr>
<td>Parliamentary Secretary</td>
<td>Senator the Hon Ron Boswell</td>
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<tr>
<td>Treasurer</td>
<td>The Hon Peter Costello, MP</td>
<td>Senator the Hon Nick Minchin</td>
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<tr>
<td>Minister for Revenue and Assistant Treasurer</td>
<td>Senator the Hon Helen Coonan</td>
<td>The Hon Peter Costello, MP</td>
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<tr>
<td>Parliamentary Secretary (Manager of Government Business in the Senate)</td>
<td>Senator the Hon Ian Campbell</td>
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<tr>
<td>Minister for Trade</td>
<td>The Hon Mark Vaile, MP</td>
<td>Senator the Hon Robert Hill</td>
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<tr>
<td>Minister for Foreign Affairs</td>
<td>The Hon Alexander Downer, MP</td>
<td>Senator the Hon Robert Hill</td>
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<tr>
<td>Parliamentary Secretary (Foreign Affairs)</td>
<td>The Hon Chris Gallus, MP</td>
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<td>Minister for Defence (Leader of the Government in the Senate)</td>
<td>Senator the Hon Robert Hill</td>
<td>The Hon Danna Vale, MP</td>
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<td>Minister for Veterans’ Affairs</td>
<td>The Hon Danna Vale, MP</td>
<td>Senator the Hon Robert Hill</td>
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<tr>
<td>Minister Assisting the Minister for Defence</td>
<td>The Hon Danna Vale, MP</td>
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<td>Parliamentary Secretary</td>
<td>The Hon Fran Bailey, MP</td>
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<tr>
<td>Minister for Communications, Information Technology and the Arts (Deputy Leader of the Government in the Senate)</td>
<td>Senator the Hon Richard Alston</td>
<td>The Hon Peter McGauran, MP</td>
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<td>Minister for the Arts and Sport</td>
<td>Senator the Hon Rod Kemp</td>
<td>The Hon Peter McGauran, MP</td>
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<tr>
<td>Minister for Employment and Workplace Relations (Leader of the House)</td>
<td>The Hon Tony Abbott, MP</td>
<td>Senator the Hon Richard Alston</td>
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<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>The Hon Mal Brough, MP</td>
<td>Senator the Hon Richard Alston</td>
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<td>Minister for Employment Services</td>
<td>The Hon Philip Ruddock, MP</td>
<td>Senator the Hon Chris Ellison</td>
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<td>Position</td>
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<tr>
<td>Minister for Citizenship and Multicultural Affairs</td>
<td>The Hon Gary Hardgrave, MP</td>
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<tr>
<td>Minister for the Environment and Heritage (Vice-President of the Executive Council)</td>
<td>The Hon Dr David Kemp, MP</td>
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<td>Parliamentary Secretary</td>
<td>The Hon Dr Sharman Stone, MP</td>
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<td>Attorney-General</td>
<td>The Hon Daryl Williams, AM QC MP</td>
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<td>Senator the Hon Chris Ellison</td>
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<td>The Hon Peter Slipper, MP</td>
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<td>Minister for Agriculture, Fisheries and Forestry</td>
<td>The Hon Warren Truss, MP</td>
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<td>Senator the Hon Ian Macdonald</td>
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<td>The Hon Warren Truss, MP</td>
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<td>Minister for Family and Community Services</td>
<td>Senator the Hon Amanda Vanstone</td>
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<tr>
<td>Minister Assisting the Prime Minister for the Status of Women</td>
<td>The Hon Larry Anthony, MP</td>
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<tr>
<td>Parliamentary Secretary</td>
<td>The Hon Ross Cameron, MP</td>
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<tr>
<td>Minister for Education, Science and Training</td>
<td>The Hon Dr Brendan Nelson, MP</td>
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<td>Parliamentary Secretary</td>
<td>The Hon Trish Worth, MP</td>
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<tr>
<td>Minister for Science (Deputy Leader of the House)</td>
<td>The Hon Peter McGauran, MP</td>
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<tr>
<td>Minister for Health and Ageing</td>
<td>Senator the Hon Kay Patterson</td>
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<td>Parliamentary Secretary</td>
<td>The Hon Kevin Andrews, MP</td>
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<tr>
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<td>The Hon Kevin Andrews, MP</td>
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<tr>
<td>Minister for Industry, Tourism and Resources</td>
<td>The Hon Ian Macfarlane, MP</td>
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<tr>
<td>Parliamentary Secretary</td>
<td>The Hon Joe Hockey, MP</td>
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<tr>
<td>Minister for Small Business and Tourism</td>
<td>The Hon Nick Minchin</td>
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</tbody>
</table>
Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. Except for the Department of the Prime Minister and Cabinet and the Department of Foreign Affairs and Trade, the title of each department reflects that of the portfolio minister. There is also a Department of Veterans' Affairs in the Defence portfolio. Asterisks indicate changes from the last published list.

**AUSTRALIAN LABOR PARTY**

**Leadership and Office Holders**

Senator **FAULKNER** *(New South Wales—Leader of the Opposition in the Senate)* *(5.02 p.m.)—by leave—I congratulate the government on its re-election and inform the Senate that I have been re-elected as the Leader of the Opposition in the Senate and, even better news, Senator Stephen Conroy has been elected deputy leader. I also inform the Senate that Senator Joseph Ludwig has been elected Manager of Opposition Business, Senator Sue Mackay has been elected as the Opposition Whip, and the opposition deputy whips will be Senator Trish Crossin and Senator Geoff Buckland. I seek leave to incorporate in *Hansard* a list of shadow ministry representation and parliamentary secretaries for the opposition in both chambers.

Leave granted.

*The document read as follows—*

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<thead>
<tr>
<th>PORTFOLIO</th>
<th>SHADOW MINISTER</th>
<th>OTHER CHAMBER</th>
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<tbody>
<tr>
<td>Leader</td>
<td>The Hon Simon Crean MP</td>
<td>Senator the Hon John Faulkner</td>
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<td>Parliamentary Secretary</td>
<td>Alan Griffin MP</td>
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<tr>
<td>Deputy Leader, Employment, Education, Training and Science</td>
<td>Jenny Macklin MP</td>
<td>Senator Kim Carr</td>
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<td>Science and Research</td>
<td>Senator Kim Carr</td>
<td>David Cox MP</td>
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<tr>
<td>Employment Services and Training</td>
<td>David Cox MP</td>
<td>Senator Kim Carr</td>
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<td>Senate Leader, Public Administration and Home Affairs</td>
<td>Senator the Hon John Faulkner</td>
<td>Daryl Melham MP</td>
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<td>Justice and Customs</td>
<td>Daryl Melham MP</td>
<td>Senator Joseph Ludwig</td>
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<td>Treasury, Finance and Small Business</td>
<td>The Hon Bob McMullen MP</td>
<td>Senator Stephen Conroy</td>
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<td>Deputy Senate Leader, Finance, Small Business and Financial Services</td>
<td>Senator Stephen Conroy</td>
<td>Mark Latham MP</td>
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<td>Assistant Treasurer and Economic Ownership</td>
<td>Mark Latham MP</td>
<td>Senator Stephen Conroy</td>
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<td>Retirement Incomes and Savings, Consumer Affairs</td>
<td>Senator the Hon Nick Sherry</td>
<td>Mark Latham MP</td>
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<tr>
<td>Parliamentary Secretary (Consumer Affairs and Banking Services)</td>
<td>Alan Griffin MP</td>
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<tr>
<td>Innovation, Industry, Trade and Tourism</td>
<td>Craig Emerson MP</td>
<td>Senator Kate Lundy</td>
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<tr>
<td>Trade and Tourism</td>
<td>The Hon Dr Stephen Martin MP</td>
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<td>11 Information Technology and Sport</td>
<td>Senator Kate Lundy</td>
<td>Craig Emerson MP</td>
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<tr>
<td><strong>Parliamentary Secretary (Manufacturing Industry)</strong></td>
<td>Senator George Campbell</td>
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<td>Defence</td>
<td>Senator Chris Evans</td>
<td>The Hon Graham Edwards MP</td>
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<td>Veterans’ Affairs</td>
<td>Senator Mark Bishop</td>
<td>Nicola Roxon MP</td>
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<td><strong>Parliamentary Secretary</strong></td>
<td>The Hon Graham Edwards MP</td>
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<td>Regional and Urban Development, Transport and Infrastructure</td>
<td>Martin Ferguson MP</td>
<td>Senator Kerry O’Brien</td>
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<td>Urban Development and Housing</td>
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<td>Senator George Campbell</td>
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<td>Regional Services, Territories and Local Government</td>
<td>Gavan O’Connor MP</td>
<td>Senator Kerry O’Brien</td>
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<tr>
<td><strong>Parliamentary Secretary (Northern Australia and the Territories)</strong></td>
<td>The Hon Warren Snowdon MP</td>
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<td>Population and Immigration</td>
<td>Julia Gillard MP</td>
<td>Senator the Hon Nick Sherry</td>
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<td>Multicultural Affairs</td>
<td>Laurie Ferguson MP</td>
<td>Senator the Hon Nick Sherry</td>
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<td>Reconciliation, Aboriginal and Torres Strait Islander Affairs, the Arts, and Status of Women</td>
<td>The Hon Dr Carmen Lawrence MP</td>
<td>Senator Joseph Ludwig (Reconciliation, Aboriginal and Torres Strait Islander Affairs) Senator Kate Lundy (The Arts, Status of Women)</td>
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<tr>
<td>Attorney-General and Workplace Relations</td>
<td>Robert McClelland MP</td>
<td>Senator Joseph Ludwig (Attorney-General) Senator the Hon Nick Sherry (Workplace Relations)</td>
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<tr>
<td>Manager of Opposition Business in the Senate and Parliamentary Secretary (Attorney-General)</td>
<td>Senator Joseph Ludwig</td>
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<td>Primary Industries and Resources</td>
<td>Senator Kerry O’Brien</td>
<td>Joel Fitzgibbon MP</td>
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<td>Senator Kerry O’Brien</td>
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<td><strong>Parliamentary Secretary</strong></td>
<td>Sid Sidebottom MP</td>
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<td>Foreign Affairs</td>
<td>Kevin Rudd MP</td>
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<td>Health and Ageing</td>
<td>Stephen Smith MP</td>
<td>Senator Chris Evans</td>
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<td>Anthony Albanese MP</td>
<td>Senator Chris Evans</td>
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<td><strong>Parliamentary Secretary</strong></td>
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<td>Wayne Swan MP</td>
<td>Senator Mark Bishop</td>
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<tr>
<td>Manager of Opposition Business in the House</td>
<td>Nicola Roxon MP</td>
<td>Senator Mark Bishop</td>
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<tr>
<td>Children and Youth</td>
<td>Annette Ellis MP</td>
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</table>
Communications
Parliamentary Secretary Lindsay Tanner MP  Christian Zahra MP  Senator Stephen Conroy
Environment and Heritage Parliamentary Secretary Kelvin Thomson MP  Senator Kim Carr  Kirsten Livermore MP  Parliamentary Secretary Janice Crosio MP
Chief Opposition Whip Michael Danby MP
Whip in the House of Representatives Harry Quick
Senate Whip Senator Sue Mackay
Deputy Senate Whip Senator Trish Crossin
Deputy Senate Whip Senator Geoff Buckland

1 Members of the Shadow Cabinet are shown in bold-type. Parliamentary Secretaries are shown in italics.

AUSTRALIAN DEMOCRATS

Leadership

Senator STOTT DESPOJA (South Australia—Leader of the Australian Democrats) (5.04 p.m.)—by leave—On behalf of the Australian Democrats, I extend our congratulations to the government on its re-election and particularly to the two new senators who have taken up their positions today. I am pleased to inform the Senate that Senator Aden Ridgeway has been re-elected as Deputy Leader of the Australian Democrats, I have been re-elected as Leader of the Australian Democrats and Senator Vicki Bourne remains and continues to be our whip.

NATIONAL PARTY

Leadership

Senator BOSWELL (Queensland—Leader of the National Party of Australia in the Senate and Parliamentary Secretary to the Minister for Transport and Regional Services) (5.04 p.m.)—by leave—I inform the Senate that I have been returned as the Leader of the National Party in the Senate and Senator McGauran will be the National Party Whip.

GOVERNMENT

Whips

Senator HILL (South Australia—Leader of the Government in the Senate) (5.05 p.m.)—by leave—I inform the Senate that Senator Paul Calvert has been reappointed as Government Whip, Senator Jeannie Ferris has been appointed as deputy government whip and Senator Julian McGauran has been reappointed as the National Party Whip.

TEMPORARY CHAIRMEN OF COMMITTEES

The PRESIDENT—Order! Pursuant to standing order 12, I lay on the table a warrant nominating Senators Bartlett, Calvert, Chapman, Cook, Crowley, Ferguson, Forshaw, Hogg, Knowles, McKiernan, McLucas and Watson as Temporary Chairmen of Committees when the Deputy President and Chairman of Committees is absent.

NOTICES

Presentation

Senator Stott Despoja to move on the next day of sitting:
That the Senate calls upon the Inspector-General of Intelligence and Security to investigate:

(a) with specific reference to the events related to the MV *Tampa*:

(i) whether the Defence Signals Directorate (DSD) or any other intelligence or security agency intercepted communications to or from the MV *Tampa*, or any other communications relating to the MV *Tampa*,

(ii) on what legal basis any such interceptions were undertaken,

(iii) for what purpose any such interceptions were undertaken, and

(iv) on whose instructions any such interceptions were undertaken; and
(b) whether legislation, regulations and guidelines relating to the DSD’s activities adequately guard against:

(i) improper actions by the DSD, and

(ii) the improper use of the DSD by the Government; and

to fully report to the Senate on the result of the investigation.

Senator Allison to move on the next day of sitting:

(1) That a select committee, to be known as the Select Committee on Superannuation and Insurance, be appointed to inquire into matters pertaining to superannuation and insurance referred to it by the Senate, and inquire initially into:

A (a) The following aspects of the general insurance industry in Australia:

(i) motor vehicle insurance; and

(ii) public liability insurance for small business, community and sporting organisations,

with particular reference to:

(i) the cost of insurance products;

(ii) the cost of public liability insurance and schemes that have reduced costs and better calculate and pool risk, as in some overseas jurisdictions;

(iii) the conduct of insurers;

(iv) the adequacy of the existing consumer protection regime, including industry ‘self-regulation’ and complaint and dispute resolution services;

but not including any matters contained within the terms of reference of the Royal Commission into the failure of HIH; and

(b) the implications for Australian insurance cover and costs of the increased risk posed by fire, flood and tempest and the implications of climate change in relation to these policies; and

B The adequacy of the tax system and related policy to address the retirement income and aged and health care needs of Australians; and

C The taxation treatment applying to transfers from an overseas superannuation fund to an Australian regulated fund, with particular reference to whether the lump sum payment from an eligible non-resident/non-complying superannuation fund, under section 27CAA of the *Income Tax Assessment Act 1936*, should be treated as income and when such tax liability (if any) should accrue and be paid.

(2) That the committee present its final report on (A) by the last sitting day in June 2002, on (B) by the last sitting day in December 2002, and on (C) by the last sitting day in June 2003.

(3) That the committee have power to consider and use for its purposes the minutes of evidence, records and documents of the Select Committees on Superannuation and the Select Committee on Superannuation and Financial Services appointed in previous parliaments.

(4) That the committee consist of 7 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, and 1 nominated by minority groups and independent senators.

(5) That the chair of the committee be elected by and from the members of the committee, and that the deputy chair of the committee be elected by and from the members of the committee immediately after the election of the chair.

(6) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.

(7) That the deputy chair act as chair when there is no chair or the chair is not present at a meeting.

(8) That, in the event of the votes on any question before the committee being equally divided, the chair, or the deputy chair when acting as chair, have a casting vote.
(9) That the quorum of the committee be 3 members.

(10) That the committee and any sub-committee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.

(11) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any such subcommittee any of the matters which the committee is empowered to consider, and that the quorum of a subcommittee be a majority of senators appointed to the subcommittee.

(12) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(13) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Senator Bourne to move on the next day of sitting:

That the Senate—

(a) notes the Agreement reached in Abuja on 6 September 2001 between the Committee of Commonwealth Foreign Ministers, including a number of African States and the Zimbabwean Government, to return Zimbabwe to the rule of law and end all illegal occupations of farmland;

(b) welcomes the Zimbabwe Government’s decision to allow international election observers but notes, with disapproval, the continued violence, repression of the media and free speech, and the passage of legislation such as the Land Acquisition Act, the Public Order and Security Act, amendments to the Electoral Act and the Access to Information and Protection of Privacy Act;

(c) calls on the Government of Zimbabwe to take all necessary action to ensure a free and fair presidential election, end political violence and repression, and repeal all legislation that undermines human rights and democratic freedoms;

(d) joins with the European Parliament and the United States Congress in endorsing the use of targeted sanctions against the Government of Zimbabwe; and

(e) endorses the use of targeted sanctions by the Australian Government and international community against the Government of Zimbabwe to encourage the restoration of democracy and the rule of law.

Senator Bourne to move on the next day of sitting:

That the Senate—

(a) recalls its resolutions on Tibet passed on 6 December 1990 and 18 September 1996; and

(b) notes:

(i) continued repression of religious freedom in Tibet and persecution of Tibetan nuns and monks,

(ii) ongoing reports of human rights abuses against the Tibetan people by the People’s Republic of China, and

(iii) the impact of education, economic and migration policies in the Tibetan Autonomous Region on Tibetan language and culture;

(c) further notes:

(i) the Dalai Lama’s important role as one of the world’s most eminent and respected spiritual leaders,

(ii) the Dalai Lama’s affirmation of a commitment to non-violence and negotiation to solve conflict, as exemplified in His Holiness’ receipt of the Nobel Peace Prize in 1989, and

(iii) the Dalai Lama’s successful visit to Australia in 1996 and the ongoing interest of many Australians in his teachings; and

(d) requests the President of the Senate, in her capacity as a Presiding Officer of the Joint House Department, to take the necessary action to allow the Dalai Lama to give a televised address in the Great Hall.
Senator Ridgeway to move on the next day of sitting:
That the Senate—

(a) notes that:

(i) the House of Representatives Standing Committee on Procedure unanimously recommended in August 2001 in its report, *Balancing tradition and progress: Procedures for the opening of Parliament*, that:

‘… representatives of the ACT indigenous community be consulted to advise on a suitable indigenous ritual to be included in the opening procedures [of the Australian Parliament]’,

(ii) the Council for Aboriginal Reconciliation recommended to the parliament in its final report in December 2000 that ‘All Parliaments, governments and organisations observe protocols and negotiate with local Aboriginal and Torres Strait Islander Elders or representative bodies to include appropriate Indigenous ceremony into official events’, and

(iii) the Government has not implemented these recommendations to incorporate Indigenous protocols into the opening ceremony of the Australian Parliament, which remains virtually unchanged since the first parliament in 1901;

(b) expresses its disappointment that this opportunity to recognise and honour the unique cultures and identity of Indigenous Australians and include First Nation Peoples in this official national ceremony has not been embraced as a positive and affirming gesture of reconciliation between Indigenous and non-Indigenous Australians; and

(c) calls on the Government to consider and respond as soon as practicable to the recommendations of the House of Representatives Standing Committee on Procedure, *Balancing tradition and progress: Procedures for the opening of Parliament*, which constructively seeks to modernise the parliament and open it up to participation by all Australians.

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


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

That the following bill be introduced: A Bill for an Act to improve the quality of employment services and rehabilitation programs provided for people with disabilities, and for related purposes, *Disability Services Amendment (Improved Quality Assurance) Bill 2002*.

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

That the days of meeting of the Senate for 2002 be as follows:

**Summer sittings:**
Tuesday, 12 February to Thursday, 14 February

**Autumn sittings:**
Monday, 11 March to Thursday, 14 March
Tuesday, 19 March to Thursday, 21 March

**Budget sittings:**
Tuesday, 14 May to Thursday, 16 May

**Winter sittings:**
Monday, 17 June to Thursday, 20 June
Monday, 24 June to Thursday, 27 June

**Spring sittings:**
Monday, 19 August to Thursday, 22 August
Monday, 26 August to Thursday, 29 August
Monday, 16 September to Thursday, 19 September
Monday, 23 September to Thursday, 26 September
Monday, 14 October to Thursday, 17 October
Monday, 21 October to Thursday, 24 October
Monday, 11 November to Thursday, 14 November
Monday, 18 November to Tuesday, 19 November
Senator Ian Campbell to move on the next day of sitting:
That standing order 3(4) be suspended to enable the Senate to consider business other than that of a formal character before the address-in-reply to the Governor-General’s opening speech has been adopted.

Senator Hill to move, contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business:
That so much of the standing orders be suspended as would prevent a minister moving a motion to provide for the consideration of any matter.

Senator Hill to move, contingent on the moving of a motion to debate a matter of urgency under standing order 75:
That so much of the standing orders be suspended as would prevent a minister moving an amendment to the motion.

Senator Ian Campbell to move on the next day of sitting:
(1) That standing order 25(1) be amended as follows:
Omit: ‘Employment, Workplace Relations, Small Business and Education’,
Substitute: ‘Employment, Workplace Relations and Education’.
(2) That the continuing order relating to the allocation of departments and agencies to standing committees be amended to read as follows:
Departments and agencies are allocated to the legislative and general purpose standing committees as follows:

\[\text{Community Affairs}\]
\[\text{Family and Community Services}\]
\[\text{Health and Ageing}\]
\[\text{Economics}\]
\[\text{Treasury}\]
\[\text{Industry, Tourism and Resources}\]
\[\text{Employment, Workplace Relations and Education}\]

Senator Ian Campbell to move on the next day of sitting:
(1) That estimates hearings by legislation committees for the year 2002 be scheduled as follows:

**2001-02 additional estimates:**
Monday, 18 February and Tuesday, 19 February and, if required, Friday, 22 February (Group A)
Wednesday, 20 February and Thursday, 21 February and, if required, Friday, 22 February (Group B).

**2002-03 budget estimates:**
Monday, 27 May to Thursday, 30 May and, if required, Friday, 31 May (Group A)
Monday, 3 June to Thursday, 6 June and, if required, Friday, 7 June (Group B)
Wednesday, 20 November, and, if required, Friday, 22 November (supplementary hearings–Group A)
Thursday, 21 November and, if required, Friday, 22 November (supplementary hearings–Group B).

(2) That the committees consider the proposed expenditure in accordance with the allocation of departments to committees agreed to by the Senate.

(3) That committees meet in the following groups:

**Group A:**
- Environment, Communications, Information Technology and the Arts
- Finance and Public Administration
- Legal and Constitutional
- Rural and Regional Affairs and Transport

**Group B:**
- Community Affairs
- Economics
- Employment, Workplace Relations and Education
- Foreign Affairs, Defence and Trade.

(4) That the committees report to the Senate on the following dates:

- Wednesday, 13 March 2002 in respect of the 2001-02 additional estimates,
- Wednesday, 19 June 2002 in respect of the 2002-03 budget estimates.

**Senator Ian Campbell** to move on the next day of sitting:
That the following bill be introduced: A Bill for an Act relating to Regional Forest Agreements, and for other purposes. *Regional Forest Agreements Bill 2002.*

**Senator Harris** to move, contingent on the President presenting a report of the Auditor-General on any day or notifying the Senate that such a report had been presented under standing order 166:
That so much of the standing orders be suspended as would prevent Senator Faulkner moving a motion relating to the conduct of the business of the Senate or to provide for the consideration of any other matter.

**Senator Harris** to move, contingent on the Senate proceeding to the consideration of government documents:
That so much of the standing orders relating to the consideration of government documents be suspended as would prevent the senator moving a motion relating to the order in which the documents are called on by the President.

**Senator Harris** to move, contingent on a minister moving a motion that a bill be considered an urgent bill:
That so much of standing order 142 be suspended as would prevent debate taking place on the motion.

**Senator Harris** to move, contingent on a minister moving a motion to specify time to be allotted to the consideration of a bill, or any stage of a bill:
That so much of standing order 142 be suspended as would prevent the motion being debated without limitation of time and each senator speaking for the time allotted by standing orders.

**Senator Harris** to move, contingent on the chair declaring that the time allotted for the consideration of a bill, or any stage of a bill, has expired:
That so much of standing order 142 be suspended as would prevent further consideration of the bill, or the stage of the bill, without limitation of time or for a specified period.

**Senator Harris** to move, contingent on the moving of a motion to debate a matter of urgency under standing order 75:
That so much of the standing orders be suspended as would prevent the senator moving an amendment to the motion.

**Senator Harris** to move, contingent on the President proceeding to the placing of business on any day:
That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the order of business on the Notice Paper.
Senator Harris to move, contingent on any senator being refused leave to make a statement to the Senate:

That so much of the standing orders be suspended as would prevent that senator making that statement.

Senator Harris to move, contingent on a minister at question time on any day asking that further questions be placed on notice:

That so much of the standing orders be suspended as would prevent the senator moving a motion that, at question time on any day, questions may be put to ministers until 28 questions, including supplementary questions, have been asked and answered.

Senator Harris to move, contingent on any senator being refused leave to table a document in the Senate:

That so much of the standing orders be suspended as would prevent the senator moving that the document be tabled.

Senator Brown to move, contingent on the President presenting a report of the Auditor-General on any day or notifying the Senate that such a report had been presented under standing order 166:

That so much of the standing orders be suspended as would prevent Senator Faulkner moving a motion to take note of the report and any senator speaking to it for not more than 10 minutes, with the total time for the debate not to exceed 60 minutes.

Senator Brown to move, contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business:

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the conduct of the business of the Senate or to provide for the consideration of any other matter.

Senator Brown to move, contingent on the Senate proceeding to the consideration of government documents:

That so much of the standing orders relating to the consideration of government documents be suspended as would prevent the senator moving a motion relating to the order in which the documents are called on by the President.
Senator Brown to move, contingent on any senator being refused leave to table a document in the Senate:

That so much of the standing orders be suspended as would prevent the senator moving that the document be tabled.

Senator Bourne to move on the next day of sitting:

(1) That so much of standing orders be suspended as would prevent this resolution having effect.

(2) That the following bills be restored to the Notice Paper and that consideration of each of the bills be resumed at the stage reached in the last session of the Parliament:

- ABC Amendment (Online and Multichannelling Services) Bill 2001
- Anti-Genocide Bill 1999
- Australian Broadcasting Corporation Amendment Bill 1999
- Charter of Political Honesty Bill 2000
- Constitution Alteration (Appropriations for the Ordinary Annual Services of the Government) 2001
- Constitution Alteration (Elections’ Initiative, Fixed Term Parliaments and Qualification of Members) 2000
- Corporate Code of Conduct Bill 2000
- Electoral Amendment (Political Honesty) Bill 2000
- Freedom of Information Amendment (Open Government) Bill 2000
- Parliamentary Approval of Treaties Bill 1995 [1998]
- Public Interest Disclosure Bill 2001
- Reconciliation Bill 2001

Senator Faulkner to move, contingent on the President presenting a report of the Auditor-General on any day or notifying the Senate that such a report had been presented under standing order 166:

That so much of the standing orders be suspended as would prevent Senator Faulkner moving a motion to take note of the report and any senator speaking to it for not more than 10 minutes, with the total time for the debate not to exceed 60 minutes.

Senator Faulkner to move, contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business:

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the conduct of the business of the Senate or to provide for the consideration of any other matter.

Senator Faulkner to move, contingent on the Senate proceeding to the consideration of government documents:

That so much of the standing orders relating to the consideration of government documents be suspended as would prevent the senator moving a motion relating to the order in which the documents are called on by the President.

Senator Faulkner to move, contingent on a minister moving a motion that a bill be considered an urgent bill:

That so much of standing order 142 be suspended as would prevent debate taking place on the motion.

Senator Faulkner to move, contingent on a minister moving a motion to specify time to be allotted to the consideration of a bill, or any stage of a bill:

That so much of standing order 142 be suspended as would prevent the motion being debated without limitation of time and each senator speaking for the time allotted by standing orders.

Senator Faulkner to move, contingent on the chair declaring that the time allotted for the consideration of a bill, or any stage of a bill, has expired:

That so much of standing order 142 be suspended as would prevent further consideration of the bill, or the stage of the bill, without limitation of time or for a specified period.

Senator Faulkner to move, contingent on the moving of a motion to debate a matter of urgency under standing order 75:

That so much of the standing orders be suspended as would prevent the senator moving an amendment to the motion.
Senator Faulkner to move, contingent on the President proceeding to the placing of business on any day:

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the order of business on the Notice Paper.

Senator Faulkner to move, contingent on any senator being refused leave to make a statement to the Senate:

That so much of the standing orders be suspended as would prevent that senator making that statement.

Senator Faulkner to move, contingent on a minister at question time on any day asking that further questions be placed on notice:

That so much of the standing orders be suspended as would prevent the senator moving a motion that, at question time on any day, questions may be put to ministers until 28 questions, including supplementary questions, have been asked and answered.

Senator Faulkner to move, contingent on any senator being refused leave to table a document in the Senate:

That so much of the standing orders be suspended as would prevent the senator moving that the document be tabled.

Senator Murray to move on the next day of sitting:

That the Senate calls on the Government:

(a) to cancel the present retirement travel entitlements, including Life Gold Pass and severance travel entitlements, for all senators and members of the House of Representatives, and their spouses, retiring after the commencement of the 40th Parliament;

(b) to give consideration to restricting, rationalising and eventually phasing-out these entitlements presently applying to senators and members of the House of Representatives, and their spouses, who retired prior to the 40th Parliament; and

(c) to note that this motion does not apply to the office of Prime Minister.

Senator Faulkner to move on the next day of sitting:

That the Senate—

(1) That a select committee, to be known as the Select Committee on a Certain Maritime Incident, be appointed to inquire into and report by 16 May 2002 on the following matters:

(a) the so-called ‘children overboard’ incident, where an Indonesian vessel was intercepted by HMAS Adelaide within Australian waters reportedly 120 nautical miles off Christmas Island, on or about 6 October 2001;

(b) issues directly associated with that incident, including:

(i) the role of Commonwealth agencies and personnel in the incident, including the Australian Defence Force, Customs, Coastwatch and the Australian Maritime Safety Authority,

(ii) the flow of information about the incident to the Federal Government, both at the time of the incident and subsequently,

(iii) Federal Government control of, and use of, information about the incident, including written and oral reports, photographs, videotapes and other images, and

(iv) the role of Federal Government departments and agencies in reporting on the incident, including the Navy, the Defence Organisation, the Department of Immigration and Multicultural Affairs, the Department of the Prime Minister and Cabinet, and the Office of National Assessments; and

(c) in respect of the agreements between the Australian Government and the Governments of Nauru and Papua New Guinea regarding the detention within those countries of persons intercepted while travelling to Australia, publicly known as the ‘Pacific Solution’:

(i) the nature of negotiations leading to those agreements,

(ii) the nature of the agreements reached,

(iii) the operation of those arrangements, and

(iv) the current and projected cost of those arrangements.

(2) That the committee consist of 7 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the
Senate, and I nominated by minority
groups and independent senators.

(3) That the committee may proceed to the
dispatch of business notwithstanding that
not all members have been duly
nominated and appointed and
notwithstanding any vacancy.

(4) That the chair of the committee be
elected by the committee from the
members nominated by the Leader of the
Opposition in the Senate.

(5) That the deputy chair of the committee
be elected by the committee from the
members nominated by the Leader of the
Government in the Senate.

(6) That the deputy chair act as chair when
there is no chair or the chair is not
present at a meeting.

(7) That, in the event of the votes on any
question before the committee being
equally divided, the chair, or deputy
chair when acting as chair, have a
casting vote.

(8) That the committee and any
subcommittee have power to send for
and examine persons and documents, to
move from place to place, to sit in public
or in private, notwithstanding any
prorogation of the Parliament or
dissolution of the House of
Representatives, and have leave to report
from time to time its proceedings and the
evidence taken and such interim
recommendations as it may deem fit.

(9) That the committee have power to
appoint subcommittees consisting of 3 or
more of its members and to refer to any
such subcommittee any of the matters
which the committee is empowered to
consider.

(10) That the committee be provided with all
necessary staff, facilities and resources
and be empowered to appoint persons
with specialist knowledge for the
purposes of the committee with the
approval of the President.

(11) That the committee be empowered to
print from day to day such documents
and evidence as may be ordered by it,
and a daily Hansard be published of such
proceedings as take place in public.

Senator Brown to move, contingent on
the Leader of the Opposition in the Senate
(Senator Faulkner) moving a motion to es-

tablish a committee to be known as the Se-
lect Committee on a Certain Maritime Inci-
dent:

That so much of the standing orders be
suspended as would prevent Senator Brown
moving a motion to provide that Senator
Faulkner’s motion be amended by adding:

(1)(d) how information from the Defence
Signals Directorate was conveyed to and
used by the Government during and
since the Tam pa crisis.

Senator Bartlett to move on the next day
of sitting:

That upon the introduction of the Regional
Forest Agreements Bill 2002, the following
matters be referred to the Rural and Regional
Affairs and Transport References Committee for
inquiry and report by 21 March 2002:

All aspects of the provisions of the Regional
Forest Agreements Bill 2002, including, but not
restricted to:

(a) whether the legislation contravenes
Australia’s obligations under
international agreements, including the
Convention for the Protection of
Biodiversity, the Framework Convention
on Climate Change, the World Heritage
Convention, the Ramsar Convention and
agreements for the protection of
migratory species;

(b) whether the bill overrides section 42 of
the Environment Protection and
Biodiversity Conservation Act 1999
and the implications of this for the protection
of World Heritage, the protection of
Wetlands of International Importance
and the environmental impacts of taking
actions whose primary purpose does not
relate to forestry;

(c) the compensation obligations to which
the Commonwealth would be exposed if
it took action to prevent forestry or
mining operations or other activities in
Regional Forest Agreement (RFA) areas;

(d) whether it is fair to provide
compensation to an industry whose
activities are already heavily subsidised
and which has no reverse obligation to
compensate the Commonwealth or states
for damage to the environment,
including water quantity and quality,
soils, carbon banks, biodiversity,
heritage and landscape;

(e) the need to ensure that workers
entitlements are protected;
(f) the need to ensure full parliamentary scrutiny of all RFAs before initial ratification and before any proposed renewal;

(g) the current level of monitoring of RFAs;

(h) the current status of review of all RFAs that have reached the 5-year review period;

(i) the current level of compliance of all aspects of RFAs;

(j) the current level of enforcement of RFAs;

(k) the current levels of government subsidies to the timber industry; and

(l) any new data relating to species, habitats, ecosystems, mapping accuracy, social and economic impacts not available when the Comprehensive Regional Assessments were prepared.

Senator Bartlett to move on the next day of sitting:

That the following matters be referred to the Legal and Constitutional References Committee for inquiry and report by 19 June 2002:

Aspects of the Government’s current policy in relation to asylum seekers and refugees, including, but not limited to:

(a) the impact on the operations of Navy and other Defence forces due to their use in turning around, detaining and transporting boat people;

(b) the processes and criteria being used to assess the asylum seekers who have been transferred to Papua New Guinea (PNG) and Nauru;

(c) the level of access to legal advice for people on PNG and Nauru;

(d) the nature of the facilities which asylum seekers are detained in;

(e) the placement options for those people on PNG and Nauru who are found to be refugees;

(f) whether any asylum seekers who are not found to be refugees will be unable to return to their country of origin and what will be done in such an event;

(g) the extent and nature of Australia’s international involvement in facilitating an orderly worldwide system for movement and settlement of refugees;

(h) likely future worldwide trends on the movement of refugees;

(i) the impact and operation of the seven bills amending the Immigration Act which were passed by the Senate on 26 September 2001; and

(j) reviewing all reports, proposals and recommendations in relation to activities and facilities at the Woomera Immigration Detention Centre, including whether or not the centre should be closed down or its operations scaled back.

Senator Harradine to move, contingent on the President presenting a report of the Auditor-General on any day or notifying the Senate that such a report had been presented under standing order 166:

That so much of the standing orders be suspended as would prevent Senator Faulkner moving a motion to take note of the report and any senator speaking to it for not more than 10 minutes, with the total time for the debate not to exceed 60 minutes.

Senator Harradine to move, contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business:

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the conduct of the business of the Senate or to provide for the consideration of any other matter.

Senator Harradine to move, contingent on a minister moving a motion that a bill be considered an urgent bill:

That so much of standing order 142 be suspended as would prevent debate taking place on the motion.

Senator Harradine to move, contingent on a minister moving a motion to specify time to be allotted to the consideration of a bill, or any stage of a bill:

That so much of standing order 142 be suspended as would prevent the motion being debated without limitation of time and each
senator speaking for the time allotted by standing orders.

**Senator Harradine** to move, contingent on the chair declaring that the time allotted for the consideration of a bill, or any stage of a bill, has expired:

That so much of standing order 142 be suspended as would prevent the senator moving a motion relating to the conduct of the business of the Senate or to provide for the consideration of any other matter.

**Senator Harradine** to move, contingent on the moving of a motion to debate a matter of urgency under standing order 75:

That so much of the standing orders relating to the consideration of government documents be suspended as would prevent the senator moving a motion relating to the order in which the documents are called on by the President.

**Senator Harradine** to move, contingent on the President proceeding to the placing of business on any day:

That so much of the standing orders be suspended as would prevent the senator moving an amendment to the motion.

**Senator Harradine** to move, contingent on any sensor being refused leave to make a statement to the Senate:

That so much of the standing orders be suspended as would prevent that senator making that statement.

**Senator Harradine** to move, contingent on a minister at question time on any day asking that further questions be placed on notice:

That so much of the standing orders be suspended as would prevent the senator moving a motion that, at question time on any day, questions may be put to ministers until 28 questions, including supplementary questions, have been asked and answered.

**Senator Harradine** to move, contingent on any senator being refused leave to table a document in the Senate:

That so much of the standing orders be suspended as would prevent the senator moving that the document be tabled.

**Senator Boswell** to move, contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business:

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the conduct of the business of the Senate or to provide for the consideration of any other matter.

**Senator Boswell** to move, contingent on the Senate proceeding to the consideration of government documents:

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the order in which the documents are called on by the President.

**Senator Boswell** to move, contingent on the moving of a motion to debate a matter of urgency under standing order 75:

That so much of the standing orders be suspended as would prevent the senator moving an amendment to the motion.

**Senator Boswell** to move, contingent on the President proceeding to the placing of business on any day:

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the order of business on the Notice Paper.

**Senator Boswell** to move, contingent on any senator being refused leave to make a statement to the Senate:

That so much of the standing orders be suspended as would prevent that senator making that statement.

**Senator Boswell** to move, contingent on a minister at question time on any day asking that further questions be placed on notice:

That so much of the standing orders be suspended as would prevent the senator moving a motion that, at question time on any day, questions may be put to ministers until 28 questions, including supplementary questions, have been asked and answered.

**Senator Boswell** to move, contingent on any senator being refused leave to table a document in the Senate:

That so much of the standing orders be suspended as would prevent the senator moving that the document be tabled.

**Senator Brown** to move on the next day of sitting:

That the Senate—

(a) expresses its grave concern of the death of West Papuan leader, Theys Eluay; and
(b) calls on the Australian Government to request that the Indonesian Government conduct a full and independent inquiry into Mr Eluay’s death.

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (5.06 p.m.)—I give notice that, on the next day of sitting, I shall move:

That the provision of standing order 111(6) which prevents the continuation or resumption of second reading debate on a bill within 14 days of its first introduction in either House not apply to the Regional Forest Agreements Bill 2002.

