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

SITTING DAYS—2002

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>12, 13, 14</td>
</tr>
<tr>
<td>March</td>
<td>11, 12, 13, 14, 19, 20, 21</td>
</tr>
<tr>
<td>May</td>
<td>14, 15, 16</td>
</tr>
<tr>
<td>June</td>
<td>17, 18, 19, 20, 24, 25, 26, 27</td>
</tr>
<tr>
<td>August</td>
<td>19, 20, 21, 22, 26, 27, 28, 29</td>
</tr>
<tr>
<td>September</td>
<td>16, 17, 18, 19, 23, 24, 25, 26</td>
</tr>
<tr>
<td>October</td>
<td>14, 15, 16, 17, 21, 22, 23, 24</td>
</tr>
<tr>
<td>November</td>
<td>11, 12, 13, 14, 15, 18, 19, 20, 21</td>
</tr>
<tr>
<td>December</td>
<td>2, 3, 4, 5, 9, 10, 11, 12</td>
</tr>
</tbody>
</table>

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

- **CANBERRA**: 1440 AM
- **SYDNEY**: 630 AM
- **NEWCASTLE**: 1458 AM
- **BRISBANE**: 936 AM
- **MELBOURNE**: 1026 AM
- **ADELAIDE**: 972 AM
- **PERTH**: 585 AM
- **HOBART**: 729 AM
- **DARWIN**: 102.5 FM
SENATE CONTENTS

MONDAY, 9 DECEMBER

Business—
Consideration of Legislation ................................................................. 7359

Telecommunications Competition Bill 2002—
In Committee .......................................................................................... 7359

Questions Without Notice—
Superannuation: Preservation Age .......................................................... 7378
Drought ...................................................................................................... 7379
Superannuation Complaints Tribunal: Appointments .............................. 7379
Gun Control ............................................................................................. 7380
Fuel: Ethanol ........................................................................................... 7381
Environment: Oil Exploration ................................................................. 7382
Insurance: Public Liability ...................................................................... 7383
Health: Hepatitis C .................................................................................. 7384
Medicare: Bulk-Billing ............................................................................ 7385
Taxation: Income Tax ............................................................................. 7386
Nuclear Energy: Lucas Heights Reactor .................................................. 7387