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

Leave granted.

The statement read as follows—

Purpose of the Bill
The Bill will provide legislative commitment and support for the outcomes of the Regional Forest Agreements and for ongoing action to implement the Forest and Wood Products Action Agenda through the Forest and Wood Products Council.

Reasons for Urgency
Ten Regional Forest Agreements (RFAs) between the Commonwealth and four State Governments have now been concluded since the agreement between governments to implement RFAs in 1995. Some State Governments have challenged aspects of the outcomes of these agreements, introducing uncertainty about continuing Government commitment to the RFAs.

The substance of the Bill has been extensively debated in the Parliament. This Bill honours a commitment to regional communities, industry and some State Governments. It will commit the Commonwealth unequivocally to the outcomes achieved in the RFA process and increase the confidence of investors, environmental organisations and local communities in these outcomes so essential to RFAs being effective.

Passage of the Bill will also underpin ongoing action under the Forest and Wood Products Action Agenda through the Forest and Wood Products Council.

Failure to pass the Bill in the 2002 Autumn sittings would prolong uncertainty about the future of the RFAs. This could undermine the work of successive Commonwealth and State Governments, since the National Forest Policy Statement of 1992, to improve inter-governmental institutions and decision processes to support comprehensive forward planning of forest use.

(Circulated by authority of the Minister for Forestry and Conservation)

Senator Brown—Could I seek the indulgence of the Senate that the Leader of the House read out that request again?

Senator IAN CAMPBELL—I would be happy to paraphrase it. It is to exempt the RFA Bill from the cut-off motion.

Senator Brown—You are giving notice?

Senator IAN CAMPBELL—Yes, I am just giving notice, just like you just gave notice of a motion.

The PRESIDENT—He has given notice of a motion and he sought leave to incorporate a statement relating to it.

Senator IAN CAMPBELL—Yours was about West Papua and mine was about trees.

NOTICES
Presentation
Senator Murphy to move on the next day of sitting:

(1) That a select committee, to be known as the Select Committee on Forestry and Plantation Matters, be appointed to inquire into and report, by 27 June 2002, on the following matters:

(a) the administration of the Plantations for Australia—The 2020 Vision Strategy;

(b) whether or not the imperatives, goals and actions have been proceeded with or met in accordance with the aforementioned strategy;

(c) whether or not the practices employed to implement the strategy thus far have been consistent with the stated intentions of the strategy;

(d) whether or not the current and proposed taxation structures are suitable and or adequate for the purpose of achieving the 2020 Vision Strategy;

(e) whether or not the states are employing world’s best practice in sustainability and environmental applications for plantation development;

(f) whether or not the review process conducted through December 2001
and January 2002 allows for adequate public input; and

(g) what the long-term strategies are for companies currently involved in the plantation industry.

(2) That the committee consist of 9 senators, 3 nominated by the Leader of the Government, 3 nominated by the Leader of the Opposition in the Senate, and 3 nominated by the minority groups and independent senators.

(3) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and not withstanding any vacancy.

(4) That the chair and deputy chair of the committee be elected by the committee.

(5) That the deputy chair act as chair when there is no chair or the chair is not present at a meeting.

(6) That, in the event of the votes on any question before the committee being equally divided, the chair, or deputy chair when acting as chair, have a casting vote.

(7) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.

(8) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any such subcommittee any of the matters which the committee is empowered to consider.

(9) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(10) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

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BUSINESS

Rearrangement

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (5.08 p.m.)—by leave—I move:

That the Senate meet on Wednesday, 13 February 2002.

Question agreed to.

COMMITTEE REPORTS, RESPONSES AND DOCUMENTS

The President (5.08 p.m.)—Pursuant to standing orders 38 and 166, I present documents listed on today’s Order of Business at items 14(a) to 14(f) which were presented to me, the Deputy President and Temporary Chairmen of Committees since the Senate last sat. In accordance with the terms of the standing orders, the publication of the documents was authorised. I also present documents listed at items 14(g) and 14(h) on today’s Order of Business. In accordance with the usual practice and with the concurrence of the Senate I ask that the government responses be incorporated in Hansard.

Leave granted.

The list read as follows—

COMMITTEE REPORTS PRESENTED TO THE PRESIDENT SINCE THE LAST SITTING OF THE SENATE.

Employment, Workplace Relations, Small Business and Education References Committee—Report, together with the transcript of the committee’s hearings and documents presented to the committee, entitled The Education of Gifted Children (presented to the President on 2 October 2001).

Foreign Affairs, Defence and Trade References Committee—Report, together with the transcript of the committee’s hearings and documents presented to the committee, entitled Recruitment and Retention of ADF Personnel (presented to temporary chair of committees, Senator Chapman, on 4 October 2001).

Finance and Public Administration References Committee—Additional information—Report: Inquiry into the government’s information technology outsourcing initiative entitled Re-booting the IT agenda in the Australian Public Service (presented to the President on 1 November 2001).
Employment, Workplace Relations, Small Business and Education References Committee—Erratum—Report: Universities in Crisis (presented to the President on 8 November 2001).

Legal and Constitutional Legislation Committee—Additional information received by the committee relating to hearings on the budget estimates for 2001-2002: Volumes 1 and 2 (presented to the President on 28 November 2001).


Select Committee on Superannuation and Financial Services—Report, together with a discussion paper, the transcript of the committee’s hearings and documents presented to the committee, entitled Early Access to Superannuation Benefits (presented to temporary chair of committees, Senator Hogg, on 31 January 2002).

Select Committee on Superannuation and Financial Services—Issues paper entitled Investing Superannuation Funds in Rural and Regional Australia (presented to the Deputy President on 7 February 2002).

Economics References Committee—Final report, together with the transcript of the committee’s hearings and submissions received by the committee, on the inquiry into mass marketed tax effective schemes and investor protection (presented to the President on 11 February 2001).

Economics References Committee—Report, together with the transcript of the committee’s hearings and submissions received by the committee, on the inquiry into the framework for the market supervision of Australia’s stock exchanges (presented to the President on 11 February 2001).

PARLIAMENTARY ANNUAL REPORTS PRESENTED TO THE PRESIDENT SINCE THE LAST SITTING OF THE SENATE


Department of the Parliamentary Library—Annual report 2000-01 (presented to the Deputy President on 8 November 2001).

Department of the Parliamentary Reporting Staff—Annual report 2000-2001 (presented to temporary chair of committees, Senator Hogg, on 20 November 2001).

GOVERNMENT DOCUMENTS PRESENTED TO THE PRESIDENT SINCE THE LAST SITTING OF THE SENATE


Department of Foreign Affairs and Trade—Australia’s 2001 APEC Individual Action Plan (presented to temporary chair of committees, Senator Chapman, on 4 October 2001).


Australian Prudential Regulation Authority—Annual report 2000-2001 (presented to the President on 11 October 2001).


Department of the Prime Minister and Cabinet—Annual report 2000-01 (presented to temporary chair of committees, Senator Hogg, on 16 October 2001).


Torres Strait Regional Authority—Annual report 2000-2001 (presented to temporary chair of committees, Senator Hogg, on 16 October 2001).

Wet Tropics Management Authority—Annual report 2000-2001 (presented to the President on 19 October 2001).
Australian Institute of Marine Science—Annual report 2000-2001 (presented to the President on 19 October 2001).
Australian National Training Authority—Annual report on operations 2000-2001 (presented to the President on 22 October 2001).
Australian National Training Authority—Annual national report of the Australian vocational education and training system—2000 (volumes 1, 2 and 3) (presented to the President on 22 October 2001).
Department of Immigration and Multicultural Affairs—Annual report 2000-01 (presented to the President on 23 October 2001).
Department of Reconciliation and Aboriginal and Torres Strait Islander Affairs—Annual report 2000-01 (presented to the President on 23 October 2001).
Department of Foreign Affairs and Trade—Annual report 2000-2001 (presented to the President on 23 October 2001).
Australian Safeguards and Non-Proliferation Office—Annual report 2000-2001 (presented to the President on 26 October 2001).
Australian Institute of Aboriginal and Torres Strait Islander Studies—Annual report 2000-2001 (presented to the President on 26 October 2001).
Military Superannuation and Benefits Board of Trustees—Annual report 2000-2001 (presented to the President on 26 October 2001).
Department of Communications, Information Technology and the Arts—Annual report 2000-2001 (presented to the President on 26 October 2001).


Department of Environment and Heritage—Annual report 2000-01 (presented to the President on 26 October 2001).

Australian Institute of Criminology—Annual report 2000-2001 (presented to the President on 26 October 2001).

Bankstown Airport Limited—Annual report 2000-2001 (presented to the President on 26 October 2001).


Hoxton Park Airport Limited—Annual report 2000-2001 (presented to the President on 26 October 2001).


Defence Housing Authority: The home of service—Annual report 2000-2001 (presented to the President on 29 October 2001).

Annual reports of the Services Trust Funds—2000-2001 (presented to the President on 29 October 2001).

Insolvency and Trustee Service Australia—Annual report 2000-2001 (presented to the President on 29 October 2001).


Classification Board and Classification Review Board: Office of Film and Literature Classification—Annual report 2000-2001 (presented to the President on 29 October 2001).


Department of Finance and Administration—Annual report 2000-2001 (presented to the President on 29 October 2001).


Commonwealth Superannuation Scheme Board (CSS)—Annual report 2000-2001 (presented to the President on 29 October 2001).

Public Sector Superannuation Scheme Board (PSS)—Annual report 2000-2001 (presented to the President on 29 October 2001).


Health Services Australia—Annual report 2000-01 (presented to the President on 29 October 2001).

Department of Family and Community Services—Annual report 2000-01 (presented to the President on 29 October 2001).

Health Insurance Commission—Annual report 2000-01 (presented to the President on 29 October 2001).


Snowy Mountains Hydro-electric Authority—Annual report 2000-2001 (presented to the President on 30 October 2001).


Australian Film Television and Radio School—Annual report 2000-2001 (presented to the President on 30 October 2001).

Australian Film Commission—Annual report 2000-2001 (presented to the President on 30 October 2001).

Film Australia—Annual report 2000-2001 (presented to the President on 30 October 2001).


Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)—Annual report of the Chief Executive Officer of ARPANSA 2000-2001 (presented to the President on 31 October 2001).

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Tuesday, 12 February 2002


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International Air Services Commission—Annual report 2000-2001 (presented to the President on 11 February 2002).


GOVERNMENT RESPONSES TO COMMITTEE REPORTS PRESENTED TO THE PRESIDENT SINCE THE LAST SITTING OF THE SENATE

Community Affairs References Committee report on public hospital funding, entitled Healing Our Hospitals (presented to the President on 28 September 2001).


Parliamentary Joint Committee on ASIO on ASIO’s public reporting activities (presented to temporary chair of committees, Senator Chapman, on 5 October 2001).

Sixteenth Report of the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund—CERD and the Native Title Amendment Act

REPORTS OF THE AUDITOR-GENERAL PRESENTED TO THE PRESIDENT SINCE THE LAST SITTING OF THE SENATE

(presented to the President on 28 September 2001).


Report no. 20 of 2001-2002—Performance Audit—Fraud Control Arrangements in the Department of Agriculture, Fisheries and Forestry—Australia (presented to the President on 16 November 2001).


Report no. 23 of 2001-02—Broadcasting Planning and Licensing—The Australian Broadcasting Authority (presented to temporary chair of committees, Senator Hogg, on 7 December 2001, 11.15 am (12.15 pm Canberra time)).


RETURNS TO ORDER PRESENTED TO THE PRESIDENT SINCE THE LAST SITTING OF THE SENATE

Statements of compliance with the continuing order of the Senate of 20 June 2001, as amended on 27 September 2001, relating to lists of contracts, are tabled by:

Australian Bureau of Statistics (presented to the President on 2 October 2001).

Department of Immigration and Multicultural Affairs

Migration Review Tribunal

Refugee Review Tribunal (presented to temporary chair of committees, Senator Chapman on 4 October 2001).

Department of Finance and Administration (presented to the President on 11 October 2001).

Office of Asset Sales and Commercial Support (presented to the President on 11 October 2001).

Commonwealth Grants Commission (presented to the President on 11 October 2001).

Commonwealth Superannuation Administration (presented to the President on 11 October 2001).

Reconciliation and Aboriginal and Torres Strait Islander Affairs portfolio ~ informing
the Senate that **no** contracts have been entered into (presented to the President on 11 October 2001).

Attorney-General’s Department (presented to the President on 2 November 2001).

CrimTrac (presented to the President on 2 November 2001).

National Treasury portfolio (presented to the President on 10 December 2001).

Family Court of Australia (presented to temporary chair of committees, Senator McKieran, on 19 December 2001).

Administrative Appeals Tribunal (presented to the Deputy President on 9 January 2002).

Insolvency and Trustee Service Australia (presented to the Deputy President on 21 January 2002).

Department of Agriculture, Fisheries and Forestry (presented to temporary chair of committees, Senator Hogg, on 31 January 2002).

Australian Electoral Commission (presented to the Deputy President on 6 February 2002).

Australian Federal Police (presented to the Deputy President on 6 February 2002).

Department of Family and Community Services (presented to the President on 11 February 2002).

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Child Support Agency (presented to the President on 11 February 2002).

**Odgers’ Australian Senate Practice—10th Edition (Supplement)**

**Odgers’ Australian Senate Practice—10th edition (Centenary of Federation edition), 2001—Supplement updates to 31 December 2001.**

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**Questions on Notice—Summary**


**Work of Committees—1 July to 31 December 2001**

Work of committees—1 July to 31 December 2001 and consolidated statistics for 1 January to 31 December 2001.

**Senate Committee Reports—Register 1970-2001**

Senate committee reports—Consolidated register of Senate committee reports 1970-2001.

**Department of the Senate—Senior Executive Officers’ Interests**

Department of the Senate—Register of senior officers’ interests incorporating declarations of interests and notifications of alterations of interests lodged between 26 June and 6 December 2001, dated December 2001.

**Muslim Community**

Muslim community—Letter to the President from the Minister for Immigration and Multicultural Affairs (Mr Ruddock) responding to the resolution of the Senate of 25 September 2001, dated 30 October 2001.

**Commonwealth Games—Melbourne**

Commonwealth Games—Melbourne—Letter to the President from the Premier of Victoria (Mr Bracks) responding to the resolution of the Senate of 24 September 2001.

**Foreign Affairs—Republic of Slovenia**

Foreign Affairs—Republic of Slovenia—Letter to the President of the Senate from the Honorary Consul General of the Republic of Slovenia (Mr Breznik) relating to the independence of Slovenia, dated 16 January 2002.

*The responses read as follows—*

**GOVERNMENT RESPONSE TO THE SENATE COMMUNITY AFFAIRS REFERENCES COMMITTEE REPORT ON PUBLIC HOSPITAL FUNDING “HEALING OUR HOSPITALS”**

**COMMONWEALTH DEPARTMENT OF HEALTH AND AGED CARE**

September 2001

**INTRODUCTION**

Australians are well served by a public hospital system that provides universal access to high quality care on the basis of clinical need and regardless of geographic location. This reality led the Senate Committee to conclude that neither the Australian health system, nor the public hospital system, are in or face a crisis. 1

The Commonwealth’s commitment to the nation’s public hospitals is reflected in the Australian Health Care Agreements (AHCA). Although Australia’s public hospital funding arrangements are complex and reflect our unique cultural and
institutional background, the Agreements are at the core of the successful national framework that is Medicare.

The Howard Government’s commitment to the public hospital system is evident at three levels. Firstly, under the current AHCAs negotiated by the Coalition Government in 1998, the Commonwealth has made significant real increases in funding to the States and Territories to run the nation’s public hospitals. These funding increases greatly exceed the growth provided by the previous Labor Government under the 1993-1998 Medicare Agreements.

Secondly, the Coalition Government has restored the balance to Australia’s health system through the 30% Rebate, Lifetime Health Cover and measures to ‘Close the Gap’, which give Australians greater choice in their health care.

Thirdly, beyond generous real funding increases and more of a balance between the public and private hospital sectors, the nation’s public hospitals also benefit from the Government’s decision not to enforce the original Agreement strictly as worded, whereby the Commonwealth’s contribution would have been reduced as private health insurance participation increased significantly to current levels. Over the last three years of the Agreements, this would have entitled the Commonwealth to reduce hospital funding to the States and Territories by almost $3 billion. The Government has chosen not to do so.

In this combined sense, the Commonwealth’s contribution to the nation’s public hospitals is unprecedented.

Notwithstanding this funding position, there is an ongoing requirement to find ways to improve the capacity of the health system to respond to patient needs. Things can always be done better and, working with the States, Territories and the Australian community, the Government is committed to ongoing improvement of the quality and accessibility of public acute care and related services.

Such commitments should not be trivialised by partisan politics. Genuine consideration of these issues should be welcomed by any Government, but using parliamentary processes for short-term political advantage rather than genuine debate on policy directions can often be unwise. The Government therefore hopes that although the Committee’s inquiry was established by the Senate with short-term political motives in mind, it nevertheless becomes a stepping-off point for positive dialogue on hospital funding matters between those with a genuine interest in Australians’ health care needs.

RECOMMENDATIONS OF THE REPORT
Recommendation 1: That, as a short term measure, the Commonwealth provide additional funding under the Australian Health Care Agreements, in line with the recommendations of the independent arbiter. This funding should ideally be provided for the remaining two years of the agreements, 2001-02 and 2002-03. On the basis of data available to the Committee, this funding would be of the order of $450 million over the two years.

The Commonwealth remains committed to the nation’s public hospital system, which is the flagship of Medicare. It is therefore already making funding commitments under the Australian Health Care Agreements that exceed its strict responsibilities in terms of the provisions of the Agreements themselves.

Australia’s public hospitals will benefit significantly from the Government’s unilateral decision not to claw back funding as private health insurance participation has increased. As part of the Lifetime Health Cover arrangements, the Commonwealth agreed to modify the AHCA arrangements for recovering funds from the States and Territories due to increases in private health insurance participation. The effect of this is that the Commonwealth has chosen not to exercise its formal recovery options under the AHCAs in line with the strict interpretation of the Agreements.

Consequently, about $3 billion will be effectively retained by the States and Territories over the last three years of the Agreements—funds which would otherwise have been clawed back under conditions on which they signed in 1998.

Beyond this decision, the nation’s public hospitals also benefit from generous real increases in Commonwealth funding. Over the life of the 1998-2003 AHCAs, it is currently estimated that the Commonwealth will pay around $31.6 billion to the States and Territories to assist with the provision of public hospital services. The AHCAs provide a real increase in financial assistance to the States and Territories of around 28 per cent, compared with the 17 per cent real increase of the 1993-98 Medicare Agreements negotiated by the Keating Government.

The Commonwealth therefore is more than meeting its funding obligations to public hospitals. It sees this commitment as no less important a part of its overall contribution to financing the health care of the Australian community as its commitments to Medicare, the Pharmaceutical Benefits Scheme (PBS) and its support to patient flexibility and choice through private health insurance.
Recommendation 2: That the provision of this additional funding by the Commonwealth should be linked to a commitment by each State and Territory to publicly report their total spending on public hospitals and to match the percentage increase in Commonwealth funding over the two years.

The Commonwealth welcomes this recommendation.

The Australian Health Care Agreements lay down the size and scope of the Commonwealth’s commitment to provide Health Care Grants to help fund public hospital services. Since 1998, much of the funding debate has centred on the Commonwealth’s funding contribution, while the States and Territories have largely escaped scrutiny.

Nevertheless, the Commonwealth stands by its performance, and does not dispute the need for the Agreements to define its funding commitments in terms of funding formulas and weighted population variables.

As noted in the response to Recommendation 1, by not applying the original clawback arrangements the States and Territories will receive an extra $3 billion more over the final three years of the Agreements than they would otherwise have been entitled. The response of the States and Territories is to accept this unilateral decision, without acknowledgment that this is a voluntary gesture by which the Commonwealth has foregone its entitlements.

The Commonwealth would not disagree that the time has come for the States and Territories to consider making the same public obligations to fund their public hospital services that the Commonwealth willingly accepts under the Agreements.

The Government therefore considers that State and Territory governments should report publicly their own source contributions in a nationally consistent form, and that this commitment could be incorporated in future funding arrangements between the Commonwealth, States and Territories. Additionally, and as recommended by the Minority Report, the States and Territories should be expected to match the rate of growth in Commonwealth funding, including over the remaining years of the current Agreements.

This would be beyond the scope of the strict Agreement framework, but it would be no less a positive recognition of the value of public hospitals as the Commonwealth’s own decision to forego its clawback rights.

Recommendation 3: That negotiations on the next Australian Health Care Agreements between the Commonwealth and the States and Territories commence as soon as is practicable. To provide a framework for discussion, each State and Territory should prepare a health needs and priorities plan setting out the necessary funding for the period of the next Agreement.

The Government notes the principle of this recommendation, although the Government believes that there is no single right time to start formal negotiation arrangements that will succeed the current Agreements.

The development of broad policy in relation to negotiating the next round of Agreements is an ongoing process and, as highlighted in the Committee’s report and elsewhere, involves governments’ consideration of complex care planning, delivery and funding issues. Beyond this, the timing and commencement of actual negotiations between the parties will need to be as flexible as possible to meet the interests of both the wider Australian community and of the negotiating governments.

As June 2003 approaches, each government will be considering its position on public hospital funding in general and arrangements succeeding the current Agreements in particular. They no doubt will be exploring these positions in and out of formal negotiation processes, whenever these begin.

Recommendation 4: That these new Agreements should progress beyond the scope of the current agreements and encompass other health services, including the Medicare Benefits Scheme, Pharmaceutical Benefits Scheme, community health services and aged care. Consideration should be given also to the inclusion of funding for public health programs following the expiry of the current Public Health Outcome Funding Agreements. The inclusion of funding for most health programs should enhance flexibility, enable greater transparency and promote care across the continuum.

The Government does not support the specific recommendation that the new funding arrangements necessarily extend to other health services covered by the Medicare Benefits Schedule (MBS), Pharmaceutical Benefits Scheme and aged care. These are Commonwealth programs and areas for which the States and Territories have no funding responsibility. The Government also notes, from evidence to the Committee itself, that there seems to be little enthusiasm at the State or Territory level for accepting any direct
responsibility for open-ended programs such as the MBS and PBS. The Government therefore does not support the notion that the new Agreements necessarily include funding for public health programs following the expiry of the current Public Health Outcome Funding Agreements (PHOFAs). Funding under the PHOFAs is essentially a contribution to eight specific public health programs. This funding is a small but critical investment in areas that lead to long-term improvements in the health of all Australians. Funding under the PHOFAs is equivalent to approximately three per cent of Health Care Grants. It is important that this funding is not subject to the pressures of the acute care sector. If this funding were to be included in broader agreements, there could be some risk that public health funding would become less transparent and secure by being absorbed in hospitals’ budgets.

However, scope does exist for the Agreements or similar arrangements to be adapted in the future to meet changing community needs and care trends, particularly in relation to better linkages and care coordination across acute and other health care settings. Care needs and delivery arrangements evolve continuously: funding mechanisms, including those like the Australian Health Care Agreements, need to be sufficiently flexible to evolve with them.

Recommendation 5: The Committee recognises that funding for additional patient care is necessarily the first priority of the States and Territories. However, the Committee recommends that each jurisdiction give urgent consideration to the immediate upgrading of their IT infrastructure to enable improved collection of data on hospital performance, particularly in relation to patient outcomes.

In terms of public hospitals, the States and Territories have funding and management responsibilities for capital and supporting infrastructure, while the Commonwealth’s responsibility is overwhelmingly limited to funding services through the AHCAs. Matters relating to public hospital management and associated IT systems fall wholly within State and Territory responsibilities.

On the other hand, the National Health Development Fund (NHDF) and the National Demonstration Hospitals Program (NDHP) are two Commonwealth-funded initiatives that illustrate the Government’s commitment to enhancing and expanding best practice within public hospitals. The NHDF is funded through the AHCAs, with the Commonwealth providing over $250 million over the life of the Agreements to provide States and Territories with a separate source of funding to promote health system restructuring.

The third phase of the NDHP was completed in 2001. This phase identified innovative models that improve the quality, coordination and integration of all services provided by the hospital sector, including models that provide effective two-way links between hospitals and community providers. The success of the NDHP in identifying and promoting new approaches to hospital-based care has resulted in the Government’s decision to extend the program for a fourth phase until June 2003. Projects funded under the extension of the NDHP could include specific data improvement initiatives which assist clinicians in better meeting patient needs.

Recommendation 6: That the Commonwealth address several other priorities that have emerged during this inquiry. These include the need for strategies to better meet the needs of older patients by increasing the availability of more appropriate care arrangements at home or in residential aged care accommodation and thereby decreasing reliance on acute public hospital beds for these patients. Also identified as priorities are the need for increased resources for emergency departments of public hospitals and the national shortage of nurses.

The Commonwealth is working with States and Territories through the Australian Health Ministers’ Advisory Council (AHMAC) to consider the care of older people in hospitals. A collaborative workplan has been agreed to, which includes:

- a stocktake of current care options and levels of provision in each State and Territory;
- the identification of models which can be piloted to improve care;
- assessment of the influence of availability of alternative forms of care on patterns of service use; and
- examination of current assessment practices for establishing needs for care, type of care required and care delivery setting so that frail older people will get the care they need.

The specific resource requirements of emergency departments and the size of the nursing workforce fall within the responsibilities of the States and Territories. The current National Review of Nursing Education being conducted by the Commonwealth is broadly examining nursing education and training issues.

Recommendation 7: That the Commonwealth, in conjunction with the States and Territories, find ways and means to maintain...
provide for annual reporting of the financial
to the agreements. The agreements should
transparent financial reporting by all parties
ments be a vehicle for the introduction of
Recommendation 10: That the new Agree-
Commonwealth governments have certainly ap-
final responsibility for their decisions.
both in and out of formal structures, before taking
every aspect of their health policy involvement,
stakeholders to consider and design improve-
ments to the hospital and community care inter-
face. The Government welcomes this positive and
cooperative approach.
Recommendation 9: The Committee recom-
recommend the establishment of a National Advis-
sory Council which brings together the major
players in the health sector and provides them
with a voice in the formulation and develop-
ment of new Commonwealth-State health
funding agreements.
The Australian Health Care Agreements are
agreements between the Commonwealth and
State and Territory governments, which together
fund the public hospital system. The Government
does not believe there is a need for another con-
sultative body to participate in the formulation
and development of these agreements. Govern-
ments should consult and listen to stakeholders in
every aspect of their health policy involvement,
both in and out of formal structures, before taking
final responsibility for their decisions. Successive
Commonwealth governments have certainly ap-
plied this approach.
Recommendation 10: That the new Agree-
ments be a vehicle for the introduction of
transparent financial reporting by all parties
to the agreements. The agreements should
provide for annual reporting of the financial
commitment by each jurisdiction in each area
of patient care covered by the agreements. The
emphasis of this financial reporting should be
on transparency rather than obfuscation,
which characterises much of the reporting at
present.
A productive and constructive relationship be-
tween the Commonwealth, States and Territories
depends on appropriate information sharing and
exchange. Nevertheless, the dynamics of Com-
monwealth-State relations are sometimes a disin-
centive to information sharing. It is important
that, in the public interest, there is more
consistent financial reporting on Agreement-
related activities, just as there is output-based
performance reporting. The Government there-
fore supports this recommendation.
Recommendation 11: That the Commonwealth
Minister for Health and Aged Care discuss
with his State and Territory counterparts an
amendment to the performance reporting re-
quirements of the Australian Health Care
Agreements with a view to requiring each State
and the Northern Territory to report on the
number of patients assisted for travel for es-
sential public hospital services and the average
expenditure per patient so assisted.
The Commonwealth Isolated Patients Travel and
Accommodation Assistance Scheme was abol-
ished in the 1986-87 Budget and sole responsibil-
ity for the management of such schemes was
transferred to the States and Territories. It is not a
matter covered by AHCA arrangements. As such,
reporting on performance in this area is a matter
for the States and Territories.
It is important that adequate, consistent data col-
collection and reporting methods are present in all
areas of health services provision, including pa-
tient travel assistance. The Commonwealth is
therefore committed to promoting and encourag-
ing good data management processes in this and
other areas through appropriate forums, while
noting the States’ and Territories’ direct responsi-
bilities in this area.
Recommendation 12: That after the first such
report that includes data on patient assisted
travel, if a substantial degree of variance is
apparent between jurisdictions, that the Senate
consider referring the funding and administra-
tion of patient assisted travel schemes to the
Committee for inquiry.
This is a matter for the Senate. The Government
would not, however, support such a reference
being given to the Committee because it would be
inquiring into a matter of State and Territory ju-
risdiction.
Recommendation 13: That the Australian Health Ministers’ Conference examine the option of combining the funding sources for health programs which currently separately draw funds from State and Commonwealth sources.

Along with the States and Territories, the Commonwealth is committed to exploring new models of funding and service delivery with the potential to improve standards of patient care. Recent examples of this commitment include developing the second round of Coordinated Care Trials.

Although the issue of funds pooling received considerable attention by the Committee, particularly through the roundtables convened in August and November 2000, it remains only one of a range of policy options to address the challenges of better integrating service planning, provision and delivery with funding structures.

Recommendation 14: That the Commonwealth advance the integration of payments for pharmaceuticals in public hospitals by establishing trials with at least one public hospital in each State and Territory, to enable different models to be tested.

The Commonwealth is continuing to advance this option with the States and Territories in relation to discharge pharmaceutical arrangements. This possibility is provided for under Clause 35 of the Agreements. Clause 35 recognises that the existing arrangements, whereby pharmaceuticals are subsidised by the Commonwealth through the Pharmaceutical Benefits Scheme for community patients and by the States for public hospital patients, have the potential to lead to inequities in the range of drugs available in each sector and perverse incentives for cost-shifting between the States and the Commonwealth.

One jurisdiction, Victoria, is well advanced in negotiating an arrangement with the Commonwealth. Other jurisdictions have expressed an interest.

The participation of the States and Territories in Clause 35 arrangements is encouraged by the Commonwealth because it promotes patient-centred reform. This process may well be the forerunner of future reform and innovation in funding arrangements. Nevertheless, it is important to let these arrangements operate and be evaluated before judgments are made.

Recommendation 15: That all such projects be subject to independent assessment and public reporting in order for the lessons learnt to be transferred to a wider stage.

While acknowledging the intention of this recommendation, the Government notes that this is a matter that would need to be agreed to by the Commonwealth and those States and Territories that participate in Clause 35 arrangements. It could be expected that performances under these arrangements will be monitored and evaluated.

Recommendation 16: That Health Ministers give urgent consideration to the further development of a national health policy, informed by community consultation, that offers an overarching articulation of the values of the Australian health system and that provides a framework for linking all of its component parts.

Medicare is at the core of Australia’s national health policy and is informed by community values and a broad national consensus. Strongly supported by the Government, Medicare is a successful national framework, providing all Australians with high quality health care that is equitable, affordable and accessible. The Australian Health Care Agreements, and their fundamental principles of public patient access to public hospital services, form part of this national Medicare framework. By signing those Agreements, States and Territories accept a commitment to the underlying national policy goals and principles that they represent.

The Government is itself committed to ensuring that the Commonwealth leads the further development of national health policies and promotes those that exist in areas as diverse as mental health and injury prevention, as well as universal access to health services. Nevertheless, the States and Territories already have clearly articulated funding and service delivery responsibilities: it is important that these are respected in planning and delivering policy outcomes, nor that the freedom of sovereign Commonwealth, State and Territory governments to determine policies in their areas of jurisdiction are not restricted unduly.

Recommendation 17: That Commonwealth, State and Territory Health Ministers commence a process of community consultation on health care issues, such as the values that should inform the development of a national health policy.

The Government supports the principles of consultation and community engagement implied by this recommendation. As noted in respect of Recommendation 9, the Government already consults and listens extensively to stakeholders and the community in developing health policy and programs.

Recommendation 18: That the Department of Health and Aged Care commission research on the ‘hospital of the future’ to examine alternative models for acute care and options for
managing demand on hospitals for in-patient and out-patient services.

The Government appreciates the intent of this recommendation.

The Department of Health and Aged Care supports innovation in acute care service delivery through the National Demonstration Hospitals Program, which provides funding for hospital-based projects. The three phases of the program have achieved impressive outcomes in relation to waiting times for elective surgery, integrated bed management, and integration across the continuum of acute and primary care.

Building on this success, the 2001-02 Budget provides an additional two years’ funding for innovative hospital-based projects to improve the quality of patient care and encourage the transfer of best practice in care delivery, including linkages between regional and rural hospitals and leading metropolitan hospitals.

The Government also notes that over and above such programs, and other research that may be commissioned, there is already a great body of research and literature in Australia and overseas reflecting on all aspects current and future hospital activity, and health care delivery. This body of expertise and advice is available to Commonwealth, State and Territory governments, policymakers and other stakeholders.

**Recommendation 19: That Health Ministers ensure that the additional Coordinated Care Trials be designed to include adequate and appropriate data for collection and analysis to enable informed conclusions about the effectiveness of these trials.**

The Government agrees with this recommendation, and notes that it has already effectively been implemented. The evaluation of the second round of Coordinated Care Trials is being designed in consultation with, and to meet the needs of, all relevant stakeholders, including Commonwealth, State and Territory Governments.

**Recommendation 20: That the Federal Government confirm its statement that no funds will be withdrawn from public hospitals through use of the ‘clawback arrangements’ in the Australian Health Care Agreements.**

As highlighted in response to Recommendation 1, the Government is honouring the undertaking the Minister for Health and Aged Care made to Senator Lees in September 1999. The result is that, in terms of the clawback provisions of the Australian Health Care Agreements, the States and Territories effectively will retain around $3 billion in funding that is rightfully due to the Commonwealth under the strict terms of the Agreements.

**Recommendation 21: That the health insurance industry takes urgent steps to adequately inform their new members about the features of the policies they have sold.**

The Government agrees that consumers should have reliable information about private health insurance products and their benefit entitlements. The Government has implemented several initiatives to ensure that health fund members have access to such information. These include requirements that health funds notify members in plain English of changes to their policies and that, in respect of both the 30% Rebate and Lifetime Health Cover, annual statements be provided stipulating entitlements and levels of cover. The first of these Lifetime Health Cover statements are in the process of being issued to members by private health insurance funds.

Hospitals and health funds are also working together to institute systems to confirm health fund members’ benefit entitlements for hospital treatment prior to admission.

**Recommendation 22: That the health insurance industry take urgent steps in relation to providing wider availability of gap free products so that a large proportion of their members can access medical services on this basis.**

In the course of the passage of the Private Health Insurance Incentives Act 1998, measures were introduced requiring health funds to offer at least one no or known gap policy by 1 July 2000 in order to continue to offer the 30% Rebate as a premium reduction. By this time, 43 of the 44 health funds had met this requirement.

As a further way to promote flexibility in the provision of gap free products, the Government introduced additional legislative reforms enabling health funds to develop gap cover schemes that enable them to pay doctors above the MBS schedule fee without the need for contracts. Gap cover schemes under these new arrangements have been approved for 33 health funds, which represent approximately 80 per cent of the national market. It is understood that other funds are developing proposals.

**Recommendation 23: That independent research be commissioned by the Department of Health and Aged Care to examine the strengths and weaknesses of current examples of co-location and cooperative sharing of re-
sources between nearby public and private hospitals.

The administration of the public hospital system, including their siting and co-location with private hospitals, is a matter for State and Territory governments. However, the Commonwealth has a role in the regulation of co-located public and private hospitals for health insurance benefits purposes. Before a private co-located facility obtains such recognition, it must demonstrate compliance with Commonwealth guidelines that address the following issues:

- Will the proposal affect public patient access to a reasonable range of services?
- Will it affect the right of all patients to elect to be treated as a public patient?
- Will it result in a transfer of costs from a State government to any other party?; and
- Will data be made available to the Commonwealth to enable the issues raised in the guidelines to be monitored?

Evidence of compliance with these criteria are provided to the Commonwealth by the relevant State health authority and the Chief Executive Officer (or equivalent) of the private facility.

Recommendation 24: In view of the difficulties currently being experienced at several privately managed public hospitals, the Committee recommends that no further privatisation of public hospitals should occur until a thorough national investigation is conducted and that some advantage for patients can be demonstrated for this mode of delivery of services.

The administration of the public hospital system is a matter for State and Territory governments, but the Commonwealth notes that there are also some successful privately managed public hospitals, some of which have been operating successfully for many years. Therefore, there may be benefit in the sharing of lessons and best practice across State jurisdictions that would ultimately contribute to the success of privately run public hospitals.

Recommendation 25: That a national statutory authority be established with responsibility for improving the quality of Australia’s health system. This authority would be given the task of:

- Collecting and publishing data on the performance of health providers in meeting agreed targets for quality improvements across the entire health system;
- Initiating pilot projects in selected hospitals to investigate the problem of system failures in hospitals. These projects would have a high level of clinician involvement; and
- Investigating the feasibility of introducing a range of financial incentives throughout the public hospital system to encourage the implementation of quality improvement programs.

While noting its intent, the Government does not support this recommendation as it would duplicate the functions of a number of existing national bodies, including the Australian Council for Safety and Quality in Health Care and the National Health Performance Committee.

Recommendation 26: That the mechanism for distributing Commonwealth funds for quality improvement and enhancement through the Australian Health Care Agreements be reformed to ensure that these funds are allocated to quality improvement and enhancement projects and not simply absorbed into hospital budgets.

This is an issue for consideration in the development of the funding arrangements that succeed the current Agreements. The Government also notes that it already promotes quality and innovation through substantial targeted funding through the National Health Development Fund and the National Hospitals Demonstration Program.

If quality improvement and enhancement are seen by the Committee as being one goal of hospital funding arrangements, the Government would agree with the Committee on this point. It would therefore be just as desirable, as reflected in the Committee’s Recommendation 2, to ensure that the States maintain and enhance their funding effort against stated minimum public commitments. Only then would the overall level of government funding provided to public hospitals be sufficient to assure the Australian community that quality and innovation are a normal part of public hospital management.


The Council is required to report annually to the Australian Health Ministers’ Conference on its structure, operations and performance. Its first report was presented to the Australian Health Ministers’ Conference in August 2000.

The Government is working with the Council to ensure that its contribution to improving quality and safety in health care, including public hospitals, is as positive and effective as possible.
Recommendation 28: That Commonwealth and State and Territory Health Ministers ensure that the Australian Council for Safety and Quality in Health Care receives sufficient funding to enable it to fulfil its functions.

As part of the 2001-02 Budget, the Government committed $22 million over the next four years for the Commonwealth’s contribution to the work of the Council. The Government is also supporting the work of the Council as part of a joint funding approach with the States and Territories. Another $4.1 million has been allocated by the Government to support complementary areas of reform, including work to improve risk management systems and processes, performance measurement and improvement initiatives, legislative reforms, and the design of services for safer care.

Recommendation 29: That a mandatory reporting system, especially for hospital acquired infection rates and medication errors, be developed as a matter of urgency.

Recommendation 30: That the new statutory authority to oversee quality programs initiate pilot projects in selected hospitals to investigate the problem of system failures in hospitals and that these projects have a high level of clinician involvement (see Recommendation 25).

Recommendation 31: That the issue of cultural change within the hospital system be addressed, particularly the capacity for improvements in information technology to drive change through greater transparency and the adoption of consistent protocols.

Recommendation 32: That the new statutory authority overseeing quality programs investigate the feasibility of introducing a range of financial incentives throughout the public hospital system to encourage the implementation of quality improvement programs (see Recommendation 25).

Recommendation 33: That the Australian Council for Safety and Quality in Health Care review the current accreditation systems in place with a view to recommending measures to reduce duplication in the accreditation processes.

Response to Recommendations 29-33:
The Government does not support the establishment of a new statutory authority overseeing quality programs (see Recommendation 25). These recommendations are largely a matter for State and Territory governments who administer the public hospital system, noting that the Australian Council for Safety and Quality in Health Care and the National Health Information Management Advisory Council are also supporting national work and coordination in a number of these areas.

Recommendation 34: That initiatives by the National Health and Medical Research Council, the Colleges and other relevant groups to encourage the development and implementation of evidence-based practice, including the use of clinical practice guidelines, be supported.

The Government strongly supports this recommendation and has established the National Institute of Clinical Studies to further work in this area in conjunction with other relevant groups.

Recommendation 35: That strategies be developed to improve the provision of health information to consumers, improve the accountability of the health system to consumers by the release of information and comparable data and increase consumer involvement in the health system, including consumer participation in the development of quality improvement programs.

The Commonwealth has established HealthInsite as an internet-based gateway to quality health information for Australians.

Through its support of the Consumer Focus Collaboration, the Commonwealth has been supporting the development of a range of resources and strategies to facilitate broad-based consumer participation in many aspects of service planning, delivery, monitoring and evaluation, including locally based quality improvement programs.

Recommendation 36: That the Commonwealth work with the States and Territories to develop a comprehensive set of national performance indicators in relation to quality issues for the public hospital sector, including the range of performance indicators as provided for under the current AHCAs, and that this information be released publicly as a matter of priority.

The National Health Performance Committee (NHPC) already involves all jurisdictions and is developing a high level set of national performance indicators, including for the public hospital sector. The Committee is planning to publish regular reports. Complementary indicator development is to be undertaken by the National Health Priority Action Council and the Australian Council for Safety and Quality in Health Care.

Recommendation 37: That the development of a comprehensive set of national performance indicators be the responsibility of the new statutory authority (see Recommendation 25).
The Government does not support the establishment of a new statutory authority overseeing quality programs (see Recommendation 25). The responsibility for the development of a comprehensive set of national health performance indicators primarily lies with the National Health Performance Committee. Other groups active in collecting national health performance information include the Australian Institute of Health and Welfare and the Productivity Commission.

**Recommendation 38:** The Committee notes the range of developmental work which is proceeding in the area of performance indicators and recommends that Health Ministers release the first annual report on hospital and other health performance measures under Schedule C of the AHCAs. It is possible that some of the gaps in data collection that have been identified by participants in the inquiry may be filled by these annual reports under the AHCAs.

The Australian Health Care Agreements: Annual Performance Report 1998-99 was released in February 2001. The data for the 1999-00 Report currently is being collated from Commonwealth, State and Territory sources.

**Recommendation 39:** That as a matter of urgency data on waiting times for elective surgery be standardised so that meaningful comparisons between States can be made.

The Government supports the principle of this recommendation and notes that it is being applied in practice. The Australian Institute of Health and Welfare’s National Health Data Dictionary defines urgency categories for elective surgery waiting times. All States and Territories have agreed to report against these categories under the AHCAs.

**Recommendation 40:** That funding for patient care and funding for data collection and performance measurement should be separately and transparently identified and acquitted. Sufficient staff should be employed in public hospitals to ensure that both functions are undertaken effectively.

As stated earlier, public hospital workforce issues fall within the responsibilities of the States and Territories, as they have direct management responsibility for the funding and management of public hospital systems. The Commonwealth certainly does not want public hospital systems tied up in excessive red tape. Nevertheless, the Commonwealth expects the States and Territories to meet their service delivery and accountability responsibilities under the Agreements.

The collection, analysis and dissemination of timely and relevant performance information therefore is a necessary part of understanding current public hospital performance, fostering improvements and planning for the future. While noting that the streaming of performance information can have significant value, the Government does not hold this to be a necessary step. The Government maintains that it is more important to reach a national consensus on data collections and reporting standards with the States and Territories in the interests of transparency and comparative analysis.

**Recommendation 41:** That the urgent development of adequate IT systems in the health sector be undertaken, especially in relation to integrated management systems within hospitals and integrated patient records.

The development of management systems in public hospitals falls wholly within State and Territory responsibilities.

At a national level the Commonwealth has been working with the States and Territories to develop HealthConnect, which is expected to lead to integrated patient records across the health sector.

**Recommendation 42:** That the Commonwealth and the States commit the necessary resources to implement the HealthConnect proposal.

As part of the 2001-02 Budget, the Commonwealth committed $16 million over two years to fund research and development work to test and evaluate the feasibility of a national health information network, HealthConnect. Including $2.5 million of previously committed funding, the total Commonwealth contribution will be $18.5 million over the two years. The States and Territories are seeking to match this contribution.

This document can be accessed from the Department of Health and Aged Care’s website at: http://www.health.gov.au/pubs/publichospitalfund.htm

1 Senate Community Affairs References Committee, Inquiry into Public Hospital Funding, First Report: Public Hospital Funding and Options for Reform, Commonwealth of Australia, July 2000, p.6; Senate Community Affairs References Committee, Report on Public Hospital Funding, Healing Our Hospitals, Commonwealth of Australia, December 2000, p.9.
GOVERNMENT RESPONSE TO THE REPORT OF THE JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

USER FRIENDLY, NOT ABUSER FRIENDLY REPORT ON THE INQUIRY INTO THE INTEGRITY OF THE ELECTORAL ROLL

Recommendation 1
That the AEC investigate and report on the financial cost, legal requirements, privacy implications and priorities for upgrading RMANS data-processing and expanding Continuous Roll Updating and data matching.

Response
Supported. The Government is committed to ensuring public confidence is maintained in the electoral system and the electoral roll in particular. The Australian Electoral Commission (AEC) maintains the electoral roll on the computerised Roll Management System (RMANS) and regularly seeks more accurate, efficient and cost-effective methods to improve the integrity of the roll (including the implementation of continuous roll updating).

Recommendation 2
That when following up return to sender mail the AEC use all practical means in contacting electors to confirm their enrolment details.

Response
Supported. Sections 91 and 91AA of the Commonwealth Electoral Act 1918 (the Electoral Act) require copies of the electoral roll to be provided by the AEC to members of parliament (MPs) and registered political parties. The version of the roll provided to MPs contains names and addresses as well as personal information such as gender and date of birth. The AEC provides monthly updates of this information on compact disc to registered political parties and MPs. This personal information is available to the staff of registered political parties and of members of parliament and is used by MPs for direct mailing to constituents. The AEC has in place procedures for dealing with the investigation of return to sender mail referred to it. Furthermore, Divisional Returning Officers are not limited to these procedures and may undertake additional investigative action if considered necessary. The Government considers that the AEC should have the discretion to determine the most appropriate manner of confirming enrolment details.

Recommendation 3
That the AEC investigate and report on the possible conduct in accordance with section 85 of the Commonwealth Electoral Act 1918 of a revision of the Electoral Roll of a Division such as the Federal Division of Herbert.

Response
Supported. Section 85 of the Electoral Act has never been tested. The investigation by the AEC will address the Constitutional, legal and financial implications of a revision of the roll under section 85, develop mechanisms for the conduct of such a revision and the AEC will advise the JSCEM accordingly at its next inquiry.

Recommendation 4
That the States and Territories support the Electoral and Referendum Amendment Regulations 2000 and the Commonwealth proceed to implement the amended regulations in time for the next federal election. Should any State or Territory prefer to retain the enrolment criteria as it stood prior to the October 1999 Commonwealth amendments and (re)establish separate State or Territory Electoral Rolls, the Commonwealth should proceed with the implementation of the Regulations.

Response
Supported. The Electoral and Referendum Amendment Regulations 2001 were made by the Governor-General in Council on 13 September 2001 and tabled in the House of Representatives on 17 September 2001 and in the Senate on 18 September 2001.

Recommendation 5
That the gender and date-of-birth of electors be included on the Certified Lists of Voters for elections.

Response
Supported. The Government considers the inclusion of date of birth and gender information on the Certified List will provide a further check on identity fraud at the point of voting. The AEC has advised that it has the necessary systems in place to provide this information on Certified Lists for each election. The Government notes that amendment of the Electoral Act and the Referendum (Machinery Provisions) Act 1984 would be necessary to require polling officials to ask voters to state their date of birth and gender. The legislative response will take account of the privacy implications associated with the provision of such information to all candidates for the House of Representatives. In this context, however, the Government notes the Committee’s view that implementation of the enrolment provisions in the Electoral and Referendum Amendment Act (No. 1) 1999 does not warrant introduction of voter identification at
point of voting as a measure to deter electoral fraud.

Rather than requiring voters to produce identification, the Government considers it more appropriate and efficient to create a new class of provisional vote to be cast in circumstances where there is a discrepancy between the date of birth or gender on the Certified List and what is provided by the elector, or if the elector refuses to provide the information.

**Recommendation 6**

That section 155 of the *Commonwealth Electoral Act 1918* be amended to provide that for new enrolments, the rolls for an election close on the day the writ is issued, and for existing electors updating address details, the rolls for an election close at 6.00pm on the third day after the issue of the writ.

**Response**

Supported. The Electoral and Referendum Amendment Bill (No. 2) 2001 includes provisions which give effect to the Committee’s recommendation and is being introduced into Parliament in the current sittings. Consistent with current practice, the legislation provides for the rolls to close for existing enrolments at 8.00pm on the third working day after the writs have been issued.

**Recommendation 7**

That the AEC complete its review of sections 89 to 92 of the *Commonwealth Electoral Act 1918* in sufficient time for the Committee to consider this matter during the next federal election inquiry.

**Response**

Supported.

**Recommendation 8**

That the AEC develop a more comprehensive approach to enrolment fraud as part of any new fraud control plan.

**Response**

Supported. The AEC recently completed its fraud control plan for 2001-2003. The plan is available on the AEC’s website at www.aec.gov.au. The plan was completed in consultation with the Attorney-General’s Department in line with the government’s policy on fraud control, and incorporates business risk assessment of electoral fraud against the Commonwealth.

The AEC is developing a separate electoral fraud control plan that will detail the principles and procedures governing the detection, investigation, and prosecution of electoral fraud offences.

**Recommendation 9**

That as part of an overall fraud control plan, all AEC staff involved in the prevention and detection of enrolment fraud be trained in appropriate prevention and detection strategies.

**Response**

Supported. The Government considers that given the sensitive nature of the AEC’s work, appropriate training for AEC staff is important to ensure integrity in the electoral system.

**Recommendation 10**

That all AEC staff who have access to the Commonwealth Electoral Roll as part of their work be required to obtain a ‘Position of Trust’ security clearance.

**Response**

Not supported. All AEC staff are required to sign a secrecy undertaking and to confirm that they have no political affiliations. Only certain AEC staff are officially authorised to access the computer database containing the electoral roll and to make amendments to enrolments. The AEC has appropriate procedures in place to monitor access to the roll including audit trails. The AEC is currently conducting a review of its security environment. This review will take account of the Government’s policy on protective security outlined in the *Commonwealth Protective Security Manual 2000*.

The Government notes that a “position of trust” security clearance would require formal security clearance to the “Protected” level. It is estimated that for casual AEC staff alone, clearance to this level would cost around $450,000 per election. Furthermore, clearance to this level can at best take four weeks. Given the uncertain timing of Federal elections and the length of time required to process a large volume of security clearances, it is not possible to implement the recommendation as it stands.

**Recommendation 11**

That as a matter of immediate priority, the AEC, the AFP, and the Commonwealth DPP develop a service agreement to cover the referral of electoral fraud offences for legal advice, investigation, and prosecutions.

**Response**

Supported. The Australian Federal Police (AFP) and the AEC have held discussions on the referral and investigation of offences under the Electoral Act. It is anticipated that negotiations regarding a service agreement between the AFP and the AEC will commence shortly. The AEC and the Commonwealth Director of Public Prosecutions (DPP)
will examine the need for more specific arrangements, further to the general guidelines under which they currently operate.

**Recommendation 12**
That the benchmark penalty for enrolment fraud offences remaining in the *Commonwealth Electoral Act 1918* be increased to 12 months imprisonment or a fine of 60 penalty units.

**Response**
Supported in principle.

The *Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000* repealed the major electoral offences of forging and uttering and giving false and misleading statements contained in the Electoral Act. These matters are now dealt with under the general forgery and related offences and false and misleading statement offences contained within the *Criminal Code Act 1995* (the Criminal Code) (Parts 7.7 and 7.4 respectively). These Criminal Code offences carry a higher penalty than those offences in the Electoral Act that were repealed.

In line with the Committee’s recommendation, the AEC will undertake a comprehensive review of the remaining electoral fraud offences and penalties in the Electoral Act and report its findings to the Committee following the federal election.

**Recommendation 13**
That the ANAO conduct a data-matching exercise with a sample of the Commonwealth Electoral Roll as part of its current performance audit of the AEC’s management of the roll.

**Response**
Noted. This is a matter for the Australian National Audit Office (ANAO) which has advised that, as part of its current performance audit of the integrity of the electoral roll, it is considering various options for data-matching of the roll with other databases.

**Recommendation 14**
That the ANAO conduct an annual data-matching exercise on a sample of the Commonwealth Electoral Roll as a regular check on the accuracy of the roll.

**Response**
Noted. This is a matter for the ANAO which has advised that it considers that it is inappropriate for the ANAO to undertake such an exercise to check the accuracy of the electoral roll on an annual basis. The ANAO considers that such activities are better undertaken by the AEC.

The Government notes the ANAO’s advice and will therefore have the AEC conduct such an exercise.

**Recommendation 15**
That, during each federal election inquiry, the AEC report all cases of enrolment fraud detected during the previous parliament.

**Response**
Supported. The AEC will report, after each Federal election, on detected cases of enrolment fraud when the cases have been finalised. However, it would be inappropriate for the AEC to provide reports to the Committee on investigations that are in progress, as this could compromise any subsequent prosecution action.

**Recommendation 16**
That the AEC report its progress in implementing the recommendations contained in this report to the committee at the next federal election inquiry.

**Response**
Supported.

**Recommendation 17**
That the AEC allow political parties to use its services to conduct internal party ballots. Such services should be provided on a cost recovery basis.

**Response**
Supported in principle. The Government would naturally be concerned that the AEC’s neutrality was not compromised and that it is not drawn into internal party disputes in the course of providing such services to political parties. Amendment of the Electoral Act would be required to clearly define the AEC’s role in relation to the provision of such services and to preserve its independence from involvement in internal party matters.

**Recommendation 18**
That the *Commonwealth Electoral Act 1918* be amended to ensure that the principle of one vote, one value for internal party ballots be a prerequisite for the registration of political parties.

**Response**
Noted—this is a desirable principle. Placing it in legislation would need careful consideration so that any legislative requirements do not cause undue complexity for, or unnecessary intrusion into, the internal affairs of political parties.

**Australian Labor Party Minority Report**
The Government notes the minority report issued by the Australian Labor Party members of the Committee which rejects six of the Committee’s recommendations, namely recommendations 4, 6, 10, 13, 14 and 18. The Government’s response to the Committee’s recommendations is outlined
above. The Government has no further comment to make on the minority report.

GOVERNMENT RESPONSE TO THE FINAL REPORTS OF THE SENATE ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE INQUIRY INTO ABC ONLINE

The final report of the Senate Environment, Communications, Information Technology and the Arts References Committee Inquiry into ABC Online was tabled on 28 March 2001, after an Interim Report was tabled in April 2000. The Government indicated that it would address both reports in its response to the Final Report.

Interim Report by Chair

Recommendation 1

The Australian Democrats recommend that the ABC Board consider pursuing an alternative agreement with Telstra Corporation solely for the sale and repurposing of ABC online content, subject to the strict application of ABC editorial policies and guidelines and a contractual undertaking by Telstra that ABC content is not to be materially altered.

Recommendation 2

The Australian Democrats recommend that all reference in the proposed agreement with Telstra to future advertising revenues be removed, and that the ABC Board policy decision prohibiting advertising on ABC online and around ABC content sold to third parties be maintained at least until after the completion of part (c) of the Committee’s current inquiry has been completed.

Recommendation 3

The Australian Democrats recommend that, in order to ensure that internal ABC processes are free from potential pressures, no agreement for unspecified future co-productions with Telstra be made at this time. Co-productions could be explored as and when concrete proposals arise with a discrete commercial value. The Australian Democrats recommend that they be assessed closely in relation to the ABC editorial policies and guidelines and that their relevance to the ABC’s charter also be considered.

Under paragraph 25(1)(a) of the Australian Broadcasting Corporation Act 1983 (ABC Act) the ABC has the power to enter into contracts.

The Government notes that the ABC-Telstra negotiations that formed the basis of the Committee’s Inquiry did not lead to a contract between the ABC and Telstra.

Recommendation 4

The Australian Democrats recommend that, within the reasonable limits of available resources, the ABC seek to improve its monitoring of third party purchasers of ABC online content to ensure their fidelity to ABC editorial policies and guidelines. Where technological solutions may be available they should be explored.

Under the provisions of the ABC Act, the management of the ABC is a matter for the Board and ABC Executive. The ABC has advised that mechanisms to monitor the compliance of third party sites with ABC policies have been in place for some years, and these have been strengthened following the discovery of minor breaches of policy.

Recommendation 5

The Australian Democrats recommend that reference to the cross-promotion of the two parties products in Telstra and ABC shops be removed from the proposed agreement. The Australian Democrats recommend that the ABC give further consideration to this proposal to ensure it does not breach ABC guidelines about the sale and promotion of other products.

Recommendation 6

The Australian Democrats recommend that reference to Telstra’s EasyMail service be removed from the proposed agreement. The Australian Democrats recommend that the ABC give careful consideration to any proposal to link ABC Online to a third party’s free e-mail service to ensure that it does not compromise the ABC’s guidelines or integrity.

Recommendation 7

The Australian Democrats recommend that reference to future co-operation between the ABC and Telstra in the area of datacasting and multimedia be removed from the proposed agreement. The ABC may wish to give further careful consideration to this proposal to assess its potential advantages and disadvantages, and to ensure that the ABC’s strategic flexibility is not constrained.

The Government notes that the ABC-Telstra negotiations that formed the basis of the Committee’s Inquiry did not lead to a contract between those parties.

Recommendation 8

The Australian Democrats recommend that, within the limits of commercial confidentiality, ABC management improve their consultation with the ABC Board and with staff over commercial arrangements that raise basic issues of the ABC’s editorial independence, integrity, philosophy and future direction.
Under the provisions of the ABC Act, the management of the ABC is a matter for the Board and ABC Executive. The ABC has advised that it has long been ABC practice to provide information to and consult with staff and other stakeholders on major policy proposals and changes, within the limits of commercial confidentiality.

Recommendation 9

The Australian Democrats recommend that the ABC, in close consultation with its staff, introduce new measures to protect staff who wish to raise concerns about the ABC’s editorial integrity and independence in the evolving online environment. This might take the form of an independent committee with elected staff and union representation and the ABC might be required to provide a summary of complaints and findings in the ABC’s Annual Report.

Under the provisions of the ABC Act, the management of the ABC is a matter for the Board and ABC Executive. The Government notes that under section 12 of the ABC Act, the membership of the ABC Board includes a staff elected director.

Recommendation 10

The Australian Democrats recommend that the ABC ensure during contract negotiations that Telstra’s service is covered by an adequate privacy policy, and that a clear undertaking to respect the privacy and confidentiality of users, over and above general references to privacy policies, be included in the final contract.

Under the provisions of the ABC Act, the management of the ABC is a matter for the Board and ABC Executive. The ABC has advised that contract negotiations with Telstra on this matter were terminated in June 2000.

Final Report

The Government notes that the Committee’s Final report states that “at this time, any extension to legislation to ensure that the ABC is able to effectively provide an independent, innovative and comprehensive service in the online delivery environment is not warranted.”

The Government supports the Committee’s view on this matter.

ALP Senators’ Reports

The ALP Senators’ interim report deals primarily with issues that, under the provisions of the ABC Act, are a matter for the Board and ABC Executive. The interim ALP Senators’ Report recognises this when it states that it is for “...the ABC Board to determine whether, and on what terms, it will enter an agreement with Telstra.” The Government notes that the ABC-Telstra negotiations that formed the basis of the Committee’s Inquiry have not led to a contract between those parties.

The final minority report by Labor Senators expresses concerns regarding the potential for advertising on ABC Online and other services and calls for the ABC Act to be amended to include new digital services in the Act.

The Government supports the Committee’s view that an extension to legislation to cover the activities of ABC Online is not warranted.

In relation to advertising, the Government has no current intention to amend the ABC Act to restrict the capacity of the ABC to earn additional revenue through online activities. It is a matter for the ABC Board to ensure that any activities undertaken by the ABC are consistent with the ABC Act and do not adversely affect the independence of the Corporation.

Government Senators’ Interim Report

The Government supports the views contained in the Government Senators’ Interim Report and, in particular, the view that decisions about ABC contracts are properly a matter for the ABC’s management and Board. The ABC Act sets out the duty of the ABC Board to maintain the independence and integrity of the Corporation and to ensure that gathering and presentation by the Corporation of news information is accurate and impartial. It is the responsibility of the Board to ensure that arrangements entered into by the ABC conform with its Charter and policies.

Additional Comments by Senator Bourne

These additional comments restate the Democrats’ view that the Act should be amended to provide legislative coverage for online services and the legislative prohibition of advertising should be extended to online services. The Government’s response on these matters has been addressed above.

GOVERNMENT RESPONSE TO THE REPORT OF THE PARLIAMENTARY JOINT COMMITTEE ON ASIO ON ASIO’S PUBLIC REPORTING ACTIVITIES

The Government thanks the Joint Standing Committee on the Australian Security Intelligence Organisation for its report tabled on 4 September 2000 into the nature, scope and appropriateness of ASIO’s public reporting activities. The report makes five recommendations in relation to those activities. The Government response to those recommendations is provided below.
### Chapter 3: ASIO’s current reporting

**Recommendation 1**

ASIO should ensure that an overview of key points of interest from its work over the last 12 months is available on its internet site.

ASIO will make an overview of key points available on its internet site.

**Recommendation 2**

Before July 2001, ASIO should conduct a review of its internet site, taking into regard its effectiveness as a primary communication tool, considering arguments for adding further information about the organisation, and making additions and improvements to the site as appropriate.

ASIO will regularly review its internet site. The first review was completed by 31 January 2001.

**Recommendation 3**

ASIO should produce paper versions of all information available on its internet site, for distribution (on request) to people who do not have access to the internet.

A paper version of all the information available on ASIO’s internet site will be provided on request to members of the public who do not have access to the internet.

**Recommendation 4**

ASIO should produce ‘ASIO Now’ or a similar publication in a number of community languages. These versions should be made available in hard copy and on ASIO’s internet site.

The Attorney-General has asked the Director-General of Security to explore the possibility of producing some introductory material in a number of languages.

### Chapter 4: Archived ASIO files

**Recommendation 5**

ASIO should provide to the National Archives of Australia a list of its files over 30 years old, excluding the names of files which may contain sensitive information as defined by the Archives Act 1983.

ASIO already actively assists researchers to find the records they want. Implementing this recommendation would require the careful examination by ASIO staff of some 80,000 file titles. Such an examination probably would determine that relatively few files, perhaps only 15% of the total, could be released. This is because ASIO file titles are generally very descriptive and disclosure would reveal detail about the scope and nature of ASIO’s activities. On the other hand, the release of certain personal file titles, which name individuals without any contextual or explanatory material, could cause unnecessary apprehension. Undertaking this task would also seriously affect ASIO’s ability to clear backlogged applications and deal with new requests. In this situation, the Government does not consider that the small potential benefit to researchers would justify the significant resource costs and other disadvantages.


**Government Response**

On 18 March 1999 the United Nations Committee on the Elimination of All Forms of Racial Discrimination (the CERD Committee) at its fifty-fourth session, published its decision 2(54) on Australia, in which it expressed concern about ‘the compatibility of the Native Title Act, as currently amended’ with Australia’s obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (the CERD). The central obligation on a member State under the CERD is to prohibit and eliminate racial discrimination, and to ensure that its citizens enjoy their fundamental human rights. The CERD Committee queried Australia’s discharge of this obligation in relation to the protection of the rights of indigenous Australians to own and inherit property. The CERD Committee also expressed concern at the ‘lack of effective participation by indigenous communities in the formulation of the amendments’ to the original Native Title Act 1993 (NTA), and the apparent absence of the informed consent of indigenous people to the amendments.

On 9 December 1999 the Senate referred the findings of the CERD Committee to the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund (the Committee) for inquiry and report. The report of the majority Government members of the Committee (the Committee report), together with a report prepared by the minority non-Government members of the Committee (the minority report) was tabled in Parliament on 28 June 2000.

**The Committee’s Report**

The Government welcomes and endorses the Committee’s report.
The report concluded that the NTA as amended by the *Native Title Amendment Act 1998* ‘is consistent with Australia’s international obligations and, in particular, its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination’. In arriving at this conclusion the Committee gave careful consideration to the CERD Committee’s findings, and both the original and the amended NTA. The Committee also considered international jurisprudence on the principle of equality at international law.

Importantly, the Committee report confirmed that, at international law, States have a ‘margin of appreciation’ in their implementation of their international obligations. The margin of appreciation refers to the discretion that States have to determine how to implement their treaty obligations. This discretion exists in recognition of the fact that ‘States are in the best position to determine the appropriate measures required to implement treaty obligations and to balance competing interests within their jurisdictions’.

In the case of the NTA the Committee report noted ‘… that [among lawmakers, indigenous and non-indigenous interests] there was general consensus that the [original] Native Title Act needed to be amended’, although opinions differed as to the extent of the amendments that were required. Amendments to the NTA were necessary to address, amongst other things, the effect of certain court decisions since 1993 which had an adverse effect on the efficacy of the original Act. These decisions included most notably the High Court decisions in *Brandy v Human Rights and Equal Opportunity Commission* (1995) 183 CLR 245, *North Ganalajara Aboriginal Corporation v Queensland* (1996) 185 CLR 595 and *Wik Peoples v Queensland* (1996) 187 CLR 1, and the Federal Court decisions in *Northern Territory v Lane* (1995) 138 ALR 294. Amendments were also necessary to provide a better framework for binding agreements within the provisions of the NTA.

The CERD Committee described the original NTA as ‘delicately balanced between the rights of indigenous and non-indigenous title holders’. The Committee report confirmed that the amended NTA also achieved an appropriate and equitable balance between the protection of the rights of indigenous and non-indigenous Australians. Further, the report noted that the amended NTA also provides indigenous interest holders with many beneficial measures ‘designed to take account of the special nature of native title’, which are not generally available to non-indigenous interest holders.

The Committee report concluded that the CERD Committee, in reaching its decision, did not take into account the significant additional benefits provided to indigenous people by the amended NTA. This omission, the Committee argued, was indicative of a fundamental flaw in the CERD Committee’s approach to assessing the amended NTA. The Committee report noted that:

‘An assessment of whether our native title legislation is discriminatory cannot be made without regard to the position of other landholders in Australia.’

Accordingly, the Committee identified the correct approach as being to ask whether the amended NTA as a whole provides the interests of indigenous people with a level of protection that is equivalent to the protection provided to comparable non-indigenous interests under Australian law. The CERD Committee did not consider this question. The Committee report found that:

The amended Native Title Act strikes a balance between native title interests and other interests. It provides protection to native title that is at least the equivalent of the protection provided to comparable non-Indigenous interests, and provides significant benefits to native title holders which non-Indigenous title holders do not enjoy.

In its decision 2(54), the CERD Committee appeared to suggest that the CERD requires the informed consent of indigenous people to any decision affecting their rights. The CERD Committee’s decision also suggested that there had been a lack of ‘effective participation’ by indigenous people in the formulation of the amendments to the NTA. The Committee report found that international law does not require States to obtain the informed consent of groups that are affected by measures, before such measures are implemented, rather it is for Parliament to decide whether and what measures are necessary and appropriate. However, the Committee report noted the fact that indigenous people participated in both the extended period of public consultation, and the parliamentary consideration given during the process of amending the NTA. The Committee report concluded that:

‘… to the extent that Article 5(c) of the CERD may require equality in relation to effective participation in public affairs, indigenous Australians did have that right. They not only participated in the extensive public policy development process that went on, and the lengthy parliamentary process, but had a significant input into that outcome.’
The Committee report confirmed that the 1998 amendments to the NTA accord with Australia’s international obligations and, in particular, the obligations arising under the CERD. The findings of the report confirm that, in amending the NTA, the Australian Government continues its commitment to the principles of justice and equity, which are expressed in the preamble to the Act.

The Minority Report

The non-Government members of the Committee found that the NTA as amended conflicts with Australia’s international legal obligations, and recommended amendments to ‘the substantive and procedural provisions to render the legislation non-discriminatory and consistent with Australia’s international obligations’. The Government does not accept the conclusion reached by the non-Government members of the Committee. The NTA was amended to deal with problems that arose in the operation of the original Act subsequent to its enactment in 1993. In amending the Act, the Government has acted within its margin of appreciation and has achieved an equitable balance between the rights of indigenous and non-indigenous interest holders.

The minority report made a total of 10 recommendations (Appendix). The Government does not accept any of the recommendations. In particular, the Government rejects recommendations 3-7 on the basis of the findings contained in the Committee report.

The Government specifically responds to recommendations 1, 2, 8, 9 and 10 of the minority report as follows:

Recommendation 1

In the light of evidence presented to this Committee, the non-Government members find, and recommend that the Government acknowledge, that the Committee on the Elimination of Racial Discrimination (the CERD Committee) is an expert and independent body, competent to receive and consider complaints regarding violations of rights protected under the Convention for the Elimination of All Forms of Racial Discrimination.

Recommendation 2

The non-Government members find, and recommend that the Government acknowledge, that individuals and groups in Australia had, and still have, the right to bring to the attention of the CERD Committee alleged violations of Australia’s undertakings as a signatory to the CERD, such as those inherent in both the substance of the amended Native Title Act and in the process through which it was drafted.

Recommendation 10

The non-Government members of the Committee recommend that the Government, consistent with its obligation to protect Australia’s international reputation, desist from any attacks on UN expert bodies, and renew positive dialogue with them on a range of matters, including Australia’s native title legislation.

The CERD provides for the establishment of a Committee ‘of eighteen experts of high moral standing and acknowledged impartiality’. The role of the CERD Committee is to monitor and assist member States with the implementation of the Convention, chiefly through its consideration of periodic reports submitted by States.

Under Article 14 of the Convention the CERD Committee can receive communications containing complaints against a State from individuals and groups within its jurisdiction, only where that State has made a declaration acknowledging the competence of the CERD Committee to receive and consider such communications. Where a State has made such a declaration, communications from individuals/groups may be made to the CERD Committee only when available local remedies have been exhausted. Australia made a declaration to this effect on 28 January 1993 and the declaration remains in force. The Government observes that, to date, there has been no individual communication registered with the CERD committee under Article 14 regarding the effect of the amended NTA.

The Government accepts that the CERD Committee is intended to be an expert and independent body competent to monitor compliance with the Convention. However, the Government has already indicated its concern at what appears to be a political and partisan approach adopted by the CERD Committee in its consideration, in recent times, of Australia’s compliance with the CERD.

An indication of this partisan approach adopted by the CERD Committee is its reliance on the information provided by non-Government organisations in its assessments of Australia, its lack of analysis of the arguments put by the Australian Government, and its disregard of the information provided by the Australian Government on the significant range of policies and measures undertaken to address indigenous issues.

The partisan approach of the CERD Committee to its assessment of Australia is further underscored by the report of the Parliamentary Joint Committee. The report has concluded, contrary to the conclusions reached by the CERD Committee, that the amendments to the NTA have not breached Australia’s obligations under the Convention. Further, the report has revealed that the
CERD Committee did not apply principles of international law relevant to the Convention, such as the margin of appreciation.

The Australian Government is concerned that the approach taken by the CERD Committee can have the effect of compromising its intended role as an expert human rights treaty body. Since 1996, the Australian Government has, through diplomatic channels, actively promoted reforms to the United Nations treaty body system in order to increase the effectiveness of bodies such as the CERD Committee. In addition, early last year the Australian Government announced a whole of Government review, aimed at improving Australia’s interaction with the UN human rights treaty committees.

As a result of that review, the Government announced in August 2000 a range of measures aimed at reforming the UN treaty body system and improving Australia’s interaction with the system. These measures were supported in April 2001 by the announcement of Australia’s high level diplomatic initiative; a long-term commitment aimed at practical, achievable benefits to the committee system and the cause of international human rights.

The Government does not accept the implication in recommendation 10 that it has been involved in attacking UN expert bodies. The Australian Government considers its role in encouraging reform of the UN committee system an important part of its continuing commitment to international human rights obligations.

Concerns expressed by the Australian Government about the effectiveness and impartiality of the UN human rights treaty bodies, such as the CERD Committee, have been supported in a recently released report on the UN human rights treaty system. The report entitled The UN Human Rights Treaty System: Universality at the Crossroads was prepared by Canadian academic Professor Anne Bayefsky, in collaboration with the Office of the High Commissioner for Human Rights. The report reviews the performance of human rights committees and depicts a system which is overburdened with national reporting, inefficiently structured with resultant duplication of effort, and often characterised by excessive focus on high-performing states and inconsistent treatment of different states. Importantly, the report also recognises the political bias in the concluding observations of committees (which provide an assessment of states). This political bias was most evident in the concluding observations of the CERD Committee which, according to the report, demonstrate “differential depth of treatment of some states (in the absence of corresponding justification in terms of human rights conditions)” and include recommendations that are “ad-hoc and apparently driven by whatever external source spoke the loudest.”

Recommendation 8
The non-Government members acknowledge that native title, as recognised by Australian common law and as dealt with in statute, is capable of, and is vulnerable to, extinguishment. They contrast this with the fact that extant traditional title emerging from, and contained within, the laws and customs of Indigenous Australians remains for so long as those people and their beliefs survive. They therefore recommend that the Government enact legislation that recognises and respects that fact, irrespective of findings that courts may make from time to time.

The Government does not accept recommendation 8 of the minority report. The non-Government members appear to be advocating further legislation which would provide a more extensive recognition of traditional title than that already provided by the common law and the NTA, particularly in relation to the question of extinguishment of native title. The minority report provides no other indication of the extent of this proposed legislative recognition of traditional title or how it would inter-relate with non-indigenous interests.

The High Court decision in Mabo v Queensland (No 2) (1992) 175 CLR 1 and subsequent decisions have established both the recognition of native title at common law, and that the grant or reservation of interests in land by the Crown could extinguish native title. As the Committee report concluded, the Native Title Act achieved a balance between the protection of indigenous interests from extinguishment at common law, and the protection of non-indigenous interests in land. The Government does not accept that there is any value in further legislation to provide for the new and unexplored concept of ‘extant traditional title’.

Recommendation 9
The non-Government members recommend that the Government acknowledge that its native title legislation is only one early element of a range of instruments to be drafted over time as a part of the process for a lasting settlement or accord between Indigenous and non-Indigenous Australians.

The Government believes that ascertaining the continued existence of native title, and resolving the land ownership and land management issues which flow from the survival of native title, are
ideally achieved through agreement between all relevant parties. The NTA provides a framework for the resolution of native title issues through agreement whether resulting in a consent determination by the Federal Court or an Indigenous Land Use Agreement; it includes provisions which ensure that agreements reached will be binding and enforceable on all parties; and a National Native Title Tribunal is established to facilitate the negotiation of agreements.

Therefore the Government envisages that, pursuant to the NTA, there will be an increasing reliance on agreements between native title holders, governments and third party land users. In this way the NTA allows for agreements, negotiated over time to deal with native title issues throughout Australia.

However, the Government does not accept any implication in recommendation 9 that a treaty with indigenous people is necessary. The Government rejects the concept of a treaty as divisive and lacking the support of the majority of Australians. The Government remains firmly committed to an inclusive and practical reconciliation process that brings the nation closer together.

Recommendations

Recommendation 1
In the light of evidence presented to this Committee, the non-Government members find, and recommend that the Government acknowledge, that the Committee on the Elimination of Racial Discrimination (the CERD Committee) is an expert and independent body, competent to receive and consider complaints regarding violations of rights protected under the Convention for the Elimination of All Forms of Racial Discrimination.

Recommendation 2
The non-Government members find, and recommend that the Government acknowledge, that individuals and groups in Australia had, and still have, the right to bring to the attention of the CERD Committee alleged violations of Australia’s undertakings as a signatory to the CERD, such as those inherent in both the substance of the amended Native Title Act and in the process through which it was drafted.

Recommendation 3
The non-Government members find, and recommend that the Government acknowledge, that the evidence presented to this Committee clearly shows that the weight of informed opinion supports the finding of the CERD Committee, that the Native Title Act, as amended in 1998, conflicts with Australia’s international legal obligations. The non-Government members also find, and recommend that the Government acknowledge, that the inconsistency of the NTA with Australia’s international legal obligations is a matter of fact.

Recommendation 4
The non-Government members recommend that the Government, in responding to court decisions and the practical experience of the operation of the NTA across Australia, amend its substantive and procedural provisions to render the legislation non-discriminatory and consistent with Australia’s international obligations.

Recommendation 5
The non-Government members find that the requirement to obtain the informed consent of Indigenous Australians to legislation affecting their rights is, as a matter of fact, an obligation under our international undertakings, and recommend that the Government, in amending the NTA, do so through a process of negotiation with Australia’s Indigenous peoples with the aim of gaining their informed consent to any such amendments, and to the amended Act as a whole.

Recommendation 6
The non-Government members recommend that the Government, in amending the NTA, implement uniform, decent and enforceable national standards for dealing with native title, consistent with the Commonwealth’s responsibility for the protection of the rights of Australia’s Indigenous peoples. They further recommend that these standards be applied to any State native title regime presented to the Commonwealth Government and the Commonwealth Parliament for approval under the present NTA.

Recommendation 7
The non-Government members recommend that the Government, in acknowledging the NTA as simply one of many legislative or administrative instruments that have the potential to impinge on the rights of Australia’s indigenous peoples, apply the principles underpinning its international and constitutional obligations to the drafting of any statutory instruments or administrative procedures that have any such effect.

Recommendation 8
The non-Government members acknowledge that native title, as recognised by Australian common law and as dealt with in statute, is capable of, and is vulnerable to, extinguishment. They contrast this with the fact that extant traditional title emerging from, and contained within, the laws and customs of Indigenous Australians remains for so long as those people and their beliefs survive. They therefore recommend that the Gov-
Government enact legislation that recognises and respects that fact, irrespective of findings that courts may make from time to time.

**Recommendation 9**
The non-Government members recommend that the Government acknowledge that its native title legislation is only one early element of a range of instruments to be drafted over time as a part of the process for a lasting settlement or accord between Indigenous and non-Indigenous Australians.

**Recommendation 10**
The non-Government members of the Committee recommend that the Government, consistent with its obligation to protect Australia’s international reputation, desist from any attacks on UN expert bodies, and renew positive dialogue with them on a range of matters, including Australia’s native title legislation.

1. Committee on the Elimination of All Forms of Racial Discrimination (CERD Committee), Decision 2(54), 1331st Session, 18 March 1999.
2. CERD Committee Decision 2(54).
6. CERD Committee Decision 2(54).
8. The Sixteenth Report, p.32.
10. CERD Committee Decision 2(54).
12. The Report of the non-Government Members of the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund, p.95.
13. The Convention on the Elimination of All Forms of Racial Discrimination (the CERD), Article 8(1).

**Senator CALVERT** (Tasmania) (5.09 p.m.)—I move:

That the committee reports listed at appendix 1 of today’s Order of Business, the annual reports of parliamentary departments and the Parliamentary Service Commissioner, and Business of the Senate, Work of Committees and the consolidated register of Senate committee reports, just tabled by the President, be printed.

Question agreed to.

**Senator CALVERT** (Tasmania) (5.09 p.m.)—by leave—I move:

That consideration of each of the committee reports, government responses to committee reports, Auditor-General’s reports and government documents tabled today be listed as separate orders of the day on the Notice Paper.

Question agreed to.

**BILLS RETURNED FROM THE HOUSE OF REPRESENTATIVES**

Messages received from the House of Representatives agreeing to the amendments made by the Senate to the following bills:

- Royal Commissions and Other Legislation Amendment Bill 2001
- Jurisdiction of the Federal Magistrates Service Legislation Amendment Bill 2001
- New Business Tax System (Debt and Equity) Bill 2001
- New Business Tax System (Thin Capitalisation) Bill 2001
- Cybercrime Bill 2001

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

- Taxation Laws Amendment Bill (No. 2) 2001

**CONDOLENCES**

**Her Royal Highness The Princess Margaret, Countess of Snowdon**

The PRESIDENT (5.11 p.m.)—It is with deep regret that I inform the Senate of the death on 9 February 2002 of Her Royal Highness The Princess Margaret, Countess of Snowdon.

**Senator HILL** (South Australia—Minister for Defence) (5.11 p.m.)—by leave—I move:

That the following address to Her Majesty Queen Elizabeth the Second be agreed to:

“YOUR MAJESTY:
We, the President and Members of the Senate of the Commonwealth of Australia, in Parliament assembled, have received with profound sorrow the news of the death of Her Royal Highness The Princess Margaret, Countess of Snowdon. On behalf of the Australian people we express deep
sympathy to Your Majesty, Her Majesty Queen Elizabeth The Queen Mother and other members of the Royal Family, especially Lord Linley and the Lady Sarah Chatto.”.

Question agreed to, honourable senators standing in their places.

Hamer, Mr David John, DSC

The PRESIDENT (5.12 p.m.)—It is with deep regret that I inform the Senate of the death on 14 January 2002 of former Senator David John Hamer DSC, a senator for the state of Victoria from 1978 to 1990, and Deputy President and Chairman of Committees from 1983 to 1990. David Hamer was also a former member of the House of Representatives for the division of Isaacs, Victoria, from 1969 to 1974, and from 1975 to 1977.

Senator HILL (South Australia—Minister for Defence) (5.07 p.m.)—by leave—I move:

That the Senate records its deep regret at the death on 14 January 2002 of David John Hamer, former Senator for Victoria and Member for Isaacs, and places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.

David Hamer was born in Melbourne on 5 September 1923. He was educated at Geelong Grammar School until he entered the Royal Australian Naval College as a cadet at the age of 13.

David Hamer had a distinguished career in the Royal Australian Navy, serving as a gunnery officer on ships during World War II. There are many stories of his bravery. One that I will mention is about when he was serving in the Philippines on HMAS Australia, which was being dive-bombed by six Japanese Kamikaze dive-bombers. David stood up in the gun turret and broadcast to the ship’s crew exactly what the Kamikaze pilots were doing as they attacked his ship, thus advising all around him of the danger and how they might respond. That is just one of many stories that are told of his bravery in service. For this distinguished command and leadership in action, he was awarded the Distinguished Service Cross. He also served in Korea on HMAS Tobruk, and later was the Director of Naval Intelligence and commander of the 10th destroyer flotilla. He retired from the Navy in 1967 with the rank of captain.

David Hamer was elected as the Liberal member for Isaacs in Victoria in 1969. He was defeated in the 1974 election and was re-elected in 1975. He retired from the House of Representatives in 1977. In that same year he was elected as a senator for Victoria and served as a senator until his retirement in 1990. He was a member of a number of parliamentary delegations and served on a number of parliamentary committees. He was Deputy President of the Senate and Chairman of Committees from April 1983 until his retirement. In his first speech in the House of Representatives he spoke of the need to develop Australian industry through capital investment, industrial relations and conservation of the environment. In fact, long before environmental activism became fashionable, David Hamer caused some public panic when he advocated the need for a standing royal commission on environmental pollution.

His time in the Senate will be remembered for his commitment to this institution and for the reformist role he played on the Procedure Committee and its predecessor to try to improve the operation of the Senate and enhance it in the public eye. Not long before his departure from this place, he played an active role in the establishment of the Selection of Bills Committee as a mechanism to refer more bills to the Senate committees for consideration. I particularly remember David Hamer in this place in his role as Deputy President and for the reforms he brought to the Senate. He was an effective and serious senator who believed that it was important that each and every individual senator made a contribution to the best of their ability.

David Hamer was also one of the more influential people on the Victorian arts scene as well as being a highly respected businessman. From 1970 until 1985 he served as President of the Australia Day Council, President of the Arts Council of Victoria, Federal President of the Arts Council of Australia and Chairman of the Australian Film Institute.
I remember him as a charming and dignified man and am particularly saddened by his departure. On behalf of the government, I extend to his wife Barbara; his children Richard, Fiona and Andrew; and other family members and friends our most sincere sympathy in their bereavement.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (5.18 p.m.)—I would like to associate the opposition with this condolence motion, as moved by Senator Hill on behalf of the government, on the death of former Senator David Hamer DSC. I served with David Hamer for only a very short time in the Senate, but I certainly found him to be a good and effective Deputy President and Chairman of Committees.

As Senator Hill said, David Hamer came to the Commonwealth parliament with a very distinguished naval career behind him. He entered the Royal Australian Naval College as a cadet at the age of 13 and finished his training as a junior officer at the time of the outbreak of World War II. He had a very distinguished career on Canberra, Napier, Norman and Australia as a gunnery officer during World War II. We heard about the incident on HMAS Australia during the attack on the Philippines, when HMAS Australia was hit by six Kamikaze pilots. It sounds like a very remarkable act of bravery indeed. David’s naval service extended to the Korean War, when he served on Tobruk and was, I think, the fleet operations officer on the aircraft carrier HMAS Melbourne. David went on to become the Director of Naval Intelligence, commanding officer of HMAS Vampire and commander of the 10th destroyer flotilla. It was a remarkable career for someone who joined the Navy at the age of 13.

David Hamer was one of a very small number of Australians who have served in both houses of the Australian parliament. He entered federal parliament in 1969 as the member for Isaacs but lost the seat in 1974. He was re-elected in 1975, retiring in 1977. He was elected as a senator for Victoria in that year and retired from the Senate in 1990. During the period that I served in the Senate with David Hamer he was, as I mentioned, the Deputy President of the Senate, and I think it is fair to say that he was highly regarded in that role by both sides of the chamber. It is quite clear, when you read about some aspects of David Hamer’s parliamentary career, that he had a strong, independent streak and caused a few problems over the years for governments—not only governments of the Labor persuasion.

The opposition acknowledges David Hamer’s distinguished career and achievements both inside and outside the parliament. On behalf of the opposition I extend sincere condolences to David Hamer’s family and friends.

Senator BOURNE (New South Wales) (5.22 p.m.)—On behalf of the Democrats, I join my colleagues in this condolence motion for former Senator Hamer. I have been asked by my colleagues to speak today because, as we are such a young party, I am the only one who actually met David Hamer. I found him to be a very charming and decent man. He was elected to the Senate in 1977 and was a senator until 1990. He left just as I was coming in. He was Deputy President and Chairman of Committees from 1983 to 1990. My former employer, the former Senator Colin Mason, was very fond of David Hamer, and I am sure he would have liked to join me in this condolence motion today.

I was reading obituaries as I was preparing for this, and I thought the heading on the obituary in the Australian was quite remarkable: ‘David Hamer: Parliamentarian, naval hero and arts administrator’. What a life. That sounds like almost the perfect life, really—although I am not sure how perfect being a naval hero would be. I also noticed in the same obituary that he had recently completed an autobiography, but his friends say it is so hot that it is unlikely to be published soon. That is a great pity. I would really love to see that autobiography; I think it would be well worth reading. I want to read one very small quote from his last speech, when he said, addressing the President at the time:

You, Mr President, are presiding over what is potentially the most important chamber in the Westminster system.
I will not go on and embarrass anybody in the chamber by reading the rest of it, which says how brilliant the Senate is and how the House of Representatives pales into dreadful insignificance next to it, but I think senators should read it—and I agree absolutely with every word. The most significant thing about his last speech, and the thing that really reflects the man, is that the very last thing he said in his last speech was a joke. I think that reflects him: when you met him, he appeared to be very serious and a very stolid person and then, as you got to know him, you realised what a charming and funny person he was. I recommend reading that valedictory speech; it ends very nicely. I will end by extending our condolences to his family, his wife Barbara, his sons Richard and Andrew and his daughter Fiona.

Senator BOSWELL (Queensland—Leader of the National Party of Australia in the Senate and Parliamentary Secretary to the Minister for Transport and Regional Services) (5.25 p.m.)—As Leader of the National Party in the Senate, I would like to associate the National Party with the condolence motion for David Hamer, moved by the Leader of the Government in the Senate. David Hamer was a former naval officer, MP for Isaacs and senator for Victoria. He was born on 5 September 1923 in Victoria and passed away on 14 January 2002. On these occasions, we usually list some things from a person’s life. This story is one of the things that struck me about the life of David Hamer. He tried out as a professional boxer and, as it happened, he won his bout and the princely sum of 30 shillings. The person he defeated had a wife and family and no bread on the table, so David donated his winnings to him.

He entered the Navy at 13 years of age, went through the naval officers procedure until well after the war, when was promoted, and was a very successful Navy officer. He was a proud and upstanding member of the Liberal Party. I can recall him from when I first entered parliament, and I knew him quite well. He held the seat of Isaacs in Victoria from 1969 to 1974, entered the Senate in 1977 and served until 1990 as Deputy President. He was very proud of that position. He took it very seriously and I believe he would have thought that being elected Deputy President was one of the best achievements of his life. In fact, at one stage—I do not know how the circumstances evolved—he became the President for a couple of months until the Senate was recommissioned.

He was a delightful person, as other people have said. He had his own ideas and he was very forceful in promoting those ideas. I believe he was a great asset to Australia—a great asset to his country—and a great asset to this chamber. I would like to pass on the National Party’s condolences to his wife, Barbara, and three children, and send them condolences from this chamber.

Senator WEST (New South Wales) (5.28 p.m.)—On behalf of the Senate, Black Rod and I attended the funeral of former Senator Hamer. It was a very interesting funeral. It was not a politician’s funeral, where the only aspect and facet of someone’s life that is talked about is politics; it was the funeral of a friend, a friend of a wide cross-section of the community of Melbourne, and the funeral of a man of many facets. There was at the end, as the cortege was leaving and before the hearse left, a salute by naval ratings. It was a memorable funeral because, as I say, it was not a politician’s funeral; it was a friend’s funeral.

I remember David Hamer. He is very fleeting in my memory, as I was only briefly in the Senate in 1987 when he was the Deputy President, but I remember a man who had a great love of the arts and of reading. That was certainly borne out—and we have heard the biographies given of him—in the autobiography and the other books he wrote on military history and military strategy. He was not just a politician; he was a very rounded gentleman. He had a great number of interests and pursued those after he had left this place as well. To Barbara and her family, can I extend my condolences again and say that it was an honour to be able to represent the Senate at the funeral.

Senator HARRADINE (Tasmania) (5.30 p.m.)—David Hamer was not a quitter. He certainly did not accept defeat lightly. He was defeated in I think the 1973 election—
Senator Faulkner—He was defeated in 1974.

Senator HARRADINE—I thought he was re-elected in 1974.

Honourable senators interjecting—

Senator HARRADINE—I stand corrected. Yes, he was defeated in 1974 and then was determined to stand for election again and was elected in 1975—I thank my colleagues—and of course he came here in 1977. I knew him all of that time since 1975 when I was elected—for 15 years—but I cannot say that I knew him very well. That was my loss and certainly was not his, but I knew his attitude to parliamentary procedure. I think the thing that sticks in my mind is his contribution to this chamber and its role of review, and his work on the Senate committees was evidence of that. I wish to join with my parliamentary colleagues in this condolence motion and to pass on my sympathy to Barbara, his wife, and to his family.

Senator KNOWLES (Western Australia) (5.32 p.m.)—I too would like to be associated with the condolence motion for former senator David Hamer. David was Deputy President when I was new in the Senate and he was always someone on whom you could rely. He was always one who would help new senators. He would be ready with free advice on any subject that you wished to broach with him or any subject that he thought he should broach with you. I found him really to be of great assistance all the way through. It was interesting, Madam President, when you were whip and I was deputy whip and we used to sit over there and Senator Hamer would sit up behind us, that he would quite often engage in very interesting conversation about his past and his achievements. I just found him one of those most fascinating people—a real gentleman, a thorough gentleman. It was very sad in January when we learnt of his passing, and I too would like to extend my condolences to his wife, family and friends.

Senator COONEY (Victoria) (5.33 p.m.)—Can I adopt all that has been said so far about former senator David Hamer. He was here when Senator Knowles and I arrived. He was Chairman of Committees and Deputy President. I have had association with him since he left parliament and he kept his fire alight. He was always writing things trying to further the knowledge of us all and making the effort to enlighten us. He came from a very considerable political family, a Liberal family, in Victoria, and he certainly lived up to his family name. I would just like to join with others in extending my condolences to his wife and family and appear on the record as having joined with others in this condolence motion.

Senator PATTERSON (Victoria—Minister for Health and Ageing) (5.34 p.m.)—I was at David Hamer’s funeral and I, sadly, learnt more about David—as one often does at somebody’s funeral—than I knew when he was here. He will be remembered for the remarkable contributions he made to Australian society and for the diversity of those contributions. In our current age of specialisation, I remember David Hamer as a man who could really turn his hand to anything. He brought an enormous set of skills and life experience to his work in this parliament—and I guess that is something that those who are given the responsibility of preselecting people ought to think carefully about: the value of preselecting people who have a wide range of skills and backgrounds. People have mentioned the distinguished career he had in the House as the member for Isaacs before finding a home in this chamber. I think he had a special affinity for the Senate; maybe it suited him best. Those of us in the Senate always think that we have a different culture from those in the House of Representatives. People make the transition this way better than they make the transition the other way. He was very committed to the Senate committee system and his interest in the Senate—and I suppose his understanding of the staff of the Senate—was expressed in a poem he was known to recite at odd moments:

When the great of the Earth
Go off to their dinner
The clerk remains
Growing thinner and thinner.
Racking his brains
As he tries to report
what he thinks, they think
They ought to have thought.
I think that says something about David’s view about us, and his view about what the clerks have to do.

We have many lives outside parliament. In his youth he was a keen boxer, as we found out at his funeral. He was also especially interested in the arts and is credited with being a major force behind the establishment of the National Film and Sound Archive, and those of us who have visited that facility realise the importance of it. We also realise how we have aged when we listen to Blue Hills and some of the editions of When A Girl Marries and those sorts of things, or when a girl doesn’t marry maybe; but it was a great tribute that he put so much effort into the National Film and Sound Archive. He will be best remembered for his outstanding achievements in the Navy, where he was awarded the Distinguished Service Cross, and as a parliamentarian who served with distinction for over two decades.

I want to refer to a speech that was made at his funeral by David Leach, one of his colleagues, and I want to do that in reasonable depth because I think it says something about the man. I quote:

... when I joined the Naval College at Flinders Naval Depot as a cadet midshipman in 1942, David was already a legend. He joined the College in 1937 aged 13—

Something Senator Faulkner mentioned—from Geelong Grammar, graduating in 1940 gaining maximum time for promotion to Lieutenant, the grand aggregate prize for studies, prizes for mathematics and navigation.

He was to use that skill and navigation throughout his life in the Navy. David Leach’s speech continued:

He was also top in English and history.

He was also a good sportsman and gained his colours for rugby. During his career he played rugby for Combined Services and in all the teams of ships in which he served.

As reported in the Age newspaper, David was an undefeated professional boxer. On leave from the RANC he went to a boxing troupe in West Melbourne Stadium and won 30 shillings and his opponent 10 shillings. David gave his winnings to his opponent after he had told him that he was counting on the prize money and without it his family would be short of food.

So he ended up with the 30 shillings and the 10 shillings as well. David Leach’s speech continued:

His first ship was the cruiser HMAS Canberra and during a patrol in the Indian Ocean, a German tanker was in and he was sent as part of the boarding party. Midshipmen in those days carried a dirk, a sort of short dagger. The sides of the ship were steep and access was by a rope ladder. Finding his dirk was impeding his progress, he put it between his teeth and boarded the ship like a modern-day pirate, much to the surprise of the German crew.

This all came out at the funeral. I could not imagine David climbing up the side of a ship with a dirk between his teeth, but apparently he did. I quote again from David Leach’s speech:

In 1941, he was posted to the destroyer Napier in the Mediterranean where he served on the Malta convoys. The next year, he joined the British battleship Revenge and was promoted to sublieutenant in the same year.

In 1943 he was sent to England to do the sublieutenant’s courses and once again he showed his academic brilliance by gaining five first-class passes and was awarded £10 by the Naval Board. He was the only Australian to win the coveted Beaufort and Wharton prize for navigation and he was a winner of the Ian McDonald prize—

I do not think it was this Ian Macdonald—for signals.

David had an extraordinary photographic memory and although he was reticent about it, no-one was surprised to hear that after completing an IQ test his results came out in the genius class.

1943 saw him posted to HMAS Norman and promotion to Lieutenant before he was 20—quite an achievement.

The next posting was to HMAS Australia in 1944 where he saw action in the Leyte Gulf and Leytegaren operations. The first Kamikaze of the war crashed onto the Bridge. The captain and navigator were among the 23 killed and 39 wounded. Hamer made his way to the Bridge which was in shambles. Seeing he could do nothing there he went to the aft control position where he was appointed navigator. This was quite a task because all the charts had been destroyed and the gyro had a 20-degree error, but he soon sorted this out.

Thank heavens for his mathematical ability. The speech continued—
Later during the invasion of Lingayen in the Philippines, Lieutenant Hamer in his role as Air Defence Officer was positioned above the Bridge, warning of and directing fire on approaching enemy aircraft. He stood his ground when a Kamikaze pilot targeted the Australia, reporting the approaching enemy. The plane past 6 feet above his head, the wing hitting the mast and the aircraft veered into the forward funnel and over the side.

As has been mentioned by others, for devotion to duty in the face of the enemy David was awarded the DSC, the citation reading: ‘For outstanding efficiency, courage and coolness.’

David Leach’s speech continued:
But for American pressure that no significant awards should be made that highlighted the effectiveness of the Kamikaze attacks, he may well have been given a higher award.

After the war finished in Europe, David was selected as part of an Allied technical mission that went to occupied Germany to assess any German military designs that might be useful in the war against Japan.

On completion of this task he returned to England and did a Fighter Direction and Pilots Course.

In 1946 David was selected for the year-long Gunnery Specialist Course at Whale Island in Portsmouth and with RN, RAN, RNZN and RCN students he topped the course and was sent to Greenwich later to do postgraduate studies with other outstanding students.

On return to Australia he served in the destroyers Bataan and Warramunga during which time he was involved with British and Commonwealth forces in Japan.

His next posting was to HMAS Tobruk in 1951 as First Lieutenant and Admiral Peek was his captain.

In 1960 when he was on the staff of the late Admiral Harrington as Fleet Operations Officer in HMAS Melbourne ... he introduced fighting efficiency competitions and the proper analysis of exercises.

Under his leadership the ship won 4 out of 7 fleet efficiency competitions and the sporting shield.

You wonder, if he set them up, whether there might not have been a conflict of interest. The speech continued:

His last job in the Navy was coordinating all Navy projects, which was a demanding task.

It was during this period that he considered his future in the Navy. He could see that he wouldn’t be spending much more time at sea and he was not happy with Navy Administration.

He had talked to Sir John Gorton who had been Minister for the Navy who encouraged him to take up politics and so in November 1967 ... David left the Navy to embark on his political career.

I have obviously shortened that speech, but it was a tremendous summary of David’s outstanding contribution to the Navy and also his academic ability and the way in which he was able to put those skills that he had, especially in mathematics, to incredible use in Australia’s defence.

Dame Margaret Guilfoyle also spoke at the service, and I want to quote from her speech:

I remember David firstly as a candidate for the new electorate of Isaacs in the 1969 election. John Gorton was the Prime Minister and I was State Chairman of the Women’s Section of the Party. It was an important election for the government and the Hamer win in that seat was part of a small majority of 7, following a 7% swing against the government. This was the beginning of more than two decades of David’s Parliamentary Service. He won Isaacs again in 1972 and regained it in 1975.

She went on to talk about his career. She talked also about his support in particular for the establishment of the Australian Defence Force Academy. She said:
... I vividly recall his support of the proposal and his personal contribution through the debate ... he regarded as vitally important changes upon made to the Defence Services retirement benefits. The changes were not to benefit him but to develop a better and fairer scheme for the future. He served on the Committee and was satisfied when the changes were made. He described the outcome as being achieved ‘after some trauma’. He was an effective advocate.

David did not seek re-election for the seat of Isaacs in 1977 and was elected as a senator for Victoria in 1978.

Former Senator Guilfoyle went on to say:

His seven years as Deputy President of the Senate during Hawke governments wore recognition by his colleagues of his capacity to maintain the reputation of the Senate as an important part of our legislature. He continued to press for reform and, in his final speech, insisted that we must use
extensively the public hearings of our Senate committee system.

Senator Guilfoyle went on to say that the Leader of the Government in the Senate, Senator Button, said in his valedictory speech to Senator Hamer that his long term as Deputy President and Chairman of Committees had been carried out with fairness and distinction and had helped greatly with the smooth running of the chamber.

Margaret Guilfoyle also said, as has been said here in this chamber, that he was courteous and considerate. She did recall one characteristic that he brought with him from the Navy. She said—and it must have been nice in the old Parliament House when everyone used to have breakfast together there:

He said to me once that he thought that breakfast should be ‘a private experience’. If we were in the Members Dining Room before an early meeting, he preferred to read the morning paper alone and not to be part of a group. He told me that in the Navy a superior officer had the same view and David said that whenever the officer was joined for breakfast and the chatter began he said ‘Good morning’ rapidly seven times and then that should do you for the week. We know that David’s view was that discussion of the headlines could be held later in the day!

Despite bringing some of those characteristics from the Navy, David did make a major contribution to this place. I do not believe it is possible to sum up anyone’s life in a few sentences. As parliamentarians and Australians we owe David Hamer a debt of gratitude for his contribution to this country, in particular bringing his intellectual skills to bear in the area of Australia’s defence, and also for his contribution to the parliament. Personally I found him to be a very supportive colleague. When I first came as a tyro senator he was always available to answer questions. His staff assisted me enormously. I remember his willingness to step in on a couple of occasions when I had the flu and was not able to attend. Often when one rings somebody says, ‘Oh, no, I’m busy, I can’t help you out.’ As we all know in this house, that can happen. David was always prepared: he was free to assist. At his funeral, Dame Margaret Guilfoyle summed up his life most appropriately when she said:

His was a life that will be long remembered.

To his wife, Barbara, and his family I extend my deepest sympathy and condolences.

Senator KEMP (Victoria—Minister for the Arts and Sport) (5.46 p.m.)—I, too, join my colleagues in supporting the condolence motion for David Hamer. I knew David while he was a senator. I knew David after he left this Senate. In 1990 we were political rivals for a Senate spot. It was a vigorous occasion for both of us. But I do have to say that following 1990 we had many meetings and we got on well together. Our conversations were always courteous, polite and productive. That was a measure of the man—that he would act in that particular fashion despite the disappointment he obviously felt.

Each of our colleagues has mentioned many aspects of David Hamer—his very distinguished naval career, his work in the parliament. The matter I would like to draw attention to is that, as everyone mentioned, David Hamer had a great passion for this chamber and was a great promoter of Senate reform. Some of the reforms David Hamer was promoting went far beyond what I think the community would accept at this point in time and perhaps what the Senate would consider. One of those reforms was the abolition of ministers from the Senate and the elevation of committee chairs to an even more senior and powerful position in this chamber. The reason I mention it is that it shows his particular passion for the Senate and for the parliament and for the reform process. He was always willing in later years to lead debates on those matters.

The other issue I bring to the attention of the chamber was his particular love and affection for the arts. As my colleague Senator Patterson correctly said, this was given some attention at the funeral. Dame Margaret Guilfoyle, who was one of the speakers at the funeral, indicated that he was deeply involved in the arts, which Dame Margaret said stemmed from his wife’s love of music. They held various positions in tandem, with David Hamer being President of the Arts Council of Victoria from 1970 to 1977 and federal president from 1977 to 1982. It has also been mentioned in this debate that he was President of the Australian Film Institute from 1980 to 1985.
I would like to join with the Senate in supporting this motion. David Hamer was a very distinguished senator from my home state of Victoria. He made a very important contribution to this parliament. He is survived by his wife, Barbara, and three children, Richard, Andrew and Fiona. We send our condolences to his family.

The PRESIDENT (5.49 p.m.)—I was extremely grateful that Senator West was able to attend the funeral of David Hamer, accompanied by Black Rod, as I was away on a delegation at the time. Had I been here I would have attended. I am glad to have the opportunity today to convey my personal condolences to Barbara Hamer and to the family.

Question agreed to, honourable senators standing in their places.

Adermann, Hon. Albert Evan, AO
Freeth, Hon. Sir Gordon, KBE
Chaney, Hon. Sir Frederick Charles, KBE, CBE, AFC

The PRESIDENT (5.50 p.m.)—It is with deep regret that I inform the Senate of the deaths of three former ministers and members of the House of Representatives: on 4 November 2001, the death of the Hon. Albert Evan Adermann AO, member of the House of Representatives for the division of Fisher from 1972 to 1983 and for the division of Fairfax from 1984 to 1990; on 27 November 2001, the death of the Hon. Sir Gordon Freeth, KBE, member of the House of Representatives for the division of Forrest from 1949 to 1969; and on 17 December 2001, the death of the Hon. Sir Frederick Charles Chaney, KBE, CBE, AFC, a member of the House of Representatives for the division of Perth from 1955 to 1969.

Senator HILL (South Australia—Minister for Defence) (5.51 p.m.)—by leave—I move:

That the Senate expresses its deep regret at the deaths of the Hon. Albert Evan Adermann, former Federal Minister and Member for Fisher and Fairfax; the Hon. Sir Gordon Freeth, former Federal Minister and Member for Forrest; and the Hon. Sir Frederick Charles Chaney, former Federal Minister and Member for Perth; and that the Senate places on record its appreciation of their long and meritorious public service and tenders its profound sympathy to their families in their bereavement.

Albert Evan Adermann was born in Kingaroy, Queensland on 10 March 1927. He attended the Brisbane Boys College and the University of Queensland, where he received a Bachelor of Commerce. Prior to his being elected to parliament, he was a dairy farmer, a public accountant and a councillor on the Kingaroy Shire Council. Outside his work, I understand he was an avid cricket fan. He married Joan in 1951. They had three sons and two daughters. He was elected as the member for Fisher in 1972, following the retirement of his father, the late Sir Charles Adermann. As a member of the National Party, he held the seat until 1984, when he was elected as the member for Fairfax following the 1984 electoral redistribution, and retained this seat until his retirement prior to the 1990 election. He was a member of several parliamentary committees and delegations.

In his first speech he spoke about primary industries, mining, tourism and the delivery of telecommunications services—nothing has changed, Senator Boswell will remind me. He had a strong personal interest in issues affecting rural and regional Australia. This was reflected in the ministries he held. He was opposition spokesman on customs and excise during 1974-75. He then served as Minister for the Northern Territory, Minister Assisting the Minister for Natural Resources, Minister for Veterans’ Affairs and Minister Assisting the Minister for Primary Industry. During his time as Minister for the Northern Territory he worked on the re-establishment of Darwin after Cyclone Tracy and helped guide the Northern Territory to self-government when the federal government transferred a significant number of functions to the Northern Territory Legislative Council. He retired from parliament in 1990.

A man of strong Christian faith and values, Evan Adermann was a devoted member of the Church of Christ. He gave much of his time to the Church and was a lay preacher. In the 1999 Queens Birthday honours, he was appointed an Officer in the Order of Austra-
lia for service to the Australian parliament, to the community, particularly through the Church of Christ in Queensland, and to local government. I understand that the principal loves of his life were his church and his family.

On behalf of the government I extend to his wife Joan, children Joanne, Jenny, David, Peter and John and to other family members and friends our most sincere sympathy in their bereavement.

Gordon Freeth was born on 6 August 1914 at Angaston in rural South Australia. He attended Sydney Church of England Grammar School, Guildford Grammar School in Western Australia and the University of Western Australia, where he gained a law degree. He also competed in the Sydney Empire Games where he rowed in the winning four.

In 1939 he married Joan Baker and they had twin daughters, Felicity and Susan, and a son, Robert. In 1939 he also set up his law practice in Katanning in Western Australia.

During World War II he enlisted as a pilot in the Royal Australian Air Force and flew Beauforts in New Guinea. He was a flight lieutenant until 1945. He then returned to Katanning where he was prominent in local affairs.

In 1949 he was elected to federal parliament as the Liberal member for the West Australian seat of Forrest. He was returned to parliament seven times and held the seat until 1969.

He was a member of a number of parliamentary committees and delegations and served on the backbench for several years before being appointed to the outer ministry in 1958 as Minister for the Interior and Minister for Works. Over the next 10 years he also held the positions of Minister Assisting the Attorney-General, Minister for Shipping and Transport, Minister for Air and Minister Assisting the Treasurer. In 1969 he was appointed to the senior position of Minister for External Affairs, replacing Sir Paul Hasluck, and held this position until shortly after his defeat at the October 1969 election.

Sir Gordon was appointed Ambassador to Japan from 1970 to 1973 and High Commissioner to Great Britain from 1977 to 1980. In 1978 he was appointed a Knight Commander of the British Empire for distinguished public and parliamentary service.

Sir Gordon was a fitness fanatic who was known in parliamentary circles for his prowess on the squash court. He excelled in rowing, as I mentioned, and also enjoyed boxing, running, swimming and golf. I am told he was well regarded for his ability to do 10 press-ups on his fingertips.

On behalf of the government, I extend to his children and other family members and friends our most sincere sympathy in their bereavement.

Sir Fred Chaney was born on 12 October 1914 at Fremantle in Western Australia. I understand life was difficult for young Fred and his widowed mother during the Great Depression. Those years and the immense human suffering he witnessed ultimately influenced his decision to enter politics.

After completing his primary education at state and Catholic schools, he was granted a scholarship to the CBC Aquinas College. In 1932, when he finished school, not being able to afford to attend university he joined the state education department and pursued a career as a teacher. He married Mavis, a fellow teacher, in 1938 and they went on to have four sons and three daughters. In 1941, Fred enlisted in the Royal Australian Air Force where he trained as a pilot and became a flight instructor. He served in Australia, New Guinea and Borneo. For a time he also performed RAAF reconnaissance as a member of the legendary Z Force commando unit. He was decorated for bravery after he made a daring aircraft landing on a small clearing in Borneo to rescue some stranded persons. Even though his plane was damaged, Sir Fred managed to fly them to safety. As a result of a number of daring rescue missions such as these, Sir Fred was awarded the Air Force Cross for ‘courage, skill and resourcefulness’.

After his discharge in 1945, Fred returned to teaching and became a deputy headmaster. His strong involvement in the Returned and Services League led him to becoming a state president, the first World War II veteran to
do so. It was during this time that he enthusiastically embraced politics.

A member of the Liberal Party of Australia, he was elected as the member for Perth in 1955 and retained the seat until 1969. In his first speech in parliament he spoke of our nation’s common respect for law and our common love of freedom and stated:

...free nations of the world must pledge themselves that the rights of free men will be protected wherever they are threatened.

During his parliamentary career, he was a member of several parliamentary committees and delegations. He had notable challenges during his parliamentary career, being the Government Whip from 1962 to 1963 at a time when the coalition had a majority of one, and being appointed as Minister for the Navy shortly after the Voyager disaster. After being defeated in the 1969 election, Fred was appointed as Administrator of the Northern Territory, a position he held from 1970 to 1973. Whilst administrator, he became closely involved in indigenous issues. The strong interest he developed in indigenous issues continued through his life.

Whereas most people are involved in local politics before entering federal parliament, Sir Fred entered local politics in 1978 after his federal career. He was elected Mayor of Perth for two terms until 1982. He received recognition for his significant contribution to the nation. He was made a Commander of the Order of the British Empire in the 1970 New Year’s honours list for long political and public service. In 1981, he was appointed Knight Commander of the British Empire for community service.

On behalf of the government, I extend to his wife, Mavis, children, Robin, Fred—who we know well—Karen, Richard, Michael, John and Jillian, and to other family members and friends our most sincere sympathy in their bereavement.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (6.01 p.m.)—I associate the opposition with the condolence motion that the Leader of the Government has moved on the deaths of the Hon. Evan Adermann, a former National Party minister; the Hon. Sir Fred Chaney, also a former Liberal minister. As we have heard, Evan Adermann had a very interesting career prior to his election to the federal parliament. He comes from Kingaroy in Queensland, and I have no doubt that Senator Boswell will tell us that this is one place—

Senator Schacht—A sacred site.

Senator FAULKNER—I do not know about a sacred site, but it certainly seems to have produced its fair share of National Party politicians—there is no doubt about that.

Senator O’Brien—What else?

Senator FAULKNER—I think that Evan Adermann was a councillor in Kingaroy shire as well as being an accountant and a dairy farmer, so I think we can say that he genuinely had a very traditional National Party background. Evan Adermann was elected to the House of Representatives for the seat of Fisher in 1972 and held that seat until 1983. He was re-elected as the member for Fairfax after the 1984 electoral distribution and held that seat until his retirement from the federal parliament in 1990.

Evan Adermann also had a strong family background in politics, succeeding his father, the Rt Hon. Sir Charles Adermann, who had himself been member for Fairfax—I think for a couple of decades. Evan Adermann served as a minister in the Fraser government. He was Minister for the Northern Territory from 1975 to 1978 and Minister for Veterans’ Affairs from 1978 to 1980, and held a number of other portfolio responsibilities as ‘minister assisting’. He was the Minister for the Northern Territory when the Northern Territory attained self-government in 1978, and that would have been a highlight of his ministerial career. I can say that colleagues in the House of Representatives remember Evan Adermann as an unassuming man who worked very hard in the interests of his constituents, his electorate and his party. Our condolences go to his family at this time.

We also remember the career of Sir Gordon Freeth a former Liberal minister; and the Hon. Sir Fred Chaney, also a former Liberal minister. As we have heard, Evan Adermann had a very interesting career prior to his election to the federal parliament. He comes from Kingaroy in Queensland, and I have no doubt that Senator Boswell will tell us that this is one place—
he represented Australia in rowing at the 1938 Sydney Empire Games during the same period. He was a pilot in the Royal Australian Air Force, stationed mostly in New Guinea flying Beauforts, and was involved in the air bombardment of Rabaul. He had attained the rank of flight lieutenant when he was demobilised in 1945.

He was first elected to parliament in 1949 for the West Australian seat of Forrest, which he held for 20 years, and was a minister in the Menzies and Holt governments. He was Minister for the Interior and Minister for Works in 1958, and later was appointed Minister Assisting the Attorney-General, Minister for Shipping and Transport, Minister for Air and Minister for External Affairs.

In relation to his role as Minister for External Affairs, there would be a lot of sympathy for him in the Labor Party, because Gordon Freeth became the target of the DLP and the extreme right of the Liberal Party following a speech in which he was accused of being soft on Russia. Many in the Labor Party having had the same elements of criticism, I suppose there would be a level of sympathy for that. That was significant, because there it had the effect of costing him his seat in the 1969 election. After that, he continued his public life. He was Ambassador to Japan from 1970 to 1973, and in 1977 he became the High Commissioner to Britain. On behalf of the opposition in the Senate, I offer condolences to his family.

Finally, I turn to the death of Sir Fred Chaney and offer our condolences to his family. He also was a son of Western Australia. As we have heard with so many of those we have spoken of in the condolence debates today, he had a very impressive early life. Due to sporting ability, he was able to win a scholarship to Christian Brothers Aquinas College. He had hoped to study engineering at university but, like so many Australians of his generation, as a result of the Great Depression, that was not to be. He accepted a job with the education department in Western Australia. He started at the bottom of the pile there and his career saw him graduate as a teacher and go to a one-teacher school. After what was very distinguished service in the Second World War, he returned to teaching and rose to become a deputy headmaster. During that time he became the first World War II veteran to become RSL state president.

Sir Fred Chaney’s political career began in 1955, when he won the seat of Perth. He went on to hold that through to 1969, and he had distinguished service in the House of Representatives as Chief Government Whip. He was appointed by then Prime Minister Menzies as Minister for the Navy in 1964, and was caught in a unique situation waiting for legislation to pass the parliament to enlarge the size of the ministry to allow him to be sworn in as Minister for the Navy: it was precisely at that time that HMAS *Melbourne* collided with the destroyer *Voyager*, resulting in what was to be our nation’s worst peace-time disaster, with 82 lives lost. At the time, the Minister for the Army, Dr Forbes, was made Minister for the Navy in order to attend to formal matters, but it was Fred Chaney who had to deal with the aftermath of that naval disaster. In 1966, when the Holt government was elected, he was not appointed a minister. He lost his seat in the 1969 election.

Sir Fred Chaney, like his son Fred Chaney, who we know and have served with in this chamber, had a very strong interest in Aboriginal issues. He was appointed Administrator for the Northern Territory in 1970 and he was a strong advocate for and supporter of Aboriginal land rights. Like other former members of the federal parliament, he had a term as Lord Mayor of Perth before retiring from public life in 1982. Even though I did not know Sir Fred Chaney personally, I, like many other senators in this place, knew his son, who was the leader of the Liberal Party in the Senate when I first joined this chamber. On behalf of the opposition, I again offer condolences to Sir Fred Chaney’s family.

To the families and friends of the Hon. Albert Adermann, the Hon. Sir Gordon Freeth and the Hon. Sir Fred Chaney, who have served their party and this parliament with distinction, I again offer our sincere condolences.

Senator BOSWELL (Queensland—Leader of the National Party of Australia in the Senate and Parliamentary Secretary to the Minister for Transport and Regional Serv-
Minister for Transport and Regional Services) (6.13 p.m.)—I would like to associate the National Party with the condolence motion moved by the Leader of the Government in the Senate. Today we are moving this condolence motion for three outstanding men who served their country as ministers. Two of them served their country in war and in parliament, and after their parliamentary careers they served their countries as ambassadors or as administrators.

I would first like to talk about Evan Adermann. Evan Adermann was born on 10 March 1927 in Kingaroy, the son of Sir Charles Adermann, who held the seat of Fisher for over 20 years and was a senior minister and deputy leader of the National Party, or, as it was then, the Country Party. Sir Charles Adermann, his father, was a forceful character and was the person that influenced Sir Joh Bjelke-Petersen to stand for state parliament. Evan took over the seat after his father relinquished it and served in the seat of Fisher and later, due to a redistribution, in the seat of Fairfax.

Evan was a very quiet and gentle person, a person who gave great support to the National Party, and he was a family man. When I attended his funeral service, which was held during the middle of the last election campaign, I was impressed to see so many people attending from all walks of life. He was a substantial member, even a leader. I think the person administering the Church of Christ alternates each five years between a minister of religion and a person who is not a minister of religion. For some time Evan Adermann ran the Church of Christ in Queensland. He had five children, three sons—one of whom is also a minister in the Church of Christ—and two daughters. He had nine grandchildren. At the funeral his son said that his family and his grandchildren were the light of his life.

Evan left parliament in 1990. I can recall the trauma the National Party was experiencing in the ‘Joh for Canberra’ era and the trauma that the National Party went through in its party room. I can remember the counsel of Evan Adermann when it got rough in there. One person at that particular time was causing confusion—it had never happened before in the National Party—and it was Evan’s counsel that calmed us down. I can remember times when Evan would lead us in prayer. That has not happened since. Evan had a calming influence. He could take over a situation that was getting very serious and he could calm the party room down.

I think if you asked him about the highlights of his parliamentary career he would mention that, along with my colleague Senator Harradine, he re-formed the Parliamentary Christian Fellowship. That has gone on from that day and it is still offering services to the parliament. Today, many of us attended a church service organised by the Parliamentary Christian Association, which Evan reconstructed. In the Courier-Mail Evan Adermann was described as the gentle man of politics and as a staunch member of the Church of Christ.

He had quite serious responsibilities as minister. Taking the Northern Territory into self-government in 1976 was something, which he saw as being a great contribution. He was appointed Officer of the Order of Australia in June 1999 for his service to the Australian parliament, local government and the community. He was a member of local government before he came into parliament. He was born into politics. He served the National Party well, as he served the electorate of Fisher and, later, the electorate of Fairfax, well. He came into parliament in 1972 and stayed in the parliament until 1990. He served as Minister for the Northern Territory from 1975 to 1978, as Minister Assisting the Minister for Natural Resources from 1975 to 1977, as Minister for Veterans’ Affairs from 1978 to 1980 and as Minister Assisting the Minister for Primary Industries from 1977 to 1980. His ministerial career finished around 1989. He then became a backbencher and served and represented the people of his electorates of Fisher and Fairfax for another 10 years until his retirement in 1999.

He had a daughter who was hearing impaired and he was outspoken in his representation on behalf of the deaf and the hearing impaired. He put a great deal of effort into the societies for the deaf and the hearing impaired.
He was an honourable man in every sense of the word. To his wife, Joan, his sons, David, Peter and John, his daughters, Joanne and Jenny, and his nine grandchildren, I pass on our sympathy and condolences.

I did not know Sir Gordon Freeth. He was well and truly before my time. He was born in 1914. He served Australia well in war, in peace, in politics and as an ambassador in Japan. He was an outstanding member of the Liberal Party and a great Australian. I would like to pass our condolences and those of the National Party to his family and friends.

Sir Frederick Chaney was born in October 1914. Again, I never knew Sir Frederick, but I did know his son Fred Chaney and I served with him for a great number of years. Sir Frederick had seven children—four sons and three daughters—23 grandchildren and 14 great-grandchildren. He was another great Australian who served his nation in peace and in war. We in the National Party pass on our condolences, particularly to his son Fred, who many of us know so well, but also to his other friends and all his family.

Senator HARRADINE (Tasmania) (6.23 p.m.)—I do not think that I can add to the words that have been expressed here in this chamber in this condolence motion. However, I would like to associate myself with this condolence motion and convey my sympathy to the families of these deceased members of parliament.

Question agreed to, honourable senators standing in their places.

Jacobi, Mr Ralph, AM
Brownbill, Miss Kay Cathrine Millin

The PRESIDENT (6.24 p.m.)—It is with deep regret that I inform the Senate of the deaths of two former members of the House of Representatives: on 15 January 2002, of the Hon. Ralph Jacobi AM, a former member of the House of Representatives for the division of Hawker, South Australia, from 1969 to 1987; and, on 3 February 2002, of Kay Brownbill, a former member of the House of Representatives for the division of Kingston, South Australia from 1966 to 1969.

Senator SCHACHT (South Australia) (6.24 p.m.)—by leave—I thank the Senate for giving me leave to make a few remarks about the passing of Ralph Jacobi. As you have said, Madam President, Ralph Jacobi was the Labor member for the seat of Hawker from 1969 to 1987. During much of that time, I was a South Australian party official of the Labor Party, either state secretary or state organiser. I got to know Ralph Jacobi very well indeed, and I can say unequivocally that he represented the cream of the working class of Australia.

Ralph was an outstanding representative of the people of his electorate, and he was an outstanding representative of the people of South Australia. He had unbelievable integrity, directness and honesty—often a rare commodity in politics, some people would say, but no-one would ever dispute Ralph Jacobi’s integrity. Prior to winning the seat of Hawker in 1969, he was an official of the Australian Government Workers’ Association in South Australia, a state based union that covered blue-collar workers in the hospital and health care industry and workers in daily paid employment in the water supply department.

Ralph Jacobi won the new seat of Hawker in 1969, even though his opponent, well-known Adelaide businessman Alan Hickenbotham, spent an extraordinary amount of money in that campaign. It was my first election campaign as state organiser and I, like others, was extremely worried about whether Ralph could withstand the onslaught of what was a very sophisticated election campaign by Mr Hickenbotham. But, fortunately, in that year, 1969, there was a very big swing to Labor in South Australia. It was probably the best federal result in the history of that state. I think there was a two-party preferred vote of about 54 per cent. We won eight out of the 12 seats in South Australia, and Ralph’s was one of them.

Subsequently, Hawker had redistribution changes that made it more and more marginal. In 1975, despite a big swing to the Liberal Party, Ralph narrowly held the seat by 500 votes. He held the swing in the seat to less than the state average. If it had been the state average he would have lost his seat, so we all cheered him for his great achievement. Then in the 1977 federal election we found that the boundaries had been changed
again, and the seat had been made weaker for
the Labor Party. Steele Hall announced that
the Liberal Movement Party was being
wound up and that he was rejoining the Lib-
eral Party, giving up his Senate seat and
standing for the seat of Hawker. The media
in South Australia took that as the automatic
end of Ralph Jacobi, believing that Steele
Hall would bolt in, being a former premier
and high personality within South Australian
politics. Again, I was heavily involved in the
campaign.

When we offered Ralph Jacobi lots of
support—shadow ministers to come and visit
his electorate, funding for television ads and
leaflets—he simply said, ‘Go to buggery; I’ll
win this campaign in my own way just as
I’ve done in the past.’ He then went out and
doorknocked at the local level. Of
course, to the surprise of the media in Ade-
laide and nationally, when the votes were
counted he won the seat by 800 votes. He
effectively increased his majority and again
won in the face of a very expensive cam-
paign against him.

After that, people realised that Ralph Ja-
cobi was more than just a backbencher. This
man was an outstanding parliamentarian, an
outstanding member who, somehow, had the
ability to connect to ordinary people in the
electorate—people who did not need glossy
pamphlets to be told how good Ralph Jacobi
was. They did not need television ads or ra-
dio ads to tell them why they should vote for
Ralph Jacobi.

In the 1980 election, when there was not
such a high profile Liberal candidate, I was
state secretary and I again discussed with
Ralph what the campaign should be. He said,
‘Schacht, go away, leave it to me. I do not
want any interference.’ I said, ‘Bill Hayden
wants to visit your electorate as the new par-
liamentary leader in this campaign.’ He said,
‘I don’t need the parliamentary leader.’ I
said, ‘What about a couple of shadow min-
isters?’ ‘I don’t need any shadow ministers.
They are just a nuisance. Send them off to a
marginal electorate where they can be useful.
I don’t need them.’ I then discussed with him
other tactics, leaflets and so on. He ignored
every piece of advice. On the Friday night
before the election I sent him a telegram
saying, ‘All the best for a big victory tomor-
row, Ralph. Congratulations on taking no
notice of the state campaign director, the
state ALP, the federal ALP. I am sure you
will have a great victory.’ He did have a great
victory, a substantial victory. He took my
telegram, framed it and put it on the wall of
his office. It hung there proudly while he
held the seat until 1987.

In the time he was in this parliament, de-
spite the fact he had a blue-collar back-
ground, Ralph Jacobi was a visionary in a
number of areas that are now taken for
granted in federal politics. He was one of the
first to debate and raise the issue about secur-
rities and Corporations Law, about the need
deforsept regulation to stop corporate
crooks robbing ordinary Australians and to
stop misleading information in prospectuses
and to stock exchanges. He was at the fore-
front of that. It was very odd for someone
from the Labor Party to get into the detail of
Corporations Law in thousands of pages. Ralph Jacobi did it.

The next area he got involved in was in-
surance reform. Again, it was not a big sexy
issue—if I can use that term—within the
Labor Party. He was one of the visionaries to
demand regulation to protect consumers,
ordinary Australians, from being robbed by
crook insurance companies. Ralph Jacobi
would have said that he was not surprised at
HIH falling over last year. He would have
predicted that if you do not have strong
regulation the crooks and conmen will get
away with it.

He was also a very active member of the
Joint Standing Committee on Foreign Af-
airs, Defence and Trade. He was one of the
most knowledgeable men there is on Middle
East issues. I can remember him saying on
many occasions, ‘One of the reasons you
will not get a peace settlement in the Middle
East is the problem of water.’ He said the
allocation of water between what is claimed
as Palestine, and Israel, Jordan and Syria was
an issue that had to be resolved. Ralph was
one of very few people who would talk une-
motionally about the detail of Middle East
politics. He was not a proselytiser for either
side. He supported the right of Israel to exist,
he supported the right for the Palestinians to
have a homeland, but it had to be negotiated. He raised very sensible proposals. Ralph could talk to you about this for hours.

It has to be said that, for all of us who have been involved in factions in the Labor Party, it was a very bad moment when, after the 1984 election, Ralph should have become chairman of the Joint Standing Committee on Foreign Affairs, Defence and Trade. But he was not in a faction; he flatly refused to join a faction. He said, ‘I am a member of the Labor Party. That is enough. That is my commitment.’ And, because of that, he was not able to be allocated the chairmanship of that committee. As a result of that, on principle he then resigned from the committee. He said, ‘If I can’t be on a committee or be a chairman without being in a faction, then I think it’s time for me to stand down.’ That was a loss to the committee and a loss to the Labor Party.

On Ralph Jacobi and factions, in the article written by Barry Jones, one of his close colleagues and close friends, Barry relates the story of Ralph being lobbied for votes in a leadership ballot. And this is the measure of the man. Despite being, I claim, a friend of Ralph’s, I never found out how he voted in any internal ballot in the federal caucus of the Labor Party. He flatly refused to tell anybody how he voted, even when it might have been to his advantage to curry favour, as we all do, to say, ‘I’ll vote for you if you vote for me for something else.’

Senator Hill—You didn’t do that too well, Schachtie!

Senator SCHACHT—As I say, Senator Hill, we have all done it—sometimes successfully, sometimes unsuccessfully. But there was an occasion in mid-1977 when Bill Hayden challenged Gough Whitlam for the leadership. Ralph, who was sitting up at the back the chamber, said something that meant that he might have been favouring voting for Gough Whitlam. So Gough wandered up from the front bench and chatted to him. Ralph listened and basically sent him away. Because it looked like he had rejected Gough, some halfwit, who was a supporter of Hayden, said to Hayden, ‘Look, we think Ralph is a chance.’ So Hayden goes up—the story says—and says, ‘If you vote for me, Ralph, I’ll put you on the front bench.’ And he said, ‘Actually, Hayden, that has convinced me to vote for Gough.’ That was Jacobi.

Then there was the ballot after the 1978 election, when I spoke to Ralph—I supported Bill Hayden to be the new leader—and I lobbied him. He listened for 30 seconds and then hung up the phone without saying anything. Up until the day he died, I do not know how he voted in that important ballot or in any subsequent ballot between Hawke and Hayden. He was the one person whose vote no one could guess. That was the mark of the integrity of the man. That is why for many of us his passing is extremely sad.

For South Australia, he was the first person to raise the issue of water quality in the River Murray, way back in 1981. In the seventies, we were still arguing in South Australia about building the Chowilla Dam. But he actually demanded that the River Murray Commission have its powers amended to deal with the issue of not just the volume of the water in the River Murray but the quality of the water. He predicted in 1981 that unless it was dealt with the River Murray would die. He was ignored. People said, ‘What is this man talking about?’ Now, everybody in politics agrees with the issues he raised. In the seventies he pushed for several years for the establishment of a national crime authority. After years of pushing, he succeeded in having it established.

When we knew that Ralph was dying with cancer it was very sad for us. He went quietly to the Daw Park hospice. Some of us rang him in the days before he passed away and, to the very end, Ralph was still his modest self. He said to me when I rang, ‘Don’t worry about ringing me, Schachtie. Thanks for ringing, but it’s all okay. Thanks, friend. Good luck to you.’ He left very clear instructions with his wife and family that, after his death, there was to be no publicity; none of us was to say anything to the media in South Australia about his passing until after a very small private funeral was held for just the family. Those were his clear instructions.

It is a measure of the man that that modesty also meant he was one of the best politi-
cians that South Australia ever sent to the federal parliament. His contribution in so many areas has been so significant. It is not often we can say that someone is the cream of the working class, but Ralph Jacobi certainly was. I have to say that it has been a humbling experience that, for over 30 years, I considered him a friend.

Senator COONEY (Victoria) (6.38 p.m.)—by leave—I would like to say a few words on this condolence motion, as Ralph Jacobi is one person I want to be on the record as having spoken about, for the sorts of reasons that Senator Schacht has given.

I would adopt everything that Senator Schacht has said. There have been a lot of people with great integrity who have come into this place and whom I have met over the years, but there was nobody with more integrity than Ralph Jacobi. He was one of the great people who have been through this parliament. There is a myriad of stories that could be told about him. Time is short, and I simply want to be on the record as having paid tribute to a great man—a man who adorned this parliament as much as anybody ever has.

Senator CROWLEY (South Australia) (6.39 p.m.)—by leave—I would like to take this opportunity to say a few words about Ralph Jacobi. Any time I think about him, I smile. He used to come in and out of my office to keep me honest—in between asking me if I could ‘possibly find this book’ for him. In fact, when I went to New York I had a list of books that he could not find anywhere else. He asked if I could please see if I could pick them up in New York, because ‘they are bound to have some source there’. If I could have, I would have, but I could not.

He was an avid reader and a wonderful person for ringing up or dropping a note that had just a quote, a sharp line or a reminder. He had, as we heard in Senator Schacht’s contribution and also Senator Cooney’s, a really fierce integrity. He could smell cant a mile off, if he could not hear it, and he tolerated it not at all. I remember his arguing—I think probably Senator Cooney and I would have been interested in his argument—about whether or not you should deny a passport to a person who was suspiciously likely to leave the country, taking huge wealth with them. People like Christopher Skase earned Ralph Jacobi’s huge antagonism. He reckoned that Skase’s right to his passport mattered not at all; thousands of people in his electorate lost their life savings of $1,000, $5,000 or $10,000. Ralph reckoned that, when it came to a balance, he knew which side was right. That was one of the many conversations I had with him. He also had a wicked sense of humour, and I am unfortunately unable to repeat here most of the jokes he told.

As Senator Schacht said, he was a person who pushed and persisted with inquiries even when they were not popular, such as inquiries into reform of insurance and superannuation—and, as Senator Schacht said, he was one of the first to raise concerns about the Murray-Darling. Unfortunately, I did not remember to ask Ralph for permission to enter him in Peoplescape as part of the Centenary of Federation celebrations. I think that, if I had asked him, he would have said ‘No!’ in an absolutely gravelly voice. But he was extremely pleased when we told him that we had succeeded in getting permission, and he was one of those many people standing on Parliament House who could be biffed, appreciated or photographed. He was extremely pleased, and in his Peoplescape figure we featured his integrity and his concerns about insurance reform and the Murray-Darling. That Peoplescape figure has been returned to Adelaide, and I will make sure that it finds an excellent place—hopefully with his family.

I want to read part of a letter that I believe captures a large part of Ralph Jacobi. He wrote this letter on 6 April 2001 and asked if I would pass it to Simon Crean, the then Shadow Treasurer. The letter reads:

Throughout my time in the Canberra Bear Pit one of my reform passions was in the area of Insurance, stemming from the collapse of the UK owned Vehicle & General Insurance Group in 1971, and the resultant losses for people insured with this company here.

Then, you will recall a host of collapses, but particularly Bishopsgate Insurance Australia. Initially, I was able to persuade Caucus support for an enquiry into the industry back in 1973, regrettably then and throughout be it the Insurance Act, an
Insurance Contract Law or Insurance Brokers & Agents, all were persistently opposed and consistently opposed by Treasury. It took from 1970 until 1986 before we were able to get any meaningful reform on the Statute Book.

As I recall the Minimum paid up by Capital for such companies was about $200,000; Solvency margin of assets on liabilities equal to 15% or $100,000 of Premium income which ever was the greater. Re-insurance arrangements subject to approval.

I also submitted proposals for the “Winding up of Insurance Companies” again without success.

However, reflecting the causes behind the collapse of GIO and HIH, I firmly believe that the community would be saved a vast expense in the supervision of General Insurance (Insurers) if the entry point was raised to a minimum of say $10 million capital to keep the rogues out.

In addition all companies to contribute just 0.1% of their premium income per year to a fund that would meet the claims of a failed insurer. This would raise some $15 million per year.

In addition I would insist that we adopt as a matter of urgency the ‘Fit and Proper Person’ of the UK Act which was inserted into the UK Act following the clean up of the Vehicle and General collapse. During the year I repeatedly sought to have this provision inserted in our Act, but the Treasury and Treasurers repeatedly rejected it.

Reflecting on the track record down the years of both Treasury and the Industry to these and similar initiatives, I have no doubt that the joint response will be a consistent negative. The consequence will inevitably be repeat cases of the above.

As I have claimed many times as to the role of Auditors one of the reasons auditors have failed to subscribe to what ought to be the basis of all accounting standards—that sunlight is the best disinfectant.  1  

Auditors of integrity should apply the Smell Test, which is a pretty good rule of thumb in this situation—if it smells bad, then dig deep for the source of the stench, then expose it.

I have a number of observations to make:

Regulators: If there is one lesson that flows from this debacle it is that it’s ‘high time that Regulators took on board that wise old dictum: the soft approach is in the long run the cruellest.’

An old Italian proverb puts it more cogently: ‘Fish always begin to stink at the head.’

Politicians/Legislators ought to repeatedly ask themselves: ‘Why is it that we are always shutting the stable door after the horses have bolted.’

People who are obliged to insure against a contingent liability are entitled to demand a legislative framework within which they can feel secure and confident that their policies are both secure and protected from fraud, plunder or incompetence.

As legislators it is time we took on board one central factor in this so-called ‘deregulation saga’. That when the rules are relaxed, oversight must be strengthened. Deregulation requires more, not less supervision.

Legislative changes must be made. If we choose to navigate on the same course with the same defective equipment, then the expensive mistakes of history will be repeated.

Yours sincerely,

Ralph Jacobi.

Here is a man who, in April 2001, less than a year ago, was still raising these issues—not just because of the rightness and appropriateness of them but also on behalf of the people who were burned when insurance companies and the like collapsed. As Ralph would say to us again and again, ‘usually they are the little people in my electorate.’

Senator Schacht said that Ralph Jacobi was a man whom he counted as a friend. I also counted Ralph Jacobi as a friend. He was a man from whom all of us could constantly learn because of his integrity, his passion for the right approach and his belief in the right of citizens—particularly those citizens with modest incomes—to equal protection for their large or small assets. I cannot speak well enough of Ralph Jacobi. I very much regret his passing and I miss him, as do my staff and everyone I know who knew Ralph. I pass on my sincere condolences to his wife Stella and his family and I thank them for their support over the years.

Senator HILL (South Australia—Minister for Defence) (6.48 p.m.)—by leave—Lest it be thought that it is only Labor senators or some Labor senators who thought highly of Ralph Jacobi, I would like it to be known that I greatly respected him also. He spent a lot of time talking to me on issues that were important to him, particularly matters relating to the Middle East, the River Murray and water reform. Even after he retired, he wrote to me on a number of occasions with a bit of helpful advice. He probably did not tell his
former Labor colleagues that he was doing that. It was always good advice and I appreciated it. I thought he was a very good politician, a very good parliamentarian and a very decent bloke, and it is sad that he is now no longer with us.

Senator CHAPMAN (South Australia) (6.49 p.m.)—by leave—Ralph Jacobi and I were, for about 7½ years, neighbours, in the sense that when he was the member for Hawker and I was the member for Kingston between 1975 and 1983 we shared a common boundary between the two electorates. We saw a lot of each other during that period because a number of the community and local organisations in that part of metropolitan Adelaide overlapped the two electorates. We were often together at functions relating to those organisations and also on a number of occasions worked together on issues that were affecting those organisations.

Apart from his skills and integrity, as have already been mentioned today, what I appreciated about Ralph Jacobi was the way in which he worked, in that context, in a completely nonpartisan way. As far as he was concerned, he was the member for Hawker, I was the member for Kingston, and we were both there to serve our local communities and those organisations and do our best for them irrespective of which party we belonged to. In that regard, he always treated me affably and with great courtesy and respect, which was reciprocated on my part. Between us, I think we achieved quite a lot for the south western suburbs during that period. This was due in no small measure to Ralph’s experience, having served some years before I was elected. By observing Ralph in my early years as the member for Kingston, I learned a lot about how to serve an electorate effectively and how to look after it as a marginal seat, and I want to associate myself with the remarks made today.

The PRESIDENT—I ask senators to stand in silence as a mark of respect for Ralph Jacobi and Kay Brownbill.

Honourable senators having stood in their places—

The PRESIDENT—I thank the Senate.
No. 42—
Border Protection (Validation and
Enforcement Powers) Act 2001 (Act
No. 126, 2001)
Migration Amendment (Excision
from Migration Zone) Act 2001 (Act
No. 127, 2001)
Migration Amendment (Excision
from Migration Zone) (Consequent-
128, 2001)

No. 43—
Migration Legislation Amendment
Act (No. 1) 2001 (Act No. 129,
2001)
Migration Legislation Amendment
Act (No. 5) 2001 (Act No. 130,
2001)
Migration Legislation Amendment
Act (No. 6) 2001 (Act No. 131,
2001)

No. 44—
Air Passenger Ticket Levy (Collec-
tion) Act 2001 (Act No. 132, 2001)
Air Passenger Ticket Levy (Imposi-
tion) Act 2001 (Act No. 133, 2001)

No. 45—Migration Legislation
Amendment (Judicial Review) Act 2001
(Act No. 134, 2001)

1 October 2001—Message—

No. 46—
National Crime Authority Legisla-
tion Amendment Act 2001 (Act No.
135, 2001)
Measures to Combat Serious and Or-
ganised Crime Act 2001 (Act No.
136, 2001)
Family and Community Services
Legislation Amendment (Application
137, 2001)
Family Assistance Estimate Toler-
ance (Transition) Act 2001 (Act No.
138, 2001)
Interactive Gambling Amendment
Act 2001 (Act No. 139, 2001)
Industry, Science and Resources
Legislation Amendment (Application
140, 2001)

No. 47—
Defence Legislation Amendment
(Application of Criminal Code) Act
2001 (Act No. 141, 2001)
Employment, Workplace Relations
and Small Business Legislation
Amendment (Application of Criminal
Code) Act 2001 (Act No. 142,
2001)
Transport and Regional Services
Legislation Amendment (Application
143, 2001)
Safety, Rehabilitation and Compensa-
tion and Other Legislation
Amendment Act 2001 (Act No. 144,
2001)
Customs Tariff Amendment Act (No.
4) 2001 (Act No. 145, 2001)

No. 48—
Treasury Legislation Amendment
(Application of Criminal Code) Act
(No. 2) 2001 (Act No. 146, 2001)
Education, Training and Youth Af-
fairs Legislation Amendment (Appli-
cation of Criminal Code) Act 2001
(Act No. 147, 2001)
Superannuation Legislation Amend-
ment (Indexation) Act 2001 (Act No.
148, 2001)
International Maritime Conventions
Legislation Amendment Act 2001
(Act No. 149, 2001)
Health and Other Services (Compen-
sation) Legislation Amendment Act
2001 (Act No. 150, 2001)
Social Security and Veterans’ Enti-
tlements Legislation Amendment
(Retirement Assistance for Farmers)
Act 2001 (Act No. 151, 2001)

No. 49—
Intelligence Services Act 2001 (Act
No. 152, 2001)
Intelligence Services (Consequential
Provisions) Act 2001 (Act No. 153,
2001)
Indigenous Education (Targeted Assis-
tance) Amendment Act 2001 (Act
No. 154, 2001)
Motor Vehicle Standards Amend-
ment Act 2001 (Act No. 155, 2001)
Olympic Insignia Protection Amendment Act 2001 (Act No. 156, 2001)

No. 50—
Jurisdiction of the Federal Magistrates Service Legislation Amendment Act 2001 (Act No. 157, 2001)
Bankruptcy (Estate Charges) Amendment Act 2001 (Act No. 158, 2001)
Abolition of Compulsory Age Retirement (Statutory Officeholders) Act 2001 (Act No. 159, 2001)
Patents Amendment Act 2001 (Act No. 160, 2001)
Cybercrime Act 2001 (Act No. 161, 2001)

No. 51—
New Business Tax System (Debt and Equity) Act 2001 (Act No. 163, 2001)
Excise Tariff Amendment (Crude Oil) Act 2001 (Act No. 164, 2001)
Fuel Legislation Amendment (Grant and Rebate Schemes) Act 2001 (Act No. 165, 2001)
Royal Commissions and Other Legislation Amendment Act 2001 (Act No. 166, 2001)

No. 52—
Taxation Laws Amendment Act (No. 2) 2001 (Act No. 167, 2001)
Taxation Laws Amendment Act (No. 5) 2001 (Act No. 168, 2001)
Taxation Laws Amendment Act (No. 6) 2001 (Act No. 169, 2001)

ADJOURNMENT

Senator HILL (South Australia—Minister for Defence) (6.53 p.m.)—As a mark of respect to the memory of the deceased to whom we earlier referred, I move:
That the Senate do now adjourn.

Trade: Policy

Senator PAYNE (New South Wales) (6.53 p.m.)—I rise to make some remarks on what
negotiate a framework trade and economic agreement between the two countries.

This idea was picked up at the Australia-Japan conference last year, which was a Prime Minister Howard-Prime Minister Mori bilateral initiative, jointly convened by the Department of Foreign Affairs and Trade and the Japanese Ministry of Foreign Affairs. I was fortunate to be a delegate to that conference, and it recommended that we look at this idea. Under the excellent chairmanship of Jerry Ellis, there was significant and valuable input by a number of participants, not least by my coalition colleague Kay Hull but also by Australians like Helen Nugent, John Moriarty, Mark Paterson, Paul Twomey and, of course, John McCarthy, the current Australian Ambassador to Japan.

The concept of entering into a trade and economic agreement fits naturally into Prime Minister Koizumi’s vision for a growing East Asian community and agrees well with the direction taken up at that conference. This vision is multilayered. It has an economic focus, but the Japanese are also looking towards a network of cooperative agreements between individual countries that will build a whole network of much stronger collaboration. That may be cooperation in the security and strategic field but also in regional efforts to combat transnational crime, piracy, money laundering and people smuggling. As we know well in the current climate, these are very important. It is not about creating a new institution but rather about encouraging habits of cooperation that are already there and strengthening them—in Koizumi’s words ‘to take meaningful actions for regional cooperation’.

We could, for example, start by focusing on what is in the new partnership agreement just concluded between Japan and Singapore, because Japan will be looking towards Australia to conclude similar agreements. Piece by piece, we can construct a patchwork quilt or a jigsaw puzzle of stronger relations, both on the economic and non-economic fronts. It fits very well with our own priorities; our own economic interests are fairly and squarely in the Asia-Pacific region. Japan is our No. 1 trading partner, China our No. 3 and Korea our No. 4. We are advancing not just our economic interests but also our strategic interests in this process.

The strengthening of economic partnerships in our region will be complementary to our pursuit of other global trade goals. The Doha round of multilateral negotiations is a very high priority for Australia and in some areas—such as reducing agricultural tariffs—it might be that the multilateral track is the most effective, but there are a number of things that Australia can do by way of both facilitation and cooperation to complement those reductions through the multilateral round. For example, we can look at linkages between industry and new sectors like IT, environmental management or establishing linkages between stock markets. There is a range of facilitation agreements to support and complement improvements that we can get through the new round. Even on questions like agriculture, we can look at harmonising quarantine procedures or streamlining custom standards or requirements so that those bilateral agreements can complement what is achieved through the multilateral round. I note that many of those subjects were covered in the report of September last year of the Senate References Committee on Foreign Affairs Defence and Trade, Japan: Politics and Society: Report 2 in the inquiry into Japan.

In the context of other regions which have set up economic community structures, we must acknowledge that the Asian region is much more diverse and uneven in its differing styles of government and development of economies, particularly in comparison to Europe. From my perspective, what Prime Minister Koizumi has in mind is a more loose and flexible arrangement because conditions are not right to move towards something along the lines of the European model of integration. The Embassy of Japan in Canberra has a new and able leader in incoming Ambassador Atsushi Hatakenaka. He is strongly focused on economic activity, given that that is the bedrock of the bilateral relationship, and so the mission is acting in the spirit of the recommendations that came out in the conference. For example, in May of this year there is a planned dialogue between higher education institutions and an-
other on issues that plague both our countries such as ageing populations, the hollowing out of our regional areas and policy solutions for people who do not live in urban areas.

About 800,000 Australians speak an Asian language. This should be a very valuable resource in future trade with countries in our region and in attracting foreign investment. The importance of language teaching in Australia and fostering links between young Australians and young people from our region cannot be overstated. It is an investment of time and effort for the sake of effective future relations which we cannot afford to ignore. There is a very active program by the Asia Education Foundation to improve the standard and quality of Asian teaching in Australia which involves study trips for Australian teachers to visit Asian countries. I know from the reports of those who have participated that it is regarded as a very positive and valuable program. The Australia Japan Foundation has a broad range of cultural and sporting exchange programs and strongly encourages English as a second language in Japan.

The Minister for Trade, Mark Vaile, has energetically and effectively pursued a number of important tracks for Australian trade. For example, on the World Trade Organisation multilateral track we have taken a lead in working through the Cairns Group of non-subsidising agricultural exporters to get reduced subsidies on agricultural product. Within the regional organisations, of which APEC is our primary focus, we have achieved a strong level of influence in the region. Our CER agreement with New Zealand has been concluded, and last year’s agreement to link the CER with the ASEAN Free Trade Area represents for the first time a much more comprehensive approach to promoting trade and investment linkages that will underpin both future growth and prosperity in Australia and throughout the region. We have made significant advances in maintaining and advancing new bilateral relationships since the coalition was elected in 1996. There are a number of examples in that regard: we are currently in negotiations for a free trade agreement with Singapore; we are conducting a scoping study on a free trade area with Thailand; and, as senators would know, we are also talking to the United States about a free trade agreement. These are important foci for the government and the minister. I look forward to the emphasis that will be placed on strengthening relationships with our region and that looks likely during this 40th Parliament.

Lloyd, Mr Clem

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (7.02 p.m.)—On New Year’s Eve at Gympie, in Queensland, the great Labor loyalist Clem Lloyd died. He was in Gympie working on a biography of Andrew Fisher. It was to be his 12th book. Clem was a journalist, political staffer, historian, academic, teacher and writer. At 15 he joined the Daily Telegraph as a police rounds copy boy. He took his cadetship on the Daily Mirror working again on the police rounds. For 12 years, Clem worked in Sydney and Canberra, with the Sydney Daily Mirror, Sydney Sun, Sydney Morning Herald, Consolidated Press, the Australian Financial Review and the Melbourne Truth. He studied at university part time, first completing a degree in economics, then an arts degree. By the end of his life he had completed bachelors, masters and doctoral degrees in political science and bachelors degrees in law and economics.

In 1966, he began working for the federal Labor Party when he was offered the position of principal private secretary to Labor’s Senate leader, Don Willesee. When Willesee lost the leadership a few months later, Clem joined Lance Barnard, the opposition’s deputy leader and spokesman on defence. He worked with Lance Barnard until 1973. In the lead-up to the 1972 election, Clem played a key role in formulating Labor’s defence policy. The policy included bringing an end to conscription and developing a well-equipped, decently paid volunteer army, as well as restructuring Australia’s defence establishment—a massive job which meant reorganisation and integration of five defence departments.

Richard Hall was right when he said that Clem was ‘the brains behind a credible alternative Labor defence policy’ in the lead-up to the election of the Whitlam government.
Clem resigned from Barnard’s staff when Sir Arthur Tange, the permanent Secretary of the Department of Defence, refused to allow Clem to attend a briefing by British Defence Secretary Lord Carrington. As Graham Freudenberg wrote in A Certain Grandeur, ‘his resignation was a deep blow to Barnard and the whole government’.

On three more occasions in the ensuing 10 years he was to work at Parliament House: twice with Tom Uren as press secretary and then as principal private secretary to Bill Hayden. By the 1980s, his attention had turned to academia. He spent eight years at the ANU, and then from 1989 to 2001 he was professor of journalism at the University of Wollongong’s Graduate School of Journalism. Late last year he moved to the University of Canberra after being appointed research professor. His was an extraordinary career.

Given Clem’s legendary capacity for food and drink, it seemed appropriate that a memorial gathering for him last month would be held at the Members Dining Room at Old Parliament House. As Andrew Clark said then, ‘Boldness and bigness were hallmarks of Clem Lloyd. He was a man of big appetites in food, political argument, imbibing, public policy, racing, teaching, music, history, reading and writing.’ We heard then of a man who once said, ‘We may not have the best governments in the world but we sure have the funniest.’ We heard of a man who put his lounge furniture out on the nature strip to air, only to be aggrieved when he thought it had been stolen. Not so—just permanently removed because he had managed this exercise on the local rubbish collection day.

I had a lot to do with Clem last year when we celebrated the centenary of the Federal Parliamentary Labor Party. In fact, Clem Lloyd was the only person to contribute to both the Liberal and Labor Centenary of Federation publications. Clem was one of 26 contributors to our caucus history True Believers. I have got to say that I became very agitated when Clem’s chapter was the last to arrive. But wasn’t it worth waiting for! It was very Clem. He found fascinating new material to open up and explain how caucus and the press gallery interact. At the time of the True Believers launch, Clem’s research on the relationship between Ben Chifley and the Murdochs—both Sir Keith and Rupert—received much attention. The insights and sharp asides on some familiar national figures included in this chapter were enjoyed by many. Professor Stuart Macintyre said to me recently that Clem had a closer familiarity with the archives than most historians do and a shrewd understanding of the secrets they would tell as well as those they would withhold. All this, and so much more, will be missed.

At this difficult time we think of Clem’s family: his sister Genevieve, his daughter Frances and his wife Beverley, who are in the chamber this evening. Beverley herself has made such a significant contribution to the Labor Party, not least her work with Pat Weller in editing and publishing our caucus minutes from 1901 to 1949 and our Federal Executive minutes from 1915 to 1955. To them goes our very deep and sincere sympathy.

So, vale, Clem. Your work in the cause of Labor will never be forgotten.

Immigration: Asylum Seekers

Senator HUTCHINS (New South Wales) (7.11 p.m.)—This evening I wish to speak about one of our colleagues who I believe has had a series of different public positions on the refugee issue. Madam President, you may recall that in the dying days of the last parliament Michael Gordon in the Age of 22 September 2001 said:

‘Senator Marise Payne, one of a minority of Liberals with serious concerns about the government’s approach to asylum seekers, choked up while putting the case for compassion to the Senate.

Madam President, you may recall that speech. I certainly do, because I think that at that stage Senator Payne, as she had been relegated to No. 3 on the Senate ticket for the coalition in New South Wales, did not think she would be re-elected. So I suppose Senator Payne had the opportunity then to get off her chest, so to speak, what she actually believed about the issue that is confronting political life in Australia today. I will quote
Senator Payne from her speech of 19 September. She said:
I think there are popular commentators in this country who are now exploiting this debate in a most disgraceful fashion.
That is not her Prime Minister; that is popular commentators. Later she said:
I want to emphasise, as the Prime Minister has, that we and every country have the right to decide who comes to our country and in what circumstances. That must be the basis of our approach. In terms of asylum seekers and refugees, we must be able to return the non-genuine refugees.
In the Age article of September, once again Senator Payne is quoted by Mr Gordon as saying that it is crucial to deal with our current challenges in a considered, logical and positive way, not by scaremongering or engendering discrimination.
This is what Senator Payne had been saying, as she believed she would not be re-elected to the Senate. She may be a person of conscience who put her heart on her sleeve and told us and the Australian public what her position was about refugees. We also have today’s report in the Sydney Morning Herald where Senator Payne was one of four Liberal MPs who allegedly spoke in favour of a softer approach on detention at yesterday’s Liberal party room meeting. As I say, Senator Payne may or may not be a person of conscience. That may be the situation for some inner-city trendies like Senator Payne, where she has been addressing rallies and she has been making it clear in the party room what her position is, so we are advised by the newspapers. No doubt she has been advising her inner-city constituents where she stands on this great political issue of the day.
As I said, in September Senator Payne did not think she would be re-elected. But as the election unfolded Senator Marise Payne, who happens to be the Liberal duty senator for Eden-Monaro, issued this letter. She spent probably thousands of dollars sending direct mail letters to constituents in the Liberal held marginal seat of Eden-Monaro. Let me tell you what Senator Payne was saying to those constituents. She said that she supported the Prime Minister’s belief that Australians should decide who comes to this country and the circumstances in which they come and that she shared his commitment to upgrade our maritime surveillance capability by purchasing new long-range surveillance aircraft and state-of-the-art radar and telecommunications technology.
For anybody reading that letter, that was the line Prime Minister was putting out, which is so inconsistent with what Senator Payne allegedly had been arguing privately in her party room and had been arguing subsequently in the press. Senator Payne has used thousands of dollars to advocate the party’s position advocated by the Prime Minister which has been a hardline attitude on the refugees and the detention centres. Let us make no bones about it: it is the hard line. We have been told by Senator Payne through the press and through her bleeding heart speech here on 19 September that she thinks there should be some sort of more compassionate position. But when her bottom was on the line, due to the fact that if she did not get that third Senate spot, if she did not get the votes in New South Wales, she was going to exit this place on 1 July, she wrote that letter.
You may well recall, Madam President, that after the election the federal Liberal Party director Mr Lynton Crosby revealed that 10 per cent of people who voted Liberal did so because of the boat people issue. Here we have a juxtaposition where one of these holier than thou Liberals, one of these ‘small l’ liberals, came in here and said what she thinks may be her conscience, and had leaked in the papers what her ‘small l’ liberal colleagues would have us believe, yet when her bum is on the line she writes to her constituents in the Liberal-held marginal seat of Eden-Monaro and advocates the hard line that the Prime Minister has been pushing around the country since the Tampa crisis started.

The PRESIDENT—Senator, I would ask you to watch the language.

Senator HUTCHINS—I will, Madam President. I apologise. All I would ask of Senator Payne is this: I would like to know what her current position is. Now that she is well ensconced in her seat for another six years after 1 July, I suppose she feels she has
some liberty to run around and say what she really feels. These letters were sent to people and funded by the taxpayers of Australia. I would ask that Senator Payne come in here at some stage and repudiate this letter that she sent to the constituents of Eden-Monaro and tell us exactly where she does stand. In her public statements she is advocating a position that is held by the Prime Minister and the majority of the government, yet in all the press reports and leaks that we see she is totally opposed to it. On 19 September in this Senate—it was reported in the papers that she nearly broke down in tears—when her seat was on the line she advocated a position she believed to be harsh and unconscionable. I ask her to come in here at some stage and repudiate this letter and tell us where she stands.

Senate adjourned at 7.19 p.m.

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:


Aboriginal and Torres Strait Islander Commission Act—Aboriginal and Torres Strait Islander Commission (Regional Council Election) Amendment Rules 2002 (No. 1).

Aged Care Act—

Community Visitors Grant Amendment Principles 2001 (No. 1).

Determination under section 52—ACA Ch. 3 No. 15/2001.

Flexible Care Subsidy Amendment Principles 2001 (No. 1).

User Rights Amendment Principles 2001 (No. 2).


Australian Communications Authority Act—


Radiocommunications (Charges) Amendment Determination 2001 (No. 2).

Radiocommunications (Charges) Amendment Determination 2001 (No. 3).

Australian Communications Authority Act and Radiocommunications Act—Radiocommunications (Interpretation) Amendment Determination 2001 (No. 4).

Australian Meat and Live-stock Industry Act—


Australian Prudential Regulation Authority Act—

Instrument under section 51—Instrument fixing charges to be paid to APRA, dated 28 September 2001.


Australian Research Council Act—Determinations under section 51—Determinations Nos ARC 1-ARC 4.


Broadcasting Services Act—


Christmas Island Act—
Christmas Island Space Centre (APSC Proposal) Ordinance—Regulations 2001 No. 1.

Civil Aviation Act—Civil Aviation Regulations—
Civil Aviation Orders—
Civil Aviation Amendment Order (No. 15) 2001.
Civil Aviation Amendment Order (No. 16) 2001.
Civil Aviation Amendment Order (No. 17) 2001.
Civil Aviation Amendment Order (No. 18) 2001.
Civil Aviation Amendment Order (No. 19) 2001.
Civil Aviation Amendment Order (No. 1) 2002.
Civil Aviation Amendment Order (No. 2) 2002.

Directives—Part—


Exemption No.—
CASA EX02/2002.

Instruments Nos CASA EX18/2001-EX 20/2001, CASA 372/01, CASA 373/01, CASA 393/01, CASA 395/01, CASA 397/01, CASA 416/01 and CASA 459/01.

Statutory Rules 2001 Nos 348 and 349.

Class Ruling—

Cocos (Keeling) Islands Act—Ordinance—
No. 2 of 2001 (Customs Amendment Ordinance 2001 (No. 1)).
No. 3 of 2001 (Motor Vehicle (Third Party Insurance) Legislation Amendment Ordinance 2001 (No. 1)).
No. 4 of 2001 (Christmas Island Space Centre (APSC Proposal) Ordinance 2001).

Commonwealth Authorities and Companies Act—Notice pursuant to paragraphs—
45(1)(a) and (c)—Formation and membership of—
Bankstown Airport Limited (BAL)
Camden Airport Limited (CAL)
Hoxton Park Airport Limited (HPAL).

45(1)(b) and (f)—Disposal of shares and cessation of membership of Essendon Airport Limited (EAL).

Consular Privileges and Immunities Act—Consular Privileges and Immunities (Indirect Tax Concession Scheme) Amendment Determination 2001 (No. 1).

Control of Naval Waters Act and Defence Act—Regulations—Statutory Rules 2001 No. 305.

Corporations Act—


Currency Act—
- Currency (Perth Mint) Determination 2001 (No. 2).
- Currency (Perth Mint) Determination 2001 (No. 3).
- Currency (Perth Mint) Determination 2001 (No. 4).
- Currency (Royal Australian Mint) Determination 2001 (No. 4).


Dairy Produce Act—Supplementary Dairy Assistance Scheme 2001 Variation (No. 2).

Defence Act—
- Determination under section—


Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities (Indirect Tax Concession Scheme) Amendment Determination 2001 (No. 1).


Environment Protection and Biodiversity Conservation Act—
- Ashmore Reef National Nature Reserve and Cartier Island Marine Reserve—
  Comments on representations on the draft management plan, dated September 2001.
  Management Plans.
- Australian National Botanic Gardens—
  Comments on representations on the draft management plan, dated December 2001.
  Management Plan.
- Instruments under section 178 amending list of threatened species, dated 15 and 24 September; 5 October; and 4 December 2001.
- Tasmanian Seamounts Marine Reserve—
  Comments on representations on the draft management plan, dated August 2001.
  Management Plan.


Export Control Act—Export Control Orders Regulations—
- Export Control (Fees) Orders 2001.
- Export Inspection (Service Charge) Act—Regulations—Statutory Rules 2001 No. 301.

Family Law Act—
Fisheries Management Act—
Northern Prawn Fishery Management Amendment Plan 2001 (No. NPF 03).
Northern Prawn Fishery Management Plan 1995—
Determination No. NPF GD 01.
Direction No. NPFD 56.
Fuel Quality Standards Act—
Fuel Standard (Diesel) Amendment Determination 2001 (No. 1).
Fuel Standard (Petrol) Amendment Determination 2001 (No. 1).
Regulations—Statutory Rules 2001 No. 255.
Goods and Services Tax Ruling—
GSTR 2000/20 (Addendum).
Great Barrier Reef Marine Park Act—
Health Insurance Act—
Declaration—QAA No. 4/2001.
Health Insurance Determinations HS/5/01 and HS/07/2001.
Health Insurance (Eligible Collection Centres—Approvals) Principles (Amendment number 2) 2001.
Health Insurance Commission Act—
Higher Education Funding Act—
Determination under section—
16—Determination T3-2002.
24—Determination T2-2002.
Guidelines for electronic communications with students.
Guidelines on definition of supervision for work experience in industry.
Guidelines—Remission of HECS/OLDPS Debt in special circumstances.
Interstate Road Transport Act—Determination RTR 2002/1 and RTR 2002/2—Determination of B-Double Routes.
Migration Act—
Directions under section 499—Directions Nos 25-27.

Statement for period 1 July to 31 December 2001 under section—
48B [3].
91L.
345 [8].
351 [82].
417 [85].

Military Superannuation and Benefits Act—Military Superannuation and Benefits Amendment Trust Deed 2001 (No. 1).

Motor Vehicle Standards Act—
Motor Vehicle Standards (Registered Automotive Workshops—Fit and Proper Persons) Determination 2002.


National Health Act—
Declaration No.—
PB 1 and 2 of 2002.

Determination No.—
PB 3 of 2002.

Determination under Schedule 1—


Nuclear Non-Proliferation (Safeguards) Act—Regulations—Statutory Rules 2001 No. 311.

Occupational Health and Safety (Commonwealth Employment) Act—
Notice under subsection 9(5)—
Notice No. 4 of 2001.

Regulations—Statutory Rules 2001 No. 270.


Parliamentary Entitlements Act—


Primary Industries (Excise) Levies Act—


Privacy Act—
Determination under section—

80A—
Temporary Public Interest Determination No. 2001-1.
Temporary Public Interest Determination No. 2001-2.

80B—
Determination giving general effect to Temporary Public Interest Determination No. 2001-1.
Determination giving general effect to Temporary Public Interest Determination No. 2001-2.

Regulations—Statutory Rules 2001 No. 266.

Product Rulings—
Addendum—
PR 1999/12, PR 1999/28 and PR 1999/41.
PR 2001/25.


Radiocommunications Act—
Australian Radiofrequency Spectrum Plan.
Radiocommunications Class Licence (861–865 MHz Land Stations) Variation 2001 (No. 1).

Radiocommunications Licence Conditions (Fixed Licence) Amendment Determination 2001 (No. 1).
Radiocommunications (Low Interference Potential Devices) Class Licence Variation 2001 (No. 1).
Radiocommunications (Spectrum Access Charge) Amendment Determination 2001 (No. 1).

Remuneration Tribunal Act—Determination—
2001/18: Remuneration and allowances for various public office holders.
2001/19: Remuneration and allowances for various public office holders.
2001/21: Remuneration and allowances for various public office holders.

Safety, Rehabilitation and Compensation Act—Notice under subsection—
5(6)—Notice No. 7 of 2001.

Space Activities Act—Exemption Certificate No. 1—Space Activities Exemption Certificate (Hyshot Project).


Sydney Airport Curfew Act—Dispensations granted under section 20—Dispens-
Sydney Airport Demand Management Act—Instrument No. MAPT 3/2001—Direction to Slot Manager.


Taxation Determination—
TD 2001/21-TD 2001/27.

Taxation Ruling—
TR 94/28 (Notice of Withdrawal).
TR 1999/16 (Addendum).
TR 2000/18 (Addendum).
TR 2001/List.

Telecommunications Act—

Telecommunications Cabling Provider Amendment Rules 2001 (No. 2).

Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2001 (No. 3).
Telecommunications Numbering Plan Amendment 2001 (No. 4).

Telecommunications Numbering Plan Amendment 2001 (No. 5).

Telecommunications Numbering Plan Amendment 2001 (No. 6).

Telecommunications (Carrier Licence Charges) Act—Determination under paragraph—
15(1)(b) No. 1 of 2002.

Telecommunications (Consumer Protection and Service Standards) Act—


Telecommunications (Consumer Protection and Service Standards) (Late Payment of USO Levy) Determination 2001.

Telecommunications (Customer Service Guarantee) Amendment Standard 2001 (No. 1).


Veterans’ Entitlements Act—
Instruments under section 196B—Instruments Nos—
1-33 of 2002.


Veterans’ Entitlements Treatment (Residential and Respite Care) Determination 2001.


Workplace Relations Act—
Regulations—Statutory Rules 2001 No. 323.
Pursuant to subsection 48(5A) of the Acts Interpretation Act, the following documents were deemed to have been tabled on 12 February 2002:


PROCLAMATIONS
Proclamations by His Excellency the Governor-General were tabled, notifying that he had proclaimed the following Acts and provisions of Acts to come into operation on the dates specified:

Health and Other Services (Compensation) Legislation Amendment Act 2001—2 January 2001—

(a) sections 1, 2 and 3;
(b) Schedule 1 (other than item 21); and
(c) Schedule 2.


Migration Legislation Amendment Act (No. 1) 2001—Part 2 of Schedule 1, and items 5, 6 and 7 of Schedule 2—1 October 2001 (Gazette No. S 406, 28 September 2001).


National Crime Authority Legislation Amendment Act 2001—

(a) Schedules 1 to 7 and 9 to 12—12 October 2001; and

(b) Schedule 8—13 October 2001.
(Gazette No. S 428, 9 October 2001).

QUESTIONS ON NOTICE

The following answers to questions were circulated:

Nuclear Weapons: Testing
(Question No. 3625 Amended Answer)

Senator Allison asked the Minister representing the Minister for Veterans’ Affairs, upon notice, on 19 June 2001:

(1) How much compensation for health conditions related to radiation exposure to civilians and ex-servicemen involved in the nuclear tests in the 1950s and 60s and the subsequent clean up operations. Can the answer be provided to show breakdowns for: (a) Australian servicemen and women; (b) Indigenous people; (c) civilian contractors; (d) pastoralists; (e) families of the deceased; (f) health disorders for which compensation has been made; (g) number by year awarded compensation; and (h) the average compensation payout.

(2) How many people in each of the above categories have applied unsuccessfully for compensation.

(3) Can details be provided of the nuclear test claims, to Comcare for compensation, which have been rejected by the Government but which have been and/or are being challenged in the courts.

(4) What are the legal costs to date for the Government of defending such cases.

(5) What was the medical and/or scientific basis for limited payment of compensation to those with multiple myeloma or leukaemia other than chronic lymphatic leukaemia.

(6) Will the limitation of these two diseases be reviewed following, or as part of, the current health study.

(7) If other cancers are found to be linked to radiation exposure, will compensation for these diseases be paid to the families of the deceased.

(8) Is there a more accurate assessment of the total number involved in the test program than the estimate of 15 400 provided in 1989; if so, what is that figure and can it be broken down into the categories referred to in (1); if not, why has this assessment not been done.

(9) How many of these 15 400 have subsequently died of cancer.

(10) What measures has the Government adopted to collect data in each of the categories referred to in (1).

(11) Is it the case that no records are available of defence personnel and civilians involved at Emu Plain and Monte Bello Islands; if so: (a) why; and (b) what steps have been taken to trace those records.

(12) (a) How many defence personnel involved in the nuclear tests have been and are currently receiving war disability pensions; and (b) are any of these ex-servicemen receiving these pensions for illness related to nuclear tests as opposed to other war service related illnesses.

(13) How many people receiving a Department of Veterans' Affairs war disability pension are also nuclear test veterans.

(14) What steps have been taken by the Government to inform people in each of the categories listed in (1) of the compensation arrangements in place and in particular Aboriginal people who were at the time: (a) on pastoral properties in the Everard Ranges and Officer Creek areas; (b) at stations within the northern and north-eastern vicinity of the Emu sites; (c) in the Maralinga area; (d) in the Gasyone, Pilbara and Murchison area; and (e) at the Wallatina and Welbourn Hill during the so-called ‘black mist’.

(15) Are recent reports that suggest that disabled people were brought to Australia from Britain to be part of the nuclear tests accurate; if so: (a) what was the rational for their involvement; (b) how many were involved; (c) what was the nature of their involvement; (d) were they willing participants; (e) what information was provided to them about the tests; (f) what was Australia’s involvement; (g) were these people returned to Britain, and if so, when; (h) how many remained in Australia; (i) were those who remained provided with Australian pensions and/or compensation; (j) can details be provided of their care following the tests; and (k) will this group be included in the current health review.
Senator Minchin—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

(1) Compensation has been paid to claimants under:
- the Special Administrative Scheme and the Act of Grace Scheme administered by the Department of Industry, Science and Resources;
- as a result of a successful common law action;
- under the Safety, Rehabilitation and Compensation Act 1988 administered by COMCARE; and
- the Military Compensation and Rehabilitation Service (MCRS) which assumed responsibility for claims by ex-service personnel in July 1991 from COMCARE.

The breakdown for each category is as follows:
(a) 9 payments have been made to Australian servicemen (a further 7 cases are still under consideration);
(b) 23 payments have been made to indigenous people;
(c) 6 payments have been made to civilians;
(d) no payments have been made to pastoralists;
(e) 11 payments have been made to families of the deceased (excludes 3 payments to families in category (b));
(f) the health disorders for which payments have been made include malignant neoplasms and skin conditions such as psoriasis;

the average compensation payout has been $92,712.61

(2) Australian servicemen—342 (This figure includes some cases where the Commonwealth has accepted liability for conditions arising from a member’s service but where no compensation has been paid.)

Indigenous people—14

Civilians—11

(3) Common Law Actions

Since the conclusion of the British Nuclear Testing Program, at least 79 common law actions against the Commonwealth have been instituted by ex-servicemen, other former Commonwealth employees and employees of Commonwealth contractors.

Many of the cases before the courts have either been discontinued or withdrawn. Four cases have been heard by the court.

(4) Legal costs expended by the Commonwealth are funded by a Special Appropriation established in September 1989 to cover the costs of defending the Atomic Test related common law actions and compensation payments arising from these actions. To date, $5.13 million has been spent on both legal and compensation costs. It is not possible to provide a further breakdown of legal and compensation costs.

(5) The Special Administrative Scheme was announced on 4 September 1989 and is administered by the Minister for Industry, Science and Resources. Changes to the Scheme were announced on 10 February 1995 and it now provides for the payment of compensation to those Australian participants (or their dependants) in the British atomic tests program who developed leukaemia (other than chronic lymphatic leukaemia) in the first 25 years after participation in the tests program.

The decision to commence the Scheme was based on the results of a study undertaken by the UK National Radiological Protection Board (NRPB) of the health of participants in the British atomic tests program. The study, published in 1988, showed a possible increase in risk of test participants developing multiple myeloma and leukaemia (other than chronic lymphatic leukaemia). The UK Government then extended its war pensions scheme to cover British test participants with these conditions. As the activities of Australian and UK personnel at the sites were similar it was decided by the Australian Government to introduce a scheme to cover Australian participants.
Following the publication of a follow-up NRPB study in December 1993, the UK Government decided to accept new claims only where leukaemia (other than chronic lymphatic leukaemia) had developed in the first 25 years after participation in the atomic tests. On 10 February 1995 the Australian Government announced changes to the Special Administrative Scheme to reflect these later findings.

(6) and (7) The Government will consider reviewing the Special Administrative Scheme and the Act of Grace Scheme if the results of the current health study suggest this is appropriate.

(8) The preliminary version of the Nominal Roll of Australian participants in the British Atomic Tests Program conducted in Australia from 1952-1963 at present contains 16,716 names. The names on the Roll are in the following categories:

- Navy—3,268;
- Army—1,657;
- RAAF—3,201; and
- 8,590 civilians, including 10 indigenous people.

Pastoralists are not identified separately within the civilian group.

(9) It is not possible to provide an answer to this question at this stage. However, the Cancer Incidence and Mortality Study will match data with national cancer registers and death certificates. The information obtained from the Study will provide an estimate of the number of atomic tests participants who have died since the tests.

(10) The preliminary Nominal Roll referred to in (8) has categories for civilian personnel, defence service personnel and indigenous people.

The definition of an Australian ‘Atomic Participant’ for the purpose of the Roll is someone who was present, either working or as a visitor, in at least one of the testing areas whilst a test or tests were conducted in that area, or were there within a 2-year period after the explosions.

The Roll has been compiled by examining Department of Defence records (including ship lists of the involved HMA Ships, Routine Orders from the Army Units known to have been involved, and identified RAAF Squadrons and Squadron members), personnel records of private firms engaged for the purposes of conducting and supporting the tests, the Report of the Royal Commission into Atomic Testing (1986) and records of the issue of Maralinga Security Cards. Documents prepared previously for the purposes of listing participants in the tests and other documents provided by the various ‘nuclear veteran’ associations were also examined for any additional names and identifying details.

The names on the Roll have also been checked against the list of radiation-exposed personnel compiled by JR Maroney in the Australian Radiation Laboratory document ‘Personal Monitor Records From Exposure To Beta And Gamma Radiation During Engagement In The Program Of British Nuclear Weapons Tests In Australia’, dated 10/12/1984.

The Roll contains the names of ten aboriginal residents who were present in the testing areas. Obtaining a comprehensive list of aboriginal people who were exposed to the tests because they were in the area is extremely difficult. It is recognised, therefore, that there are names of aboriginal people, who were in the area, that are missing from the Roll. This is partly because population information from the relevant communities (Yalata, Koonibba, Ernabella, Maralinga Tjarutja, Pitjantjatjara, Yankunytjara, Wallatinna, Ngaanyatjarra, Marble Bar and Cundeelee) was not sought or obtained at the time of the testing program and partly because movement of indigenous people through the restricted area during the testing period, may not have been effectively policed.

Similarly, a lack of contemporary population information on the residents of pastoral properties, which may have included some aboriginal people, means that the Roll may not include that group if they were not included as part of the information in other documents. However, the Aboriginal and Torres Strait Islander Commission (ATSIC) have a representative on the Atomic Tests Participants Consultative Forum chaired by the Department of Veterans’ Affairs (DVA). Officers from DVA and ATSIC are working together to identify sources from which this information may be obtained.

(11) The Department of Industry, Science and Resources holds records for defence personnel and civilians involved at both the Emu Plain and Monte Bello Island Atomic Tests. These documents include a Nominal Roll for Australian participants at Emu Plain, Australian Radiation Laboratory
records of radiation dose readings, Ship Lists for the 1952 and 1956 Monte Bello Island tests and RAAF lists for both Emu Plain and the Monte Bello Islands.

(12) and (13)

(a) No comparison has yet been done between the Atomic Tests Participants Nominal Roll and DVA data bases to determine the number of atomic tests participants in receipt of a disability pension. Such a comparison would be time consuming and could not be completed until the Nominal Roll was finalised.

(b) No disability pension paid by DVA would be paid for illnesses relating to atomic testing. Atomic testing is not service covered by the Veterans’ Entitlements Act 1986. Therefore, all pensions paid by DVA are for conditions arising from service other than atomic testing.

(14) The Special Administrative Scheme and the Act of Grace Scheme were announced through the issue of separate Ministerial media releases. In addition, the plaintiff for common law actions, Maurice May and Company, has been regularly provided information on the two schemes for distribution to their clients. The Government has also directly provided potential claimants with details of the two schemes in response to requests for information through correspondence with Ministers or officials, and has provided information directly to Atomic Test Veterans’ groups for circulation to its members.

Senator Gareth Evans, the then Minister for Resources and Energy announced the then Government’s response to the Royal Commission into British Nuclear Tests in Australia, as recorded in Hansard on 17 September 1986. In that response, Senator Evans announced the Government’s intention to establish a scheme to allow claims to be considered under the Compensation (Commonwealth Employees) Act 1971, to be administered by the Department of Social Security. The Minister also extended an invitation to the Aboriginal communities’ legal representative to submit claims for compensation.

Australian defence personnel have previously been made aware of the role of the MCRS through media releases and information made available to members at their workplace.

(15) This allegation received media attention in 1984 and was brought to the attention of the Royal Commission and is referred to in the list of exhibits at the back of the Report. The Royal Commission considered this allegation and rejected it as having no substance.

**Mount Arthur: Logging**

(Question No. 3627)

Senator Brown asked the Minister representing the Minister for Forestry and Conservation, upon notice, on 18 June 2001:

With reference to the answer to question on notice no.3550 (Senate Hansard, 23 May 2001, p.23860):

(1) (a) Does the Minister accept in full the findings of the Forest Practices Board regarding Mt Arthur; and (b) does the Minister, in particular, accept that the destruction of trees in streamside areas is against the Forest Practices code; if not, what other exceptions are allowed; if so, what action will be taken.

(2) Will the Minister or any Commonwealth officer visit the site where the Forest Practices Code has been breached; if not, why not.

(3) The Minister says that the Mt Arthur Forest Reserve was reduced in size, after the Prime Minister signed the Regional Forest Agreement, by 259 hectares, that is by more than 25 per cent. Which were the areas found not to have target values (please supply a map or grid references) and, for each area, what were those target values.

(4) (a) When was each decision made by Forestry Tasmania to log those parts of the 259 hectares excluded, which have been or will be logged, and when and by what process did the Minister agree; and (b) was any other minister involved.

(5) Did the Minister first become aware of this logging after community objection began.

Senator Hill—The Minister for Forestry and Conservation has provided the following answer to the honourable senator’s question:

(1) (a) The Minister is not the Minister responsible for the Forest Practices Board.
(b) The implementation of the Forest Practices Code is a matter for the Tasmanian Government. Under the Tasmanian Regional Forest Agreement the Commonwealth has accredited Tasmania's approach to forest management systems, including the Forest Practices System.

(2) No; See answer to question 1(b).

(3) The Minister did not make the statement alleged by Senator Brown. The Minister said that the Mt Arthur forest reserve area, as gazetted, is 871 hectares. The target values for the Mt Arthur Forest Reserve were old growth Eucalyptus delegatenis forest, old growth tall eucalyptus obliqua forest and old growth tall rainforest.

(4) (a), (b) These are matters for the Tasmanian Government.

(5) See answers to questions 3 and 4 above.

**Defence: Relations with Indonesia**

**Defence**

<table>
<thead>
<tr>
<th>Senator Brown asked the Minister representing the Minister for Defence, upon notice, on 22 June 2001:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) What is the current nature of Australia’s military relationship with Indonesia.</td>
</tr>
<tr>
<td>(2) (a) In the past few financial years, has Australia trained the Indonesian military (in country training and overseas training) or does it intend to train the TNI in the foreseeable future; and (b) if the TNI have been trained: (i) where, (ii) how many were trained at each military installation, and (iii) what is the nature of the training or exchange.</td>
</tr>
<tr>
<td>(3) Are there any educational exchanges or any other programs between the Australian and Indonesian military; if so (a) where are they held; (b) how many Australian and Indonesian military personnel are participating; and (c) what is the nature of the exchanges.</td>
</tr>
<tr>
<td>(4) (a) Since 1998, have any joint military exercises been conducted between Indonesia and Australia; (b) are there any planned in the foreseeable future; (c) does the Australian Government or any government contractor (such as ADI Limited) sell or supply any equipment to the Indonesian military; if so: (i) which companies; (ii) what exactly is or was supplied, (iii) how much is supplied, (iv) what is it used for, and (v) how much are these contracts worth.</td>
</tr>
<tr>
<td>(5) (a) How much money is being spent on Australia’s military relationship with Indonesia; (b) given the TNI’s deplorable past, and current, human rights record, what policies does the Australian Government have regarding training military personnel from countries with poor human rights records; and (c) what policies are in place for monitoring and holding accountable foreign military personnel trained in Australia once they return home.</td>
</tr>
</tbody>
</table>

**Senator Minchin**—The Minister for Defence has provided the following answer to the honourable senator’s question:

<table>
<thead>
<tr>
<th>Training/Course</th>
<th>Establishment</th>
<th>99-00</th>
<th>00-01</th>
</tr>
</thead>
<tbody>
<tr>
<td>Navigation</td>
<td>HMAS Watson</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Staff College</td>
<td>HMAS Penguin</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>RAN Maritime Studies Period</td>
<td>HMAS Creswell</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>
Training/Course | Establishment | 99-00 | 00-01
--- | --- | --- | ---
H2 Hydrographic Officer | HMAS Penguin | | 1
Command & Staff | Queenscliff | | 1
Logistic Officer Basic (Transport) | | 1
Logistic Officer Intermediate | | 1
Regimental Officer—Military Police | School of Military Police | | 2
Intermediate Staff Course | Canungra | | 1
Navigation Training | School of Air Navigation | | 3
Instructional Technique/Training Development | Training Technique | | 
Training Management | Directorate of Flying Safety | 2 | 2
RAAF Command & Staff | RAAF Staff College, Fairbairn | 1 | 1
Engineering Officer Aircraft Operation & Maintenance | Technical Training School | 2 | 1
Engineer Officer Basic | RAAF College | | 2
Logistic Officer Basic | RAAF Wagga | | 1
Flying Training Officer | | | 1
Instructional Technique/Basic Staff | Defence International Training Centre | 1 | 4
Audiovisual Laboratory Technician | Various locations, ADFA, other AS universities | 12 | 12
Defence Management Seminar | Canberra | | 5
Defence Cooperation Scholarships | | 5 | 5
Overseas Joint Warfare Course | Williamtown | 4 | 0
ADF Peacekeeping Seminar | Williamtown | 3 | 2
Maritime Air Surveillance | Williamtown | 2 | 4
Defence Strategic and Defence Strategic Studies | Weston | 3 | 3
Integrated Logistic Support Managers | Canberra/Bandiana | 3 | 3
Methodology of English Language Teaching | DITC | 5 | 5
English Development Teacher Course | DITC | | 3
Australian Defence Force English Raters Course | DITC | | 4
Advanced Australian English Learning (prerequisite for scholarship program) | DITC | | 5

(3) The ADO has an educational exchange program with the Indonesian Defence Force. In addition to the information provided in the table below—which answers (3) (a), (b) and (c)—the Defence Cooperation Scholarship Program for postgraduate study (mentioned in the table above) provides Indonesian Service personnel with the opportunity to gain a postgraduate degree from an Australian university.

<table>
<thead>
<tr>
<th>Position</th>
<th>Location</th>
<th>Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>AELMO x 1 (teaching staff)</td>
<td>Defence International Training Centre, Melbourne</td>
<td>Indonesian (ID) LTCOL equivalent</td>
</tr>
<tr>
<td>Staff Officer x 1 (teaching staff)</td>
<td>Air Power Studies Centre, Canberra</td>
<td>Indonesian (ID) COL equivalent</td>
</tr>
<tr>
<td>Pushasa Instructor x 1</td>
<td>Indonesia</td>
<td>Australian (AS) Major</td>
</tr>
<tr>
<td>Staff College Instructor x 1</td>
<td>Indonesia</td>
<td>AS WGCDR</td>
</tr>
<tr>
<td>Staff College students x 3</td>
<td>Indonesia</td>
<td>AS MAJ equivalent</td>
</tr>
<tr>
<td>Language Student x 1</td>
<td>Indonesia</td>
<td>AS CPL</td>
</tr>
</tbody>
</table>
(4) (a) In financial year 1998/99, a number of combined military exercises were held between Australia and Indonesia. These exercises are listed below:

- EX CASSOWARY 98-2 and 99-1 (maritime air surveillance);
- 3 PASSEXs (harbour training and sea exercise programs);
- EX SATRIA BHAKTI (humanitarian assistance/disaster relief);
- EX TRISETIA 98/99 (interoperability and combined exercise at tactical level);
- ELANG AUSINDO 98 (bilateral air training activity);
- RAJA WALI AUSINDO 98 (tactical air drop interoperability); and
- ALBATROS AUSINDO 98-4 and 99-5 (maritime air surveillance).

(b) No combined military exercises are scheduled in the foreseeable future.

(c) The ADO supplies assistance/equipment to the NOMAD maintenance team located in Surabaya, Indonesia. The NOMAD Maintenance Team, comprising 3 ADF technical personnel, assists the Indonesian Navy (TNI-AL) through the provision of training and general maintenance for the TNI-AL fleet of Australian-origin NOMAD maritime surveillance aircraft.

The ADO has gifted to TNI-AL surplus/written-off material, no longer suited to ADF requirements. The gifts were six instrument vertical speed indicators (IVSOs), and one test facility kit, used for battery testing, all items for use in the TNI-AL NOMAD fleet.

The ADO funds, under the Defence Cooperation (DC) Budget, the NOMAD medium-term support package (MTSP) for the TNI-AL maritime surveillance aircraft. The MTSP was implemented in 2000/01, and provision is included in the 2001/02 budget. The expected cost of the MTSP is $440,000.

The DC budget annually provides a small consumables budget for the ADF NOMAD maintenance team. This funding includes consumables that are restricted to small parts such as O rings, back up rings, twisties, sealing kits, screws, paint, clips, tools and other minor consumables that assist in keeping the NOMAD fleet operational. $10,000 is budgeted annually for NOMAD consumables.

The ADO has also contracted Boeing to convert Australian Air Publications for NOMAD aircraft into civilian format currently used for all other NOMAD aircraft. The expected cost of this conversion is $934,885.45 split over financial years 2000/01 and 2001/02.

Apart from this support for the NOMAD aircraft, since June 1998 the Australian Government has not supplied any defence or related equipment to the Indonesian Defence Force, either directly or through a government contractor.

(5) (a) Under the Defence Cooperation budget, the ADO has spent the following amounts on Defence Cooperation activities over the previous three financial years:

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-2001</td>
<td>$5.085 million</td>
</tr>
<tr>
<td>1999-2000</td>
<td>$5.234 million</td>
</tr>
</tbody>
</table>

(b) ADO assistance in the development of Indonesian Service personnel skills concentrates on non-combat training in areas such as senior officer development, peacekeeping, logistics, health and safety, maritime surveillance, aircraft engineering and maintenance and senior staff college exchanges.

(c) ADO training provided to Indonesian Service personnel is aimed at developing a modern and professional Indonesian Defence Force with respect for the rule of law, and accountable and responsible codes of conduct that professionalism entails.

The Australian Government cannot be held accountable for the activities of foreign nationals undertaken in their own countries or elsewhere. Activities of military personnel that contravene International Humanitarian or Human Rights Law are subject to the jurisdiction of their own national government and in the future may also be subject to the jurisdiction of the new International Criminal Court. It is always open to the UN Security Council to establish an ad hoc tribunal to deal with serious breaches of international criminal law.

Electoral: 2001 Federal Election

(Question No. 3656)

Senator Brown asked the Special Minister of State, upon notice, on 17 September 2001:
Will there be a tally room set up for the next federal election; if so, where will it be located?

Senator Abetz—The answer to the honourable senator’s question is as follows:
There will be a National Tally Room for the 2001 Federal election. It will be located in Building B, Exhibition Park in Canberra, Flemington Road, Mitchell, ACT.

Veterans: Vietnam
(Question No. 3697)

Senator Schacht asked the Minister representing the Minister Assisting the Minister for Defence, upon notice, on 10 July 2001:
With reference to a petition presented in the House of Representatives on 4 September 2000 by the Member for Hinkler, Mr Paul Neville, concerning a request for vindication for an alleged breach of military law (an attack on Australian field soldiers who fought in South Vietnam during 1967): What action has the Minister and the Government taken to address the issues raised in this petition.

Senator Minchin—The Minister Assisting the Minister for Defence has provided the following answer to the honourable senator’s question:
• An examination of Army records reveals that the assessments in the Post Service Reports on Mr F A G Callander and Mr C R Upton in June 1967 reflect the views of Lieutenant Colonel M T Tripp at that time.
• Approval was given in 1987 by the then Chief of Personnel—Army to delete certain comments from Mr Upton’s Post Service Report.
• The department’s Freedom of Information Directorate has advised that a decision was made by the Chief of the General Staff to amend Lieutenant Colonel Tripp’s Post Service Report of 3 June 1967 on Mr Callander. From an examination of Mr Callander’s personal records it does not appear that the Chief of the General Staff’s decision was implemented.
• Efforts to locate the documentation relating to the Chief of the General Staff’s decision in relation to Mr Callander have been unsuccessful. The departmental file on which the decision could be expected to have been recorded has been destroyed.
• The department, however, considers that there is now sufficient evidence of the decision by the Chief of the General Staff to delete the statement in question in his Post Service Report. It is understood that there are three copies of the offending document in existence and action to locate them and effect the necessary amendment is being pursued.
• I note that Mr Callander’s concerns are under investigation by the Defence Force Ombudsman. The Ombudsman has, at this stage, limited the inquiry to ensuring that copies of Mr Callander’s Post Service Report are located and amended.

Trade: Missing Computer Equipment
(Question No. 3724 Amended Answer)

Senator Faulkner asked the Minister representing the Minister for Trade, upon notice, on 25 July 2001:
(1) Have there been any desktop computers or any other item of computer hardware, other than laptop computers, lost or stolen from the possession of any officer of the department and/or agencies within the portfolio during the 2000-01 financial year; if so: (a) what and how many have been lost; (b) what and how many have been stolen; (c) what is the total value of these items; (d) what is the normal replacement value per item; and (e) have these items been recovered or replaced.
(2) Have the police been requested to investigate any of these incidents; if so: (a) how many were the subject of police investigation; (b) how many police investigations have been concluded; (c) in how many cases has legal action commenced; and (d) in how many cases has this action been concluded and with what result.
(3) How many of these lost or stolen items had departmental documents, content or information other than operating software on their hard disc drives, floppy disc, CD Rom or any other storage device.
(4) (a) How many of the documents etc. in (3) were classified for security or any other purpose; and (b) if any, what was the security classification involved.
(5) (a) How many of the documents etc. in (3) have been recovered; and (b) how many documents etc. in (4) have been recovered.
(6) What departmental disciplinary or other actions have been taken in regard to the items in (1) or in relation to the documents etc. in (3) or (4).

**Senator Hill**—The Minister for Trade has provided the following answer to the honourable senator’s question:

**Austrade and EFIC**

(1) No.
(2) to (6) Not applicable.

### Defence: Missing Computer Equipment

**(Question No. 3727)**

**Senator Faulkner** asked the Minister representing the Minister for Defence, upon notice, on 25 July 2001:

(1) Have there been any desktop computers or any other item of computer hardware, other than laptop computers, lost or stolen from the possession of any officer of the department and/or agencies within the portfolio during the 2000-01 financial year, if so: (a) what and how many have been lost; (b) what and how many have been stolen; (c) what is the total value of these items; (d) what is the normal replacement value per item; and (e) have these items been recovered or replaced.

(2) Have the police been requested to investigate any of these incidents; if so: (a) how many were the subject of police investigation; (b) how many police investigations have been concluded; (c) in how many cases has legal action commenced; and (d) in how many cases has this action been concluded and with what result.

(3) How many of these lost or stolen items had departmental documents, content or information other than operating software on their hard disc drives, floppy disc, CD Rom or any other storage device.

(4) (a) How many of the documents etc. in (3) were classified for security or any other purpose; and (b) if any, what was the security classification involved.

(5) (a) How many of the documents etc. in (3) have been recovered; and (b) how many documents etc. in (4) have been recovered.

(6) What departmental disciplinary or other actions have been taken in regard to the items in (1) or in relation to the documents etc in (3) or (4).

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

(1) Yes.
   (a) 7 Desktop Computers.
   (b) 78 Desktop Computers.
   (c) $130,494.
   (d) Approximately $1,950.
   (e) One item has been recovered. Eighteen items have been replaced.

(2) Yes.
   (a) 67
   (b) 47
   (c) Nil.
   (d) Nil.

(3) 13

(4) (a) Nine of these items are believed to have contained security classified data.
   (b) Restricted.

(5) (a) One of the items containing unclassified data has been recovered.
   (b) Nil.

(6) The department is currently considering whether to seek reimbursement from a staff member of the value of the missing item in relation to one of the incidents.
Security of computers and other portable and attractive information technology assets will be addressed by all Defence groups in their fraud control plans. Information Systems Division, with management responsibility for over 90% of Defence networked information technology (IT) assets, is implementing a comprehensive IT asset database and regular auditing procedures for these assets.

Foreign Affairs: Missing Computer Equipment

(Question No. 3728 Amended Answer)

Senator Faulkner asked the Minister representing the Minister for Foreign Affairs, upon notice, on 25 July 2001:

(1) Have there been any desktop computers or any other item of computer hardware, other than laptop computers, lost or stolen from the possession of any officer of the department and/or agencies within the portfolio during the 2000-01 financial year; if so: (a) what and how many have been lost; (b) what and how many have been stolen; (c) what is the total value of these items; (d) what is the normal replacement value per item; and (e) have these items been recovered or replaced?

(2) Have the police been requested to investigate any of these incidents; if so: (a) how many were the subject of police investigation; (b) how many police investigations have been concluded; (c) in how many cases has legal action commenced; and (d) in how many cases has this action been concluded and with what result?

(3) How many of these lost or stolen items had departmental documents, content or information other than operating software on their hard disc drives, floppy disc, CD Rom or any other storage device?

(4) (a) How many of the documents etc. in (3) were classified for security or any other purpose; and (b) if any, what was the security classification involved?

(5) (a) How many of the documents etc. in (3) have been recovered; and (b) how many documents etc. in (4) have been recovered.

(6) What departmental disciplinary or other actions have been taken in regard to the items in (1) or in relation to the documents etc. in (3) or (4).

Senator Hill—The Minister for Foreign Affairs has provided the following answers to the honourable senator’s question:

Department of Foreign Affairs and Trade

(1) Yes. The answer of 8 August (which provided a nil return) incorrectly related only to stolen but not to missing desktop computer equipment in the 2000-01 financial year. It correctly advised that no desktops were reported stolen in that year, but subsequent stocktake information had indicated that 42 desktops went missing in 2000-01 and have not been located. The value of these 42 desktops is $49,939. The average replacement value is $2,000 per desktop.

(2) No.

(3) Some desktops may have contained content relating to departmental business.

(4) The department’s secure systems containing information with a national security classification do not store data on desktop equipment. Information with national security classifications must not be prepared or stored on other than the secure systems.

(5) (a) Nil (b) Not applicable.

(6) The situation has not called for disciplinary action. The department seeks continually to improve its asset management and security practices.

AusAID

(1) Nil

(2) to (6) Not applicable.

Attorney-General’s: Missing Laptop Computers

(Question No. 3733)

Senator Faulkner asked the Minister representing the Attorney-General, upon notice, on 25 July 2001:
(1) Have there been any desktop computers or any other item of computer hardware, other than laptop computers, lost or stolen from the possession of any officer of the department and/or agencies within the portfolio during the 2000-01 financial year; if so: (a) what and how many have been lost; (b) what and how many have been stolen; (c) what is the total value of these items; (d) what is the normal replacement value per item; and (e) have these items been recovered or replaced.

(2) Have the police been requested to investigate any of these incidents; if so: (a) how many were the subject of police investigation; (b) how many police investigations have been concluded; (c) in how many cases has legal action commenced; and (d) in how many cases has this action been concluded and with what result.

(3) How many of these lost or stolen items had departmental documents, content or information other than operating software on their hard disc drives, floppy disc, CD Rom or any other storage device.

(4) How many of the documents etc. in (3) were classified for security or any other purpose; and (b) if any, what was the security classification involved.

(5) (a) How many of the documents etc. in (3) have been recovered; and (b) how many documents etc. in (4) have been recovered.

(6) What departmental disciplinary or other actions have been taken in regard to the items in (1) or in relation to the documents etc. in (3) or (4).

Senator Ellison—The Attorney-General has provided the following answer to the honourable senator’s question:

I have been advised of the following information on the loss and theft of desktop computers within my portfolio:

Attorney-General’s Department

(1) Yes, (a) One Compaq desktop PC, (b) It is not known whether the Compaq PC was in fact stolen, (c) $1,520, (d) $2,494, (e) Replaced

(2) Yes, (a) One, (b) One, (c) None, (d) Not applicable

(3) One, (a) Some of the data were classified, but the actual number of documents is unknown., (b) Protected and Highly Protected

(5) (a)-(b) None, but the data were only copies of information held elsewhere.

(6) The officer who had been working on the PC has been counselled regarding the storage of data for testing of programs. The Department is also conducting a series of IT security awareness training for all staff. IT support staff have been advised not to store any departmental information on their desktop computers. A separate, secure area has been built for the storage of equipment requiring maintenance.

Trade: Missing Laptop Computers

(Question No. 3743 Amended Answer)

Senator Faulkner asked the Minister representing the Minister for Trade, upon notice, on 25 July 2001:

(1) Have there been any laptop computers lost or stolen from the possession of any officer of the department and/or agencies within the portfolio during the 2000-01 financial year; if so: (a) how many have been lost; (b) how many have been stolen; (c) what is the total value of these computers; (d) what is the average replacement value per computer; and (e) have these computers been recovered or replaced.

(2) Have the police been requested to investigate any of these incidents; if so: (a) how many were the subject of police investigation; (b) how many police investigations have been concluded; (c) in how many cases has legal action commenced; and (d) in how many cases has this action been concluded and with what result.

(3) How many of these lost or stolen computers had departmental documents, content or information other than operating software on their hard disc drives, floppy disc, CD Rom or any other storage device.

(4) (a) How many of the documents etc. in (3) were classified for security or any other purpose; and (b) if any, what was the security classification involved.
(5)  (a) How many of the documents etc. in (3) have been recovered; and (b) how many documents etc. in (4) have been recovered.

(6)  What departmental disciplinary or other actions have been taken in regard to the computers in (1) or in relation to the documents etc. in (3) or (4).

Senator Hill—The Minister for Trade has provided the following answers to the honourable senator's questions.

Austrade

(1)  (a) Nil
(b) Five
(c) $28,908
(d) $5,500
(e) All were replaced.

(2)  All incidents were reported to police. However Austrade has not been apprised of any on-going investigations.

(3)  Five

(4)  (a) None
(b) Not applicable

(5)  (a) None
(b) Not applicable.

(6)  None

EFIC

(1)  (a) Nil
(b) One
(c) $3,940
(d) $4,354
(e) Replaced

(2)  Yes
(a) One
(b) One
(c) None
(d) None

(3)  One

(4)  None

(5)  (a) None, but copies had been saved.
(b) Not applicable.

(6)  None

Defence: Missing Laptop Computers

(Question No. 3746)

Senator Faulkner asked the Minister representing the Minister for Defence, upon notice, on 25 July 2001:

(1) Have there been any laptop computers lost or stolen from the possession of any officer of the department and/or agencies within the portfolio during the 2000-01 financial year; if so: (a) how many have been lost; (b) how many have been stolen; (c) what is the total value of these computers; (d) what is the average replacement value per computer; and (e) have these computers been recovered or replaced.

(2) Have the police been requested to investigate any of these incidents; if so: (a) how many were the subject of police investigation; (b) how many police investigations have been concluded; (c) in
how many cases has legal action commenced; and (d) in how many cases has this action been concluded and with what result.

(3) How many of these lost or stolen computers had departmental documents, content or information other than operating software on their hard disc drives, floppy disc, CD Rom or any other storage device.

(4) (a) How many of the documents etc. in (3) were classified for security or any other purpose; and (b) if any, what was the security classification involved.

(5) (a) How many of the documents etc. in (3) have been recovered; and (b) how many documents etc. in (4) have been recovered.

(6) What departmental disciplinary or other actions have been taken in regard to the computers in (1) or in relation to the documents etc in (3) or (4).

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

(1) Yes.
   (a) 22 Laptop Computers.
   (b) 71 Laptop Computers.
   (c) $348,366.
   (d) Approximately $3,900.
   (e) Two computers have been recovered. Seventeen computers have been replaced.

(2) Yes.
   (a) 69
   (b) 36
   (c) Nil.
   (d) Nil.

(3) 57

(4) (a) Fourteen of these computers are believed to have contained security classified data.
   (b) Of the fourteen computers identified at 4(a), twelve are believed to have contained Restricted data and two are believed to have contained Staff-In-Confidence data.

(5) (a) Two of the lost or stolen computers containing unclassified data have been recovered.
   (b) Nil.

(6) Staff have been counselled in relation to two of the incidents. The department is seeking financial compensation from a courier company in relation to one of the incidents. The department is currently considering whether to seek reimbursement from a staff member of the value of the missing computer in relation to a further incident.

Security of laptops and other portable and attractive information technology assets will be addressed by all Defence groups in their fraud control plans.

Foreign Affairs and Trade: Missing Laptop Computers
(Question No. 3747 Amended Answer)

Senator Faulkner asked the Minister representing the Minister for Trade, upon notice, on 25 July 2001:

(1) Have there been any laptop computers lost or stolen from the possession of any officer of the department and/or agencies within the portfolio during the 2000-01 financial year; if so: (a) how many have been lost; (b) how many have been stolen; (c) what is the total value of these computers; (d) what is the average replacement value per computer; and (e) have these computers been recovered or replaced.

(2) Have the police been requested to investigate any of these incidents; if so: (a) how many were the subject of police investigation; (b) how many police investigations have been concluded; (c) in how many cases has legal action commenced; and (d) in how many cases has this action been concluded and with what result.
(3) How many of these lost or stolen computers had departmental documents, content or information other than operating software on their hard disc drives, floppy disc, CD Rom or any other storage device.

(4) (a) How many of the documents etc. in (3) were classified for security or any other purpose; and (b) if any, what was the security classification involved.

(5) (a) How many of the documents etc. in (3) have been recovered; and (b) how many documents etc. in (4) have been recovered.

(6) What departmental disciplinary or other actions have been taken in regard to the computers in (1) or in relation to the documents etc. in (3) or (4).

Senator Hill—The Minister for Foreign Affairs has provided the following answers to the honourable senator’s questions.

Department of Foreign Affairs and Trade

(1) Yes. The answer of 17 August (which provided a nil return) incorrectly related only to stolen computer laptops and not missing computer laptops in the 2000-01 financial year. It correctly advised that no laptops were reported stolen in that year but subsequent stocktake information had indicated that six laptops went missing in 2000-01 and have not been located. The value of these six laptops is $10,271. The average replacement value for each laptop is $4,000.

(2) No

(3) Some laptops may have contained content relating to departmental business.

(4) Laptop computers do not form part of the department’s secure systems containing information with a national security classification. Information with national security classifications must not be prepared or stored on laptops.

(5) (a) Nil

(b) Not applicable.

(6) The situation has not called for disciplinary action. The department seeks continually to improve its asset management and security practices.

AusAID

(1) Nil

(2) to-(6) Not applicable.

Attorney-General’s: Missing Laptop Computers

(Question No. 3752)

Senator Faulkner asked the Minister representing the Attorney-General, upon notice, on 25 July 2001:

(1) Have there been any laptop computers lost or stolen from the possession of any officer of the department and/or any agencies within the portfolio during the 2000-01 financial year; if so: (a) how many have been lost; (b) how many have been stolen; (c) what is the total value of these computers; (d) what is the average replacement value per computer; and (e) have these computers been recovered or replaced.

(2) Have the police been requested to investigate any of these incidents; if so: (a) how many were the subject of police investigation; (b) how many police investigations have been concluded; (c) in how many cases has legal action commenced; and (d) in how many cases has this action been concluded and with what result.

(3) How many of these lost or stolen computers had departmental documents, content or information other than operating software on their hard disc drives, floppy disc, CD Rom or any other storage device.

(4) How many of the documents etc. in (3) were classified for security or any other purpose; and (b) if any, what was the security classification involved.

(5) (a) How many of the documents etc. in (3) have been recovered; and (b) how many documents etc. in (4) have been recovered.
What departmental disciplinary or other actions have been taken in regard to the computers in (1) or in relation to the documents etc. in (3) or (4).

Senator Ellison—The Attorney-General has provided the following answer to the honourable senator’s question:

I have been advised by my Department and agencies within my portfolio of the following information on the loss and theft of laptop computers:

Australian Bureau of Criminal Intelligence
(1) Yes, (a) None, (b) One, (c) $4,000, (d) $5,000, (e) No
(2) No, (a)-(d) Not applicable
(3) One
(4) (a) None, (b) Not applicable
(5) (a)-(b) None
(6) None

Australian Federal Police
(1) Yes, (a) None, (b) Five, (c) $25,000, (d) $5,000, (e) None have been recovered. All have been replaced.
(2) Yes, (a) Five, (b) None, (c) None, (d) Not applicable
(3) Five
(4) (a) All, (b) Non-national security classification up to Highly Protected.
(5) (a)-(b) None
(6) Management action taken where officers are reminded of their responsibilities. In all cases, the computers were fitted with encryption software and so the prospect of AFP data being compromised is negligible.

Australian Security Intelligence Organisation
(1) Yes, (a) None, (b) One (from a private residence), (c) $10,000, (d) $12,000, (e) Replaced
(2) Yes, (a) One, (b) One, (c) None, (d) Not applicable
(3) None
(4) (a)-(b) Not applicable
(5) (a)-(b) Not applicable
(6) None

Family Court of Australia
(1) Yes, (a) None, (b) Two, (c) $5,700, (d) $5,000, (e) No
(2) Yes, (a) Two, (b) Two, (c) None, (d) Not applicable
(3) None
(4) (a)-(b) Not applicable
(5) (a)-(b) Not applicable
(6) No disciplinary action was warranted in either case.

National Crime Authority
(1) Yes, (a) None, (b) Two, (c) $3,738, (d) approximately $3,400, (e) No
(2) Yes, (a) Two, (b) Two, (c) None, (d) Not applicable
(3) Two
(4) (a) Four, (b) Highly Protected
(5) (a)-(b) None

No disciplinary action has been taken. Staff have been reminded of their responsibility to secure equipment. In both cases, the computers were fitted with encryption equipment and so the prospect of the NCA data being compromised is negligible.
National Native Title Tribunal
(1) Yes, (a) None, (b) Five, (c) $24,769, (d) $4,954, (e) No
(2) Yes, (a) Two, (b) Two, (c) None, (d) Not applicable
(3) None
(4) (a) None, (b) Not applicable
(5) (a)-(b) None
(6) None

Office of Director of Public Prosecutions
(1) Yes, (a) One, (b) None, (c) $4,300, (d) $4,300, (e) No
(2) No, (a)-(d) Not applicable
(3) None
(4) (a)-(b) Not applicable
(5) (a)-(b) None
(6) None

**Defence: Green Energy**
(Question No. 3799)

**Senator Allison** asked the Minister representing the Minister for Defence, upon notice, on 6 August 2001:

(1) Does the department have a policy on purchasing ‘green energy’ or energy from renewable sources for its own operations.

(2) What, if any, are the constraints for agencies in purchasing ‘green energy’.

(3) What steps does the department take to promote the purchase of ‘green energy’ in its agencies.

(4) (a) How much ‘green energy’ was purchased, and by which agencies, for the 2000-01 financial year; and (b) how does this compare with the previous financial year.

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

(1) Yes.

(2) Electricity Supply Contractors are selected on a value for money basis including an assessment of the relative value for any premium price for ‘green energy’.

(3) Defence centrally manages the tendering and contracting of its electricity supplies. All Defence electricity supply requests for tender since 1999 have requested that potential suppliers include prices for a proportion of the energy to be supplied as ‘green energy’. The current tender for supply to Defence sites in South Australia requests prices for 2% and 5% ‘green energy’ to be included as part of any proposal. Currently, one contract covering a number of large sites includes 1% of the energy in the form of ‘green power’.

(4) Defence electricity purchases included the following quantities of ‘green energy’:
   (a) 2000/01, 1062 MWh
   (b) 1999/2000, 1003 MWh

**Immigration: Refugee Status**
(Question No. 3840)

**Senator Murray** asked the Minister representing the Minister for Immigration and Multicultural Affairs, upon notice, on 20 August 2001:

With reference to the refusal by the department to grant refugee status to Mr Ari Ben-Menashe in 1991, and given that Mr Ben-Menashe’s application was based on his claim to be a former Israeli military intelligence officer and his fear of prosecution under the Official Secrets Act if he were to return to Israel:

(1) Did the department investigate whether Mr Ben-Menashe was in fact a former military intelligence officer; if not, why not.
(2) If the matter was investigated, what was the result of this investigation.

(3) If the department did not accept Mr Ben-Menashe’s claim that he was a former military intelligence officer, on what basis did it reject that claim.

(4) Did the department make any determination as to the extent to which Mr Ben-Menashe was involved in intelligence activities.

(5) Was the department aware of the fact that Mr Ben-Menashe appeared before a congressional inquiry in the United States (US).

(6) Was the department aware of Mr Ben-Menashe’s desire to similarly appear before the West Australian Royal Commission into the Commercial Activities of Government and Other Matters.

(7) Was the department aware that Mr Ben-Menashe intended to inform the Royal Commission that arms had been illegally trafficked through Fremantle in Western Australia.

(8) Was the department aware that Mr Ben-Menashe also intended to testify that a US$6 million ‘contribution’ was made to the Australian Labor Party as part of the arms trafficking operation.

(9) In respect of (1) and (4) to (8) inclusive, was the Minister made aware of these facts; if not, why not.

(10) On what basis was Mr Ben-Menashe’s application for asylum rejected.

**Senator Ellison**—The Minister for Immigration and Multicultural Affairs has provided the following answer to the honourable senator’s question:

(1) to (10) I can advise that after careful consideration of all the available information, the Department concluded that Mr Ben-Menashe’s claims did not amount to persecution under the Refugees Convention 1958 and accordingly it was determined that Mr Ben-Menashe was not a refugee within the meaning of the Refugees Convention.

I would prefer not to reply to this question in Parliament with the personal particulars of this case, in view of the privacy considerations.

However, I am willing to offer Senator Murray a private briefing on this matter, should he request one.

**Family and Community Services: Stronger Families and Communities**

(Question No. 3852)

**Senator Bartlett** asked the Minister for Family and Community Services, upon notice, on 23 August 2001:

(1) What was the Stronger Families and Communities total annual budget for the 2000-01 financial year.

(2) How much of this budget was expended during the year on each of the five linked initiatives:
   (a) stronger families fund;
   (b) early intervention, parenting and family relationship support;
   (c) potential leaders in local communities;
   (d) local solutions to local problems; and
   (e) can do community.

(3) Is it the case that community-based projects in Nimbin, New South Wales, have been denied funding for projects on the basis that there is already one project in the community; if so, is this approach a standard policy.

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

(1) The Stronger Families and Communities total annual budget for the 2000/01 financial year was approximately $17m.

(2) The expenditure on each of the five linked initiatives was:
   (a) stronger families fund—$17,571
   (b) early intervention, parenting and family relationship support—$397,368
   (c) potential leaders in local communities—$135,382
(d) local solutions to local problems—$378,519
(e) can do community—$45,454

(3) There is no policy restricting the number of funded projects in a town. Funds are, however, limited and my Department works with local communities to identify priority needs. One project from Nimbin has been rejected. It sought capital and recurrent funding which are not available under the Strategy guidelines. Other projects from Nimbin are being considered.

Environment: Control of Weeds and Feral Animals

(Quetion No. 3858)

Senator Crossin asked the Minister for the Environment and Heritage, upon notice, on 28 August 2001:

(1) Is the Minister aware that the former Northern Territory Chief Minister (Mr Burke) indicated an intention to direct funding provided under the National Action Plan for Salinity and Water Quality Control to the control of weeds and feral animals control programs.

(2) Has the Northern Territory Government sought funding for these programs through the national action plan; if so: (a) has the funding been approved; and (b) what was the reason for allocating funding for these programs.

(3) Will the Commonwealth require evidence from states and territories of appropriate land clearing and water allocation legislation and regulations, consistent with the goals of the national action plan or evidence of progress towards such legislation and regulations prior to release of funding under the plan; if so, what are the mechanisms for reporting progress.

(4) At what intervals, over the life of the funding under the national action plan, will the states and territories be required to report on progress.

(5) Have any targets been set under the bilateral agreements between the Commonwealth and the states and territories for improving governance of land and water management; if so, can details be provided.

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

(1) No.
(2) No.
(3) The Intergovernmental Agreement for the National Action Plan for Salinity and Water Quality (the IGA) commits the parties to implement improved policy frameworks for land and water resource management. This includes controls on land clearing which at a minimum prohibit land clearing in the priority catchments/regions where it would lead to unacceptable land or water degradation, as well as improved arrangements to manage water extractions. The Commonwealth’s funding commitment is subject to the states and territories committing to implement the whole package of measures described in the IGA. Specific state and territory commitments, including timetables for implementation and mechanisms for reporting progress will be specified in the Bilateral Agreements. As at 10 September 2001, South Australia is the only state to have signed a bilateral agreement.

(4) Under the IGA parties will be required to report annually to the Natural Resource Management Ministerial Council on implementation of the National Action Plan.

(5) The NRM Ministerial Council agreed, at its first meeting on 31 August 2001, to the development of standards for best practice management of natural resources by governments. These will define underlying principles and standards for legislative, policy and institutional systems established by governments. The process and agenda for development and implementation of these standards will be agreed between the Commonwealth and the States/Territories.

Nuclear Weapons: Cancer Incidence and Mortality Study

(Quetion No. 3863)

Senator Allison asked the Minister representing the Minister for Veterans’ Affairs, upon notice, on 30 August 2001:

With reference to the nominal roll prepared for the cancer incidence and mortality study of British nuclear weapons testing personnel:
1. Is it the case that, of the 8,590 civilians identified on the nominal roll, some had left the range before any weapon was fired; if so, how many civilians were in this category and why are they to be included in the study?

2. Why is it that the study will not cover non-cancerous, auto-immune system, genetic or psychiatric/anxiety outcomes.

3. Has the Minister responded to the submission made by the Nuclear Veterans to the Consultative Forum (NVCF) explaining some of the study problems; if so, can a copy be provided; if not, why not.

4. Will the study be modified in light of that submission; if so, how; if not, why not.

5. What is the latest estimated date of completion of the study.

6. Has the Minister considered the recommendations of the NVCF that, as an interim measure and to partly compensate for the long delays in establishing the study, immediate action is undertaken to provide:
   (i) health coverage for surviving test participants (equivalent to the Department of Veterans' Affairs 'Gold Card'),
   (ii) coverage for widows (equivalent to war widows), and
   (iii) welfare officers to assist veterans, widows and descendants gain access to information relevant to their individual cases.

7. In a letter addressed to Senator Allison dated 21 August 2001, the Minister said, ‘This protocol will need careful consideration of the Scientific Advisory Committee and then referral to relevant ethics committees and the Consultative Forum which has been established’. Does this mean that the methodological and statistical issues will be resolved before the funds are committed to the study.

8. What is the likely date by which these issues will be resolved.

9. Have each of the recommendations made by Professor Kaldor in his report on study methodology, dated July 1999, been adopted; if not, why not.

10. Will the Minister also evaluate the results of the radiobiological pilot studies in New Zealand before committing funds to the mortality study.

Senator Minchin—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

1. Some, unknown, number of the 8,590 civilians who are on the Nominal Roll left the range before any weapon was fired. Many of the civilians on the Roll were identified from the Maralinga security cards. The Department can identify from the end dates on the security cards some of the civilians who left the Maralinga range before the explosions. However, some of the cards do not have end dates and it will be impossible to know when the civilian left the range. It is proposed to undertake a series of analyses. In some of these, the cancer and mortality rates will be studied in those who were documented as being present when the explosion took place. In others, the analysis will include those who were definitely present when the nuclear tests took place, and those who may have been present.

2. The Government’s policy is to undertake a cancer incidence and mortality study.

3. The study problems outlined in the submission made by the Nuclear Veterans will be referred to the Scientific Advisory Committee.

4. The Consultative Forum and the Scientific Advisory Committee will closely consider all views placed before them, and may modify the research proposal in light of these suggestions.

5. Late 2003.

6. Provision of health coverage to surviving Atomic Test participants and war widow’s benefits to widows of participants would require amendment of the Veterans’ Entitlements Act 1986 to extend entitlement to Atomic Test veterans. The purpose of the cancer and mortality study is to give empirical data based on recognised scientific methods so the sufficiency of current compensation arrangements for these participants can be assessed. Any extension of coverage would be a matter for consideration by the Government.
(7) No. The resolution of methodological and statistical issues is an issue for the consideration of the Scientific Advisory Committee. Commitment of funds to the study is not dependent on finalisation of these issues by the Committee.

(8) Early 2002.

(9) The views of Professor Kaldor will be considered by the Scientific Advisory Committee.

(10) No. The mortality and cancer incidence study will proceed irrespective of the results of the radio-biological pilot study in New Zealand. The Australian study is one that falls within established science; similar studies have been completed in New Zealand and the United Kingdom. The New Zealand pilot study is an innovative and interesting new development, the value of which has yet to be established.

Environment: Merri Creek
(Question No. 3864)

Senator Allison asked the Minister for the Environment and Heritage, upon notice, on 31 August 2001:

(1) What are the reasons for determining that the building of a pipeline by GPU Gas Net (EPBC referral 2001/275) through the Merri Creek wildfire grasslands and wetlands (including O’Herns Wetland, Curly Sedge Creek and Merri Creek) is not a controlled action under the Environment Protection and Biodiversity Conservation Act.

(2) Why is it that the request seeking reasons for the decision, dated 27 June 2001, has not been answered, despite further letters from objectors and despite the requirement under the Act that an answer be provided within 28 days.

(3) In making the decision, did the Minister take into account the fact that:
   (a) the route goes through an important breeding site for the Growling Grass Frog which is federally listed as vulnerable.
   (b) the wetland is also habitat to birds listed under CAMBA (the Chinese migratory bird agreement) and JAMBA (the Japanese migratory bird agreement); and
   (c) Curly Sedge Creek is considered critical habitat for Curly Sedge which is federally listed as endangered.

(4) Why did the Minister’s decision specify that the pipeline must be built “in the vicinity of Merri Creek” in September.

(5) Is the Minister aware that September is almost certainly the breeding season for the Growling Grass Frog.

(6) Is it the case that the Minister determined that the airport rail link in Broadmeadows, Victoria, was a ‘controlled action’ on the basis that it would cross a bridge over a pond used by the Growling Grass Frog for basking and that the bridge would shade the pool.

(7) Why is it that shading is a more serious threat to the Growling Grass Frog than trenching through its habitat for the construction of a gas pipeline.

(8) Did the Minister inquire of the proponent why the pipeline could not go along Cooper Street which is about to be widened and would appear to provide a less invasive route.

(9) Is it the case that an alternative route is currently under consideration that would take the pipeline even further into the wetland and have a greater impact on the environment.

(10) Given the failure of the Minister to provide reasons for his decision and the uncertainty about the pipeline route, will the Minister call for a halt to commencement of work on the pipeline until these matters are resolved; if not, why not.

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

(1) GPU GasNet Pty Ltd referred the proposed action to my Department for consideration under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) on 7 May 2001. On 22 June 2001, I decided that the proposed action is not a controlled action.

GPU Gas Net Pty Ltd subsequently provided substantial new information about the proposal on 28 August 2001 and sought reconsideration of my original decision, pursuant to section 78 of the
EPBC Act. The Friends of Merri Creek also provided new information on 28 August 2001 and sought reconsideration of the original decision.

The information provided by GPU GasNet Pty Ltd stated that the pipeline route would be realigned in the vicinity of O’Herns Road Swamp to avoid areas of potential importance for threatened species and communities listed under the EPBC Act. I made a new decision on 8 September 2001 that the proposal is not a controlled action if it is taken in the following specified manner:

- The pipeline route in the vicinity of O’Herns Road Swamp will follow ‘Alignment C’, as described in the new information provided by GPU Gas Net Pty Ltd on 28 August 2001.
- Construction of the pipeline in the vicinity of Merri Creek will not take place in the period 15 October to 31 January, and replanting of riparian vegetation at this stream crossing will be undertaken immediately following construction in this area. This timing is dictated by the need to avoid the peak spawning period for the Southern Bell Frog.

In making my decision I was satisfied, on the basis of the evidence available to me, that that action will not have a significant adverse impact on listed threatened species, or any other matter protected by the EPBC Act, if it is taken in the manner specified in the decision.

(2) The Friends of Merri Creek is not entitled to the Statement of Reasons under the section 77(4) of the EPBC Act, although the group does meet the criteria for a Statement of Reasons under section 13 of the Administrative Decisions (Judicial Review) Act 1977. Subsequent to receiving the request, my Department informed me that the Victorian Government was negotiating with GPU GasNet Pty Ltd on changes to the proposed pipeline route as part of the Victorian environmental impact assessment process. Those negotiations were recently concluded (see answer to question (1)).

Whilst I am mindful of the statutory timeframe to provide the Friends of Merri Creek with the Statement of Reasons, I am also advised by the Australian Government Solicitor that if the original decision made on 22 June 2001 is revoked, and substituted by a new decision as a consequence of the reconsideration, there will be no entitlement to a Statement of Reasons for the original decision. I will, however, provide a Statement of Reasons for the new decision.

(3) In making my decision on 8 September 2001, I took into account potential impacts on a number of listed migratory birds and listed threatened species, including the Growling Grass Frog and the Curly Sedge.

(4) I am advised that Merri Creek provides habit for the Growling Grass Frog. Constructing the pipeline in the vicinity of Merri Creek during the breeding season for the frog may therefore adversely affect the species. I am also advised that the frog has been characterised as a summer breeding species, and researchers suggest that the peak breeding typically occurs from November to January. I therefore decided that construction of the pipeline in the vicinity of Merri Creek should take place outside the peak breeding season.

(5) I am advised that the Growling Grass Frog is unlikely to breed as early as September.

(6) No.

(7) See answer to question (6).

(8) I decided that the proposal was not a controlled action so an alternative route along Cooper Street was not canvassed.

(9) See answer to question (1).

(10) See answer to question (1).

**Family and Community Services: Disability Support Services**

*(Question No. 3876)*

**Senator Bourne** asked the Minister for Family and Community Services, upon notice, on 10 September 2001:

With reference to funding provided by the department for disability support services.

(1) Is it the case that there is no resident speech therapist in the New England district for people with a disability.

(2) What is the Government doing in order to fund learning disabilities which acknowledge the difference between people with physical, intellectual, emotional or any combination of these disabilities.
(3) (a) What are the current set of disabilities which are funded through the Commonwealth-States Disability Agreement; (b) are there any proposals to change these, to include particularly, services with a specialist clinical focus; and (c) are there any proposals to include coverage for siblings or other family members of people with disabilities, in particular, respite services.

(4) (a) Will the Government remove the work requirement for sole parents of children with a disability, to reflect the long-term care requirements of children with a disability and the fact that their care requirements do not end just because they reach a certain age; and (b) will the Government further provide additional reserved childcare places for children with a disability to allow their sole parent primary care providers to return to the paid workforce.

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

(1) The provision of speech therapy is the responsibility of the state and territory governments. The responsible officer for the New England Disability Service Directorate under the NSW Department of Ageing, Disability and Home Care advised that speech therapists, or more properly known as speech pathologists, are provided to people with disabilities in the area. They have speech pathologists based in Armidale, Tamworth and Narrabri; they support a range of communities within the area. Physiotherapists and occupational therapists are also provided within the Community Support Teams, which support people with moderate to severe disabilities.

(2) Learning disabilities are the responsibility of the state and territory governments. To assist people with disabilities with education, the Federal Government announced an increase in education and training opportunities in the May 2001 Budget. Over four years $37 million has been allocated for education assistance, including 5 200 additional vocational education and training places.

(3) (a) The Commonwealth-State Disability Agreement does not differentiate according to disability types. Under the Agreement, “people with disabilities” means people with a disability attributable to an intellectual, psychiatric, sensory, physical or neurological impairment or acquired brain injury (or some combination of these) which is likely to be permanent and results in substantially reduced capacity in at least one of the following:
- self care/management;
- mobility; and
- communication requiring ongoing or episodic support.

(b) There are no proposals to change this clause, although a new Commonwealth-State Disability Agreement is currently being renegotiated.

(c) Family members and other carers receive respite care under the Agreement. Respite services are the responsibility of the state and territory governments.

(4) (a) Under the Australians Working Together measure, ‘Helping Parents Return to Work’, Parenting Payment customers with a youngest child aged 13-15 will be required to undertake an activity of 150 hours over a 6 month period to help them prepare to return to work. However, for some parents with children with severe disabilities, caring demands may be so high that parents do not have capacity for any other activity. Therefore, there will be no activity requirements for parents with a profoundly disabled child as assessed by the Child Disability Assessment tool.

Parents with a child with a disability who do not meet the automatic exemption above will have assistance and requirements tailored to meet their individual needs, and can have activity requirements reduced or deferred as necessary.

(b) The Commonwealth targets its investment in child care through a national planning system. The planning system uses a range of demographic and other data to identify areas that need additional child care places. It does not specifically identify child care places for children with a disability.

Currently, parents wanting to return to work may also be able to access the Jobs, Education and Training Program (JET). This is a voluntary program to help people receiving income support payments to re-enter the workforce. JET customers may also be eligible to receive extra help with finding child care and financial assistance to meet their child care costs.

The Special Needs Subsidy Scheme (SNSS) assists child care services with the costs of inclusion of children with high ongoing support needs into mainstream child care programs. This includes children with disabilities.
Heritage: Reports and Projects
(Question No. 3879)

Senator Allison asked the Minister for the Environment and Heritage, upon notice, on 13 September 2001:

2. Why has there been a 2-year delay in making this response?
3. Has there been any resolution of the problem identified by the report about the lack of data on expenditure on cultural, including built, heritage as opposed to natural heritage.
4. Depending on the outcome of the sampling work being done for the next State of the Environment report, is it the Government’s intention to increase the level of funding where it is needed.
5. Does the Government propose to review the impact of the National Competition Policy on Australia’s heritage; if not, why not.
6. (a) Now that the National Museum of Australia has been established, when will the museum’s community outreach programs resume; and (b) what are the short- and long-term plans for the museum’s outreach programs.
7. Relative to Commonwealth expenditure overall, how does the 2001-02 budget for cultural heritage compare with each of the previous four financial years.
8. Does the department still intend to abolish the Heritage Collections Council; if so, which organisation will continue its work.
9. (a) What was the rationale for the abolition of funding for Museums Australia by the Australia Council; and (b) is there a proposal to fund Museums Australia by other means; if so, how.

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

1. Since the report was published I have circulated it to the State and Territory Heritage Ministers and Officials, and members of the National Cultural Heritage Forum (NCHF). The report’s executive summary and recommendations have also been made publicly available on the Department of Environment and Heritage’s web site. I also provided a response to the report, through the Department of Environment and Heritage, to the members of the NCHF in July 2001.
2. The report has been subject to ongoing discussions at both the 2000 and 2001 NCHF meetings.
3. Both Environment Australia and the Australian Heritage Commission (AHC) have identified a number of projects, which will resolve the outstanding issue of lack of available data. For example, a sample survey has been undertaken as part of the state of the environment reporting and these results will be used to provide input to further AHC investigations. There has also been an agreement between the Department of the Environment and Heritage and the Heritage Council of Western Australia to coordinate the development of a standardised approach to auditing the condition of heritage places that is satisfactory to all states and territories, and to the Commonwealth.
4. The State of the Environment report is currently in preparation and must be prepared by 31 December 2001, as specified in s516B (1) of the Environment Protection and Biodiversity Conservation Act 1999. Funding issues may be considered in the 2001-02 budget context.
5. to (9) The matters covered by the remaining questions are the responsibility of the following Ministers, the Treasurer (question 5 and 7) and the Minister for Communications, Information Technology and the Arts (questions 6, 8 and 9).

Communications: Local Television News
(Question No. 3897)

Senator Bourne asked the Minister for Communications, Information Technology and the Arts, upon notice, on 17 September 2001:

1. Is the Minister aware that on 8 June 2001 Prime Television ceased operation of its local television news services in three of Australia’s largest regional centres: Canberra, Wollongong and Newcastle.
(2) Does the Minister agree that the impact of the cessation of local news and information programming will deny these communities access to important news about their local communities, at a time when localised information is becoming increasingly valued by regional communities.

(3) Does the Minister agree that the cessation of local news services raises serious questions about the fitness of Prime television to hold a television broadcasting licence, without condition.

(4) Will the Minister take decisive action and direct the Australian Broadcasting Authority to investigate the cessation of the production of local news and information programming in Canberra, Wollongong and Newcastle.

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

(1) Yes.

(2) and (3) Recognising the importance of local news services to regional communities, I have publicly stated my concern at Prime’s decision and have written to the Chairman of Prime Television accordingly.

In doing so, I noted the range of measures introduced by the Government in support of the ongoing viability of regional television services. These measures include the provision of $260 million in licence fee rebates for regional digital conversion under the Regional Equalisation Plan, the loan of additional spectrum free of charge to existing regional broadcasters, and a moratorium on the allocation of new commercial television licences, except to regional and remote licensees in areas with fewer than three commercial television services.

Under the Broadcasting Services Act 1992 (the Act), commercial television broadcasting licences, such as Prime, are subject to the condition that they will provide a service that, when considered together with other broadcasting services available in the licence area (including radio and community broadcasting), contributes to the provision of an adequate and comprehensive range of broadcasting services. The Act does not specify the extent to which each licensee must contribute to the provision of such services, nor does it stipulate the nature of such contribution.

(4) On 22 November 2001, following a similar decision by Southern Cross Broadcasters to close local news services in Cairns, Townsville, Canberra, Darwin and the Remote Central and Eastern television licence area, the Australian Broadcasting Authority (ABA) announced an investigation into the adequacy of the provision of local TV news and information programs in regional Australia. The ABA investigation will examine whether an exercise of its powers under the Act is warranted. The Government will consider recommendations of the inquiry when it is completed.

Veterans: Community Nursing Care Program

(Question No. 3898)

Senator Schacht asked the Minister representing the Minister for Veterans’ Affairs, upon notice, on 17 September 2001:

(1) (a) Why did the department introduce a new system of funding for the Community Nursing Care Program in March 2001; (b) how does the department determine individual veterans’ clinical funding; and (c) what is the formula used to determine veteran funding.

(2) Why has the department moved away from basing its community nursing funding from fifth year registered nurses.

(3) How many veterans use the Community Nursing Care Program.

(4) Is the Government aware of the considerable concern exhibited by the nursing providers that they can no longer maintain their relevant state awards, employer statutory obligations and adequate service to veterans due to the change in funding arrangements.

(5) How many veterans have been transferred to alternate providers or forced into residential placement following funding decisions that have been deemed inadequate by nursing providers since March 2001.

(6) Why has the Exceptional Case Unit that determines the level of funding from veterans who have exceptional clinical needs been removed from the direction of an independent body and returned to the internal direction of the department.

(7) (a) What proportion of the department’s budget for community nursing goes into real health; and (b) what proportion goes into the auditing and administering of these services.
(8) Why has the Government added clause 2, section 2 into the contract for community nursing providers about the restriction of free speech.

(9) With reference to documents: Guidelines for the Provision of Community Nursing Care, April 2001 (Schedule of fees for community nursing providers: Section 5.5, Part 2) and Guidelines for the Provider of Community Nursing Care, November 1997 (booklet 7, Schedule of fees), which identify reductions in the initial funding offered for veteran patients; (a) Does the Government explain this reduction by the fact it has removed the medical supply packages from the funding offered to the nursing providers; and (b) can the Government confirm that the veterans now pay this cost.

(10) (a) How much funding is going into multiple assessments of veterans to continually prove their clinical needs so they can receive ongoing funding for nursing services; and (b) can the Government confirm that much of this multiple assessment of veterans is cost shifted to Aged Care and to state health services budgets.

(11) Can the Government explain clause 2.2 in section 3 of the contract for the nursing providers that a shower two-to-three times a week is sufficient as frequent showering can affect skin integrity and cause fatigue.

(12) By what means can the Government ensure that the new contract and funding arrangement is providing adequate services to veterans.

Senator Minchin—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

(1) (a) When the Department initiated reforms to the community nursing program in May 1998, a commitment was given to service providers that within six months a review of the schedule of fees would be commenced. Following an open tender process, Health Outcomes International (HOI) was appointed to conduct the review. The findings and recommendations of the review provided the basis for the new schedule of fees that was introduced with the May 2001 community nursing contracts.

(b) and (c) The funding formula is set out in the Guidelines for the Provision of Community Nursing Care, April 2001. The Guidelines provide information for contracted agencies on how to classify a veteran in accordance with the community nursing classification system and sets out the fees that relate to each of the classifications. The nursing provider assesses and then classifies each veteran according to his or her particular care needs. The fee for each of these classifications is based on the average care needs of all the veterans in each class.

The funding for an individual veteran or war widow through the exceptional case process is based on a clinical assessment of the actual service requirements for each case and a fee is offered by the exceptional case unit based on this assessment.

The fees for both schedule of fee patients and for exceptional cases include all the costs associated with the administration of the community nursing organisation. These include direct client time; general time; community development; teaching training and research; travel; salary and wages oncosts; organisational overheads and the costs associated with capital development. The community nursing provider claims this fee each 28 days that the veteran remains in their care.

(2) The Department uses the award rate for fifth year registered nurses for the registered nurse salary calculation in the scheduled fee. However, for exceptional case funding, the rate used is the average of the highest level for a registered nurse in each State or Territory.

(3) For the 2000/2001 financial year, 29,941 veterans and war widows accessed community nursing services.

(4) The Department has a practice of open consultation with its contracted community nursing providers. In these consultations, while some providers are expressing concern about the level of fees, other providers are satisfied with the fees. The Department is continuing to work with providers to resolve any ongoing concerns.

(5) I am advised that Departmental records indicate that 27 veterans and war widows have been transferred to alternative contracted community nursing providers on the request of a contracted community nursing provider who did not accept the funding offered. In every case, the second com-
community nursing providers accepted the veterans and war widows at the original funding level offered.

The Department is not aware of any veterans or war widows going into nursing homes or hostels because of the funding offered to community nursing providers.

(6) At the time of the implementation of the reform process in the community nursing program, the Department entered into a limited and fixed term contract for the management of exceptional cases with MACSEARCH LTD, the research and consulting company of the University of Western Sydney, Macarthur. At the cessation of the contract, the Exceptional Case Unit (ECU) was established to manage applications for exceptional cases. While the ECU is attached to the Department, independent contractors staff it. These contractors have specialist community nursing skills.

(7) (a) For the 2000/2001 financial year, the Department expended $49,756,944.74 on the community nursing program.

(b) The expenditure for administration and the audit process was $567,677 or 1.14% of the total expenditure.

(8) Clause 2, Section 2 in the current contractual arrangement relates to the replacement of personnel by the contractor. The Clause neither mentions free speech nor places any restrictions on it.

(9) The Department removed consumables from the community nursing fee in the May 2001 contract. The decision was based on findings of the Fees Review that identified a number of issues with the system including significant variations between organisations in expenditure on consumables. These variations indicated that some providers were obtaining the consumables used during nursing visits through the Rehabilitation Appliances Scheme (RAP) or through the Rehabilitation Pharmaceuticals Benefit Scheme (RPBS), despite their inclusion in the fees.

The removal of consumables from the schedule of fees also allowed providers equal access to consumables at no cost to themselves.

(a) The removal of consumables from the fee has led to a reduction in some fees. There were other changes in fees, both increases and decreases, associated with the findings and recommendations of the Review of Fees.

(b) All veterans and war widows are required to pay a co-payment of $3.50 for pharmaceutical products that are supplied under script by the RPBS. However, when all pharmaceutical purchases exceed the safety net of $182, veterans and war widows do not pay any contribution for further prescriptions.

Veterans and war widows requiring equipment and “equipment based”consumables such as diabetic or continence products, are supplied through the Rehabilitation Appliances Program (RAP) and do not contribute to the cost of these products.

(10) (a) Assessments are built into the fee for each community nursing classification. Before any community nursing is provided, the provider undertakes a full assessment of the veteran to identify any particular needs and care requirements. With those veterans who have complex care requirements, more than one assessment may be necessary. Often this includes discipline specific or targeted assessments such as for wound assessment, occupational therapy, continence or an Aged Care or ACAT assessment.

(b) No, there is no cost shifting to the Aged Care or to state health budgets. Where a veteran or war widow may be unsafe or unable to be cared for any longer at home, they, like all Australian citizens, require an ACAT assessment as an essential and necessary step in gaining appropriate hostel or nursing home admission.

(11) Clause 2.2, Section 3 is contained within the Showering Guidelines. The Showering Guidelines reflect current best practice in the aged care field that is to shower a frail, elderly patient two to three times a week. This clause must be read in the context of the provider undertaking a full nursing assessment of the veteran and their living conditions.

As a person ages, their skin becomes drier and less supple. Frequent washing can strip the body of moisture, causing unhealthy, dry skin in the elderly. Additionally, the process of showering can be fatiguing for the elderly, especially for those people suffering from certain chronic conditions (ie. Chronic Airways Limitation). This creates a situation whereby it is clinically appropriate to limit the number of showers taken by an ageing person.
Of course, in some circumstances the nursing assessment may identify a need for more frequent
showering. This may be because a veteran or war widow has a clinical condition, for example in-
continence, or lives in a climate which necessitates a greater level of showering. In these circum-
stances, funding is available to deliver the appropriate level of showering.

(12) The contractual arrangement with community nursing providers outlines the Department’s ad-
ministrative and care requirements. To ensure the adequacy of service arrangements, the Depart-
ment utilises the services of the state based community nursing advisers, the external audit pro-
gram and clinical reviews undertaken as a part of the exceptional case process. Combined with in-
dustry consultations, and regular surveys of the veteran community, the Department identifies any
problems in care so they can be responded to appropriately.

**Defence: Royal Australian Air Force**

(Reply to Question No. 3899)

_Senator Brown_ asked the Minister representing the Minister for Defence, upon notice, on
18 September 2001—Further to Senator Brown’s Question on Notice No. 3861 (Senate No-
tice Paper, 30 August 2001, p.23):

(1) (a) When was the last engagement in which RAAF pilots were involved in low-level flying at-
tacks; and (b) does the Minister anticipate that such flying will be used in future engagements with
a sophisticated and well-equipped enemy; if so, can the Minister explain the advantages of this
form of use of RAAF aircraft; if not, can the Minister explain why training in this form of aircraft
use is still being undertaken at the Salt Ash air weapons range.

(2) Can the Minister explain why there have been no compensation packages or noise attenuation
packages, or even a noise amelioration plan offered to communities which are adversely affected
by RAAF operations at the Salt Ash air weapons range.

(3) Can the Minister explain why the RAAF base at Williamtown has no dedicated Community Liai-
son Officer and why there are no lines of direct communication between the RAAF base and the
general public.

_Senator Hill_—The answer to the honourable senator’s question is as follows:

(1) (a) The last occasion when RAAF fighter pilots were involved in low-level flying attacks, coin-
cident with the last time our fighter force was committed to combat, was during the Korean
War.

(b) The professional experience of the RAAF and other air forces shows that fighter pilots must
be prepared for a wide range of operational tasks, including low level attacks with basic
weapons. The tactical experience and skills acquired in low level attack training with basic
weapons are fundamental and critical in allowing fighter pilots to progress to the successful
employment of more sophisticated precision weapons.

(2) The Salt Ash Air Weapons Range (SAWR) has been used to support training operations from
RAAF Williamtown since 1953. The responsibility for land use on non-Commonwealth land re-
sides with local planning authorities. Since 1976, Defence has assisted Port Stephens Council by
providing noise exposure forecasts in relation to Defence activities at both the base and SAWR.
The noise exposure forecasts enable Council to determine the type of development that would be
appropriate in areas in the vicinity of the Range.
The Air Force has been responsive to community concerns about aircraft noise at the base and
SAWR. The outcome of measures previously implemented are that no flying on the Range takes
place on weekends unless there are exceptional circumstances, flying is presently limited to ap-
proximately 115 days per year and use of the Range by foreign aircraft no longer occurs.
As part of the noise management process, Defence has engaged a consultant to examine target re-
location at SAWR to determine whether this might lessen the overall noise impact on the nearby
community. Noise exposure cannot be forecast until possible relocation of targets within SAWR
and any associated changes to flight tracks are finalised. In addition, further noise monitoring will
be conducted as part of the Hawk Lead-In Fighter Environmental Impact Study.
The offer of noise attenuation measures for those dwellings in higher noise zones around SAWR is
being contemplated. This would apply to residences in the noise zones classified by the Australian
Noise Exposure Forecast (ANEF) as being above 30 ANEF and there are expected to be very few
dwellings in this classification. These attenuation measures would only be implemented after planning for any target relocation has been finalised.

The department does not acquire noise-affected property unless there are exceptional circumstances or as part of a voluntary program as has occurred at RAAF Base Williamtown. Notwithstanding, it is not Defence policy to compensate owners of such properties.

(3) The Base Commander Williamtown remains the Defence spokesman on base domestic issues and normal lines of communication remain open. Senior military staff at RAAF Base Williamtown continue to fulfill the important task of community liaison and representation, and develop the close relationship with local communities. Information on flying programs, the use of the SAWR and communication procedures is made available to the public through an 1800 telephone number. For nearly three years, RAAF Williamtown has participated in a consultative committee convened by Port Stevens Council to address issues or concerns raised by the community over the RAAF’s use of SAWR. The committee has been successful in addressing concerns from residents over SAWR and has just recently been expanded to address a wider range of issues that affects the base and the Port Stephens community, not just issues relating to the Range. The general public is able to make their views known to either the consultative committee or in writing to the Base Commander at RAAF Williamtown.

**Environment: Seismic Testing**

*(Question No. 3900)*

Senator Bartlett asked the Minister for the Environment and Heritage, upon notice, on 19 September 2001:

(1) How many applications have been received by the Minister under the Environment Protection and Biodiversity Conservation Act for seismic testing in Australian waters.

(2) What are the details of applicants and the purposes of the seismic activities.

(3) What level of assessment is required for each application.

(4) How many, and which, applications have been approved under the Act.

(5) How many applications have been refused.

(6) How many approvals have been reconsidered.

(7) Has the Minister sought any independent advice from experts in marine acoustics in relation to seismic testing in marine waters and assessment of seismic testing applications.

(8) Can copies of any independent advice received in relation to seismic testing be provided.

(9) When reconsideration of a decision is sought, is further independent advice sought; if so, can details be provided.

(10) Are submissions weighted in different ways.

(11) What weight is given to different forms of submissions.

(12) Did the Minister seek expert advice as part of his reconsideration of the decision in relation to the Strike Oil seismic survey in blue whale habitat off Victoria.

(13) What was the source of the advice and the nature of the advice, and what were the recommendations made by all experts.

(14) If no expert evidence was sought, why not.

(15) Was there evidence made available to the Minister that this activity would take place in the blue whale feeding season.

(16) What was the evidence, the source and any recommendations made in relation to the evidence.

(17) How is this decision seen to be in concert with the provisions to protect endangered species under the Act.

(18) Is it correct that Environment Australia is negotiating guidelines for the interaction with seismic vessels.

(19) Are these guidelines to be legally binding.

(20) When will these guidelines be completed.

(21) How will the guidelines ensure no long-term impacts on cetaceans.
(22) Will these guidelines consider the cumulative acoustic impacts on cetaceans.
(23) Will the government make a commitment to use data collected to review and update the guidelines through an open and independent process.

**Senator Hill**—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

(1) A total of 14 proposals for offshore petroleum-related seismic survey programs were referred under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) up to 16 November 2001. A proposal by the Department of Defence to undertake offshore acoustic trials was also received.

(2) Details of the applicants, purpose of the survey and decision under the EPBC Act are in the table below.

(3) See table below.

(4) Of the 14 proposals for offshore petroleum-related seismic survey programs, 11 have been determined as not controlled actions and do not require approval under the EPBC Act. Of these 11 proposals, 9 must be undertaken in a particular manner to avoid significant impacts on cetaceans. This manner requires specific stated measures to be implemented to avoid and minimise interactions with cetaceans. A number of proposals must also be undertaken within a specified time limit, to avoid periods when whales may be present.

(5) The EPBC Act does not provide for referral applications to be ‘refused’ as such. Proposals determined as likely to have a significant impact on matters protected under the EPBC Act must be assessed and approved under the Act before they can proceed.

(6) One offshore petroleum-related seismic program has been reconsidered under section 78 of the EPBC Act to date. This is a survey by Strike Oil NL over about 620 km2 in the Otway Basin, Bass Strait. The then Minister for the Environment, Senator Hill, originally decided that the proposal was a controlled action on 10 January 2001. Strike Oil subsequently provided substantial new information stating that the survey would be timed to avoid the key Blue Whale feeding season and migrating Southern Right Whales. After considering this new information Senator Hill made a new decision on 15 August 2001 that the proposal was not a controlled action provided it was undertaken in accordance with stringent conditions to avoid times when whales were likely to be present, and in accordance with specified cetacean interaction procedures to minimise risks to any whales that could incidentally be present.

(7) Independent expert advice is available to my Department and is called on as required. In addition, independent comment is frequently received from outside agencies or individuals on specific proposals. All referrals, where the person making the referral states their belief that significant impacts on matters protected under the EPBC Act are not expected or likely, are made available on my Department’s web site for public comment.

(8) I do not propose to provide copies of advice at this stage. The extent and type of any independent advice varies from proposal to proposal and some may be confidential. My Department advises that providing this advice for every proposal would take considerable resources.

(9) See answers to question (6) and question (7). Independent advice will be sought if required to make a decision.

(10) All submissions will be considered, if relevant to matters protected under the EPBC Act, in deciding whether or not actions are controlled actions.

(11) See answer to question (10).

(12) Expert advice and information, relevant to the likely presence of Blue Whales, was obtained from a variety of sources by my Department and taken into account by Senator Hill in reconsidering the Strike Oil NL proposed seismic survey in Bass Strait (see also answer to question (6)).

(13) See answer to question (12).

(14) See answer to question (12).

(15) The reconsideration decision took into account available information about Blue Whale feeding patterns and timing. Senator Hill decided that the proposal was not a controlled action provided specified measures were taken to avoid key feeding times.

(16) See answer to question (6) and question (12).
(17) The requirements placed on the operator to keep a visual lookout, shut down the seismic source if within 3km of a whale, and, after 15 December, to undertake aerial surveys and avoid as far as possible areas where whales are feeding, deal not only with the potential for the operation to otherwise have a significant impact on Blue Whales, but also with the potential for the operation to impact on an individual animal.

(18) No. Senator Hill approved the final guidelines on 27 September 2001. These guidelines are available on the Department’s web-site and published.

(19) No. The guidelines identify how seismic operations should be carried out so as to minimise the likelihood of the operation having a significant impact on a cetacean species or interfering with an individual cetacean. It is, however, the responsibility of the company to determine how they undertake their operations in order to comply with the Act.

(20) See answer to question (18).

(21) The guidelines identify world’s best practice methods of minimising the likelihood of interfering with individual cetaceans. The guidelines also identify stringent operational constraints in migratory pathways, feeding areas, breeding areas and resting areas for cetacean species where these are known. By minimising the impacts on individual animals, the guidelines ensure that there will be no long-term impacts on cetaceans arising from seismic surveys.

(22) My Department has received no evidence to support cumulative acoustic impacts on cetaceans.

(23) Yes.

Offshore Seismic Proposals Referred under EPBC Act

<table>
<thead>
<tr>
<th>EPBC Act Reference</th>
<th>Date Received</th>
<th>Company</th>
<th>Proposal</th>
<th>Decision</th>
<th>Date Decision</th>
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<tbody>
<tr>
<td>2000/19</td>
<td>17/08/00</td>
<td>Woodside Energy Ltd</td>
<td>2D seismic survey of about 15,000 linear km in permit areas EPP28, EPP29 and EPP30, Great Australian Bight</td>
<td>Not controlled action provided undertaken in specified manner to avoid significant impact on cetaceans</td>
<td>27/09/00</td>
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<td>2000/24</td>
<td>24/08/00</td>
<td>Canadian Petroleum Australia Pty Ltd</td>
<td>2D seismic survey of about 1,000 linear km in permit area WA-239-P, NW WA</td>
<td>Not controlled action</td>
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<tr>
<td>2000/107</td>
<td>7/12/00</td>
<td>Strike Oil NL</td>
<td>3D seismic survey over 620 km2 area in permit area VIC/P44, Otway Basin, Bass Strait</td>
<td>Not controlled action provided undertaken in specified manner to avoid significant impact on cetaceans</td>
<td>18/08/01</td>
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<tr>
<td>2000/123</td>
<td>28/12/00</td>
<td>TGS-NOPEC Geophysical Company</td>
<td>2D non-exclusive seismic survey of about 4,900 linear km in Townsville Trough</td>
<td>Controlled action To be assessed at EIS level</td>
<td>29/01/01</td>
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<tr>
<td>2000/125</td>
<td>28/12/00</td>
<td>BHP Petroleum Pty Ltd</td>
<td>2D seismic survey of about 270 linear km in permit areas WA TP-4 and WA-33-P, Outer Browse Basin near Scot Reef</td>
<td>Controlled action Assessed on Preliminary Doc Approved with conditions</td>
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<td>2001/140</td>
<td>16/01/01</td>
<td>Esso Australia Pty Ltd</td>
<td>3D seismic survey over 3,500 km2 of existing Esso production fields in Gippsland Basin, Bass Strait</td>
<td>Not controlled action provided undertaken in specified manner to avoid significant impact on cetaceans</td>
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<td>2001/156</td>
<td>1/02/01</td>
<td>Fugro Survey Pty Ltd</td>
<td>2D non-exclusive seismic survey of about 10,000 linear km in Sorell Basin and Otway Basin, Bass Strait</td>
<td>Not controlled action provided undertaken in specified manner to avoid significant impact on cetaceans</td>
<td>9/03/01</td>
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<tr>
<th>EPBC Act Reference</th>
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<th>Proposal</th>
<th>Decision</th>
<th>Date Decision</th>
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<tr>
<td>2001/206</td>
<td>14/03/01</td>
<td>Bass Strait Oil Company Ltd</td>
<td>3D seismic survey over 244 km² in permit area VIC-P42, Gippsland Basin, Bass Strait</td>
<td>Not controlled action provided undertaken in specified manner to avoid significant impact on cetaceans</td>
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<td>2001/252</td>
<td>18/04/01</td>
<td>WesternGeco Australia Pty Ltd</td>
<td>3D non-exclusive seismic survey over 4 500 km² in Browse Basin, NW WA (Adele Trend Phase 2)</td>
<td>Not controlled action</td>
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<td>30/04/01</td>
<td>Eagle Bay Resources NL</td>
<td>2D seismic survey of about 450 linear km in permit area VIC-P41 in Gippsland Basin, Bass Strait</td>
<td>Not controlled action provided undertaken in specified manner to avoid significant impact on cetaceans</td>
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<td>2001/363</td>
<td>26/07/01</td>
<td>West Oil NL</td>
<td>2D seismic survey of about 500 linear km in permit areas APC-P26 and AC-P28, Timor Sea</td>
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<td>Woodside Energy Ltd</td>
<td>2d/3D seismic survey of up to 4000 linear km in permit areas WA-299-P and WA-300-P, Exmouth Gulf (Cov erack Survey)</td>
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<td>2001/416</td>
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<td>Woodside Energy Ltd</td>
<td>2D/3D seismic survey of up to 2000 linear km (and over about 700 km2) in permit area WA-271-P, Carnarvon Basin, NW WA (Skorpion Survey)</td>
<td>Not controlled action provided undertaken in specified manner to avoid significant impact on cetaceans</td>
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<td>2001/498</td>
<td>14/11/01</td>
<td>PanCanadian Petroleum</td>
<td>2D seismic survey up to 715 line km in permit areas Vic/P48 and P/49, Gippsland Basin, Bass Strait</td>
<td>Referral Still being processed. Decision pending.</td>
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<td>2001/345</td>
<td>5/07/01</td>
<td>Defence Science and Technology Organisation</td>
<td>Acoustic and sonar trials to be undertaken over a period of up to 7 days in the Defence Timor Sea Exercise area</td>
<td>Not controlled action provided undertaken in specified manner to avoid significant impact on cetaceans</td>
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Environment: Australian Defence Industries Site
(Question No. 3902)

Senator Brown asked the Minister representing the Minister for Sport and Tourism, upon notice, on 20 September 2001:
Is the Minister aware of any unlicensed vegetation clearing, including possible destruction of endangered species, carried out by Comland Ltd on the proposed Xavier College lands on the former ADI site, in connection with the Minister’s announcement on 22 June 2001, of the plans for the school.

Senator Minchin—The Minister for Sport and Tourism has provided the following answer to the honourable senator’s question:
I am advised that Comland Ltd recently carried out slashing of grasses on the proposed Xavier College lands for fire control purposes.
I am not aware of any unlicensed vegetation clearing or possible destruction of endangered species at the site of the proposed Xavier College High School.
I am advised that a referral has been made under the Environment Protection and Biodiversity Conservation Act 1999 for the development of Xavier College High School and the Minister for the Environment and Heritage decided on 3 October 2001 that the proposed development does not need approval under that Act.

I have been advised that Environment Australia is not aware of any connections between the clearing of vegetation by Comland Ltd and the development of Xavier College High School.

Environment: Australian Defence Industries Site

(Question No. 3903)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 20 September 2001:

With reference to the proposed development by the Catholic Education Office of Xavier College High School on approximately 6 hectares of land excised from the north-western sector of the former ADI site lands, adjacent to Llandilo, New South Wales:

(1) Does the Environment Protection and Biodiversity Conservation Act still apply to the protection of endangered species on this land.

(2) What community consultation has been carried out by Environment Australia in regard to the affect of the proposed high school development on endangered species.

(3) (a) When, and why, was this land (or part of this land) recently cleared of vegetation by Comland Ltd, including clearing of endangered and vulnerable plant species; and (b) was any such clearing carried out in connection with the onsite announcement by the Minister for Sport and Tourism on 22 June 2001, of the plans for the Xavier College development in the north-western sector of the site.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

(1) Yes.

(2) A referral for the development of Xavier College High School was received by my Department on 4 September 2001. In accordance with the requirements of the Environment Protection and Biodiversity Conservation Act 1999, a notice inviting public comment on the referral was placed on my Department’s Internet site on 5 September 2001. A total of eight (8) public submissions were received in response to the Department’s invitation. The former Minister decided on 3 October 2001 that significant impacts on matters protected under the Act were not likely and that approval was therefore not needed. The public comments were taken into account by the Minister in making his decision.

(3) (a) I am advised that Comland Ltd recently carried out slashing of grasses on the site for fire control purposes.

(b) Neither I, nor my Department, are aware of any connections between the clearing of vegetation by Comland Ltd and the development of Xavier College High School.

Environment: Australian Defence Industries Site

(Question No. 3904)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 20 September 2001:

With reference to reports of recent unlicensed vegetation clearing or slashing, including possible destruction of endangered and vulnerable species, carried out by ComLand Ltd on the western sector of the former ADI site:

(1) Can the Minister confirm that an investigation by Environment Australia has found that unlicensed removal of endangered species, including Cumberland Plain Woodland, has recently been carried out by ComLand Ltd on the former ADI site; if so, what is the exact finding of this investigation and what further action will be taken against ComLand Ltd.

(2) Has the Minister issued any permission to the Minister for Finance and Administration for the development on the former ADI site which exempts any part of the site from the provisions of the Environment Protection and Biodiversity Conservation Act.
The answer to the honourable senator’s question is as follows:

(1) Following reports of slashing activity on the St Mary’s site, my Department contacted ComLand in relation to its fire control measures on the site and possible impacts on species and communities listed under the Environment Protection and Biodiversity Conservation Act 1999. I have been advised by my Department that a site inspection indicates that:

• the quality and extent of the Cumberland Plain Woodlands community varies considerably over different parts of the site,
• most slashing activity is occurring in previously cleared parts of the site, and
• there is some slashing occurring in or in the immediate vicinity of areas where the vegetation includes components of Cumberland Plain Woodlands.

My Department has subsequently written to ComLand requesting an application for a permit, with a view to considering fire control measures on the site in the context of ensuring the protection of listed species and the Cumberland Plain Woodlands community.

(2) No.

Forestry: Taxation
(Question No. 3907)

Senator Brown asked the Minister representing the Minister for Forestry and Conservation, upon notice, on 25 September 2001:

With reference to government and industry sources claims that 15 per cent of Tasmania’s goods and services tax is from the forest industry: How is that figure assessed and what are the components.

The Minister is not aware of the government or industry sources that Senator Brown has referred to.

Defence: European Aeronautic Defence and Space Company
(Question No. 3908)

Senator Hogg asked the Minister representing the Minister for Defence, upon notice, on 26 September 2001:

(1) Did Mr Dangleterre of European Aeronautic Defence and Space Company say, on 10 August 2001, at a press conference convened in Brisbane by the Minister, that his company’s helicopter, the ‘Tiger’, is ‘under production for 160 unit, 80 for the French Army, 80 for German Army’.

(2) Has the department been informed of a decision of the French Government to reduce its acquisition of Tiger helicopters from Eurocopter to 37 for the period 2003 to 2008; if so, on what date did the Australian Government receive that information.

(3) If the answers to (1) and (2) are yes, can the Minister explain the apparent discrepancy.

(4) Can the Minister advise: (a) when the French Government intends to receive delivery of its first production helicopter that will form the basis of the Australian production helicopter; (b) when the Australian Government intends to receive delivery of its first production helicopter fully representative of the Commonwealth’s end configuration requirement; and (c) if (b) is to occur before (a), what financial or physical risks will be associated with the delivery of the Australian production aircraft prior to the French production aircraft and whether these risks have been addressed in the negotiation of the AIR 87 contract.

(5) Has the department satisfied itself that the German Government plans to acquire the full complement of 80 Tiger helicopters from Eurocopter in the period 2003 to 2008; if so, on what date did the Australian Government come to that view.

(6) Will the Minister advise when the German Government plans to receive its first production helicopter that will form the basis of the Australian production helicopter.

(7) (a) Can the Minister say, or has the department enquired, how many German Tiger helicopters will be delivered to the German Government during the period 2003 to 2008; and (b) if the department has enquired, when did it receive information and what was the nature of that information.

The answer to the honourable senator’s question is as follows:
(1) Yes.
(2) The department has only been informally advised of the French Government’s decision to reduce the rate at which it intends to ramp-up production of the Tiger to its mature rate. The current contract requires the delivery of 80 Tigers (70 of the HAP reconnaissance variant and 10 of the HAC French anti-tank variant) by 2011 and this has not changed. The Minister has been advised that this will mean that the total number of Tiger helicopters to be procured by the French Government over the period 2003 to 2008 is 50 HAP variants. This information was received by the Australian Government in the Eurocopter International Pacific tender submitted on 30 April 2001 and at briefings with the members of the joint Franco-German Tiger Project Office on 6 August 2001. It was again confirmed in discussions with French Embassy staff on 3 October 2001.

(3) There is no discrepancy, apparent or otherwise, in Mr Dangleterre’s statement. Although it has decided to reduce the time over which it will ramp-up production to a mature rate, the French Government remains committed to acquiring 80 Tiger helicopters between 2003 and 2011 in its initial purchase.

(4) (a) The Minister has been advised that the French Government intends to take delivery of its first production helicopter, to be known as the Tiger HAP, on 1 July 2003. 
(b) The Australian Government intends to take delivery of its first production helicopter fully representative of the Commonwealth’s end configuration in November 2004. It should be noted that, although the initial helicopters will be fitted with the Hellfire missile system, it is not intended to fully qualify the Hellfire missile on the Tiger Armed Reconnaissance Helicopter until operational test and evaluation is conducted in late 2005. 
(c) As the Australian production helicopter is to be delivered after the French production helicopter, an answer to part (c) of the honourable senator’s question is not required.

(5) To the best of its ability, the department has satisfied itself that the German Government plans to acquire the full complement of 80 Tiger UHT helicopters from Eurocopter in the period 2002 to 2011. This view was established in the Eurocopter International Pacific tender submitted on 30 April 2001 and confirmed at briefings with members of the joint Franco-German Tiger Project Office on 6 August 2001.

(6) The Minister has been advised that the German Government intends to receive its first production helicopter on 16 December 2002. It should be noted that the German Tiger variant, to be known as the ‘Tiger UHT, is an anti-tank variant and does not form the basis of the Australian production helicopter.

(7) (a) The Minister has been advised that 58 German Tiger UHT helicopters are planned to be delivered to the German Government during the period 2003 to 2008.
(b) This information was offered to the department in briefings with members of the joint Franco-German Tiger Project Office on 6 August 2001 and confirmed in discussions with French Embassy staff on 3 October 2001.

Defence: Request for Tender
(Question No. 3909)

Senator Hogg asked the Minister representing the Minister for Defence, upon notice, on 26 September 2001:

(1) (a) In respect of the AIR 87 tender, did the Under Secretary of the Department of Defence give evidence to the Senate Foreign Affairs, Defence and Trade Legislation Committee on 4 June 2001 (Hansard, p.92) that, ‘the intention is that we will probably negotiate contracts with the two short-listed tenderers before a final selection is made. This means that there will obviously be some to and fro between the short-listed tenderers and us’; and (b) was the same procedure described to Aircraft and Aerospace and reported in its August 2001 issue (p.14), in these words by Colonel Patch, the Defence Materiel Organisation’s director of Project AIR 87: ‘Following the short-listing, the project team will work closely with the two finalists to ensure their respective contracts were the best possible “value for money” packages, before a winner is selected’.

(2) On what date were the Senate, the defence community and the unsuccessful tenderers informed that the procedure described by the Under Secretary and the project director had been dispensed with.
(3) Why was the procedure dispensed with.

(4) Did the Minister state, at a press conference on 10 August 2001, that the successful tenderer ‘was chosen because it was good value for money’.

(5) By what means was the Minister or the department able to determine what was good value for money when all tenderers were given to understand (see (1) above) that the precise issue was only going to be addressed after the short-listing to two alternative contracts had been decided.

(6) By what means was the Minister in a position to determine that a ‘premium’ for interoperability (Defence White Paper, paragraph 6.35) was not appropriate in the present case, given that the possible size of any such premium could not have been determined at the time of his announcement on 10 August 2001.

Senator Hill—the answer to the honourable senator’s question is as follows:

(1) (a) and (b) On the release of the Request for Tender on 18 December 2000, Defence has continually emphasised that the Request for Tenders document has primacy over all other forms of communication between the Commonwealth and the AIR 87 tenderers. In the Request for Tenders it states that “The Commonwealth reserves the right to shortlist tenderers at any time during the evaluation process” and further “The Commonwealth reserves (the right to) conduct negotiations with one or more shortlisted tenderers. At the time of both statements being made, the expectation was that the process would be as described by the Under Secretary and the project director. Subsequently, the evaluation of the tenders indicated that there was a stand-out tender which offered better value for money than the other three. In accordance with the conditions of the Request for Tenders, and to minimise the cost of tendering, the Commonwealth opted to shortlist to a single tenderer and set a further tenderer aside for further evaluation if required.

(2) The decision to accept only one tenderer into the detailed evaluation phase of Project AIR 87 was noted by the Government on 8 August 2001. To my knowledge, the Senate has not been informed formally of the decision. The unsuccessful tenderers were advised of the decision by letter on 9 August 2001. The Defence community was advised formally at the Minister’s Press Conference on 10 August 2001.

(3) Defence has not dispensed with its published procedure which allows the Commonwealth to shortlist and enter into negotiations with one or more shortlisted tenderers.

(4) Yes.

(5) The tenderers were advised in the Request for Tenders that the “Tenders are to be evaluated on the basis of best value for money consistent with Commonwealth purchasing policies.” Again, the expectation was that this would evolve in the comparison of shortlisted tenders. However, the evaluation showed that one tenderer stood out as offering best value for money. As a result, and in accordance with the conditions of the Request for Tenders, only one tender was progressed to the detailed evaluation phase with a second tender set aside for possible further evaluation.

(6) The term premium as used in the Defence White Paper (paragraph 6.35) refers to the emphasis placed on interoperability with our allies. As indicated in paragraph 6.34 of the Defence White Paper, interoperability is about more than just the helicopter itself. The Tiger helicopter is based on NATO standards and axiomatically offers a high level of interoperability. But interoperability is also about training, support and maintenance, logistics, intelligence, doctrine and many other contributing elements. In this regard the Tiger will be fully integrated into the Australian Defence Force and will share the interoperability our forces currently share with our allies and other countries with whom we might want to operate in coalition.

Australian Bureau of Agricultural and Resource Economics

(Question No. 3910)

Senator Allison asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 27 September 2001:

Does the Australian Bureau of Agricultural and Resource Economics receive any private sector funds and/or sponsorship and/or payments for the development of its climate change models or climate change economic projects; if so can details be provided about the private sector sources of funds.

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:
In the calendar year 2001 ABARE has received private sector funding in the form of consultancy contracts from the following private sector clients: the Minerals Council of Australia, the Western Australian Minerals Council, Meyrick and Associates, and the World Bank. Travel Expenses have been reimbursed for an ABARE Senior Executive to speak at the Minex conference in Perth on 23 March 2001, and for the Executive Director of ABARE to speak at the International Petroleum Industry Environmental Conservation Association conference in Boston Cambridge, Massachusetts, USA on 14-17 October 2001. These funds have been used for the preparation of papers on climate change policy analyses. All model development is completed using funding provided by government.

Environment: Heritage Values

(Question No. 3911)

Senator Allison asked the Minister for the Environment and Heritage, upon notice, on 26 September 2001:

(1) (a) When did the department last conduct an audit of heritage values in its properties; and (b) can that report be made available.

(2) Does the department have policies, protocols and/or guidelines for the protection of heritage values in its properties; if not, why not.

(3) (a) What is the budget for maintenance and conservation works in the department for the 2001-02 financial year; and (b) how does this compare with each of the previous four financial years.

(4) Which properties has the department sold over the past five years that have heritage values.

(5) Which of these are listed on the Register of the National Estate.

(6) Which of these have state government and local government protection.

(7) What are the department’s policy, protocol and/or guidelines for archiving documents.

(8) (a) Does the department have a collection of artworks and/or artefacts, including documents, of heritage value; (b) are these documented; and (c) is there a budget for acquisition or conservation of such work.

(9) Does the department use the National Culture-Leisure Industry Statistical Framework prepared by the Cultural Ministers’ Council in compiling data; if not, why not.

(10) For those services contracted out, what arrangements, guidelines and requirements are in place to safeguard records for archiving.

(11) (a) What, if any, historical guides and publications on heritage were prepared by the department in the 2000-01 financial year; and (b) what is the budget for this purpose in the 2001-02 financial year.

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

(1) (a) The Department has not conducted an overall audit of heritage values in the properties for which it is responsible. The Department is a tenant in a number of buildings including the heritage listed John Gorton building located in the Parliamentary Triangle. The Department of Finance and Administration, the building owner, is ultimately responsible for maintaining the heritage values of the property. The Department’s other Canberra based tenancies are modern privately owned commercial buildings of no heritage significance. The Department has responsibility for a number of Commonwealth National Parks and other areas, Antarctic and sub-Antarctic properties and Marine Protected Areas. Some of these areas contain places of indigenous heritage significance or historic heritage significance. The Department also has responsibility for historic shipwrecks. The Department does not own or have responsibility for any other properties. Heritage values are addressed in Plans of Management and other management arrangements for reserved areas. The Australian Antarctic Division (AAD) examines the Antarctic and sub-Antarctic properties for which it has responsibility on an ongoing basis as visits to these remote sites allow. The most recent was a visit by the AAD to Heard Island over the summer of 2000-01 during which information was gathered for the purpose of revising the management plan for this World Heritage listed property. A draft revised management plan is expected to be made available for public comment in 2002. The heritage values of shipwrecks are documented in cooperation with the States on an ongoing basis; (b) see answer to question (a).
(2) Yes, the Department gives full consideration to the requirements of the Australian Heritage Commission Act in relation to the John Gorton Building before making any recommendations or requests to the building owner for any changes. The ultimate responsibility for ensuring the requirements of the heritage order are met lies with the Department of Finance and Administration as the building owner. For areas for which the Department has responsibility, heritage values are protected by statute and through management arrangements. For example, Parks Australia has responsibility for Commonwealth managed national parks and reserves and Calperum, part of the Bookmark Biosphere Reserve, all of which have arrangements in place for conservation of heritage values covered through the Plans of Management and other management arrangements.

(3) (a) Reserved areas do not have specific budgets for maintenance and conservation works on any contained historic properties. Budget for maintenance and conservation works on heritage properties for which the AAD is responsible is not differentiated from the Division's general operating expenses. A grants program is in place to assist the States to administer the Historic Shipwrecks Act, including the conservation of historic shipwrecks. In 2001-02 the value of the program is $381,000;

(b) Specific grants of $250,000 in 1997-98, $250,000 in 1998-99 and $60,000 in 2000-01 were provided to the Australian Associated Press (AAP) Mawson’s Huts Foundation for the conservation of the Mawson’s Huts historic site in Antarctica. For the previous four financial years the value of the historic shipwrecks grants program was: 2000/01 $332,054, 1999/00 $404,000, 1998/99 $408,000, 1997/98 $404,000.

(4) None

(5) See answer to question (4).

(6) See answer to question (4).

(7) The department strictly follows the National Archives of Australia guidelines for archiving documents.

(8) (a) Yes in the case of the AAD and the Bureau of Meteorology (BOM). The Australian National Herbarium (ANH—a joint facility with the CSIRO) does contain a significant collection of plant specimens of scientific heritage value as well as historic taxonomic books and art works. In the case of the remainder of the Department no items of heritage value have been identified; (b) Yes in the case of AAD, BOM and ANH; (c) in the case of AAD, budget for acquisition and conservation is not differentiated from general operating expenses. In the case of BOM, the documents have been acquired on an ad hoc basis and undergo professional conservation work as required. In the case of ANH, specimens are not purchased but there is a budget for the associated costs of acquisition. There is a budget for the acquisition of taxonomic books and art works and for the conservation of the specimen and library collections. No for the remainder of the Department.

(9) No. The Department has no direct responsibility for the provision of cultural or leisure goods or services.

(10) No such services contracted out at present

Mawson’s Huts Historic Site—Conservation Management Plan (prepared by Godden Mackay Logan Pty Ltd under contract to the AAP Mawson’s Huts Foundation but with the assistance of a Commonwealth Government grant and considerable in kind support from the AAD and Australian Heritage Commission).
Fourteen separate leaflets, one for each of Australia’s World Heritage places.
Asia Pacific Focal Point newsletter, two editions.
Australia’s World Heritage Achievements leaflet.
Several World Heritage fact sheets.
Protect our Historic Shipwrecks poster.
Shipwrecks Part of our national heritage brochure.
Shipwreck Coins Your legal obligations brochure.
(b) In relation to World Heritage a specific budget of $30,000 has been allocated in 2001-02. In the case of the rest of the Department, the budget for these purposes is not differentiated from general operating expenses.

(Please note that the above answers relate to the Department proper and not to the whole portfolio. Statutory and Executive agencies are not included.)

Commonwealth Departments and Agencies: Green Energy Policy

(Question No. 3918)

Senator Allison asked the Minister for the Environment and Heritage, upon notice, on 8 October 2001—with reference to the answers to Questions on Notice nos 3793 to 3798 and 3800 to 3811:

(1) Does the Minister guarantee the accuracy of his response for all departments.

(2) Did the Minister receive advice from each of these departments before answering on their behalf, if so, can copies of that advice be made available.

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

(1) The answer provided was based on advice from the Australian Greenhouse Office (AGO), which in turn was based on the best available evidence that could be obtained within the time and resource constraints.

(2) The AGO managed an ACT-based electricity procurement contract for most departments and has a comprehensive record of the procurement process for the departments on whose behalf it responded. For this reason, no specific additional advice was required.

Family and Community Services: Special Needs Subsidy Scheme

(Question No. 3919)

Senator Allison asked the Minister for Family and Community Services, upon notice, on 8 October 2001:

With reference to the Special Needs Subsidy Scheme for high needs children in child care, which since its introduction in 1997 has not been increased from the initial rate of $13 per hour.

(1) Does the Government intend to review this rate; if so, when.

(2) Does the Government accept that wages for staff assisting such disabled children have increased since 1997, and that this should be a factor in any review.

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

(1) The Department is continuing to monitor child care award rates and the impact of increasing costs on child care services.

(2) The SNSS rate of $13 per hour was established as a subsidy based on the median of child care award rates Australia-wide. This provides a positive contribution towards the employment of an additional child care worker. However, it cannot provide full coverage as award levels vary across the States and Territories. These factors would be taken into consideration in any review of SNSS.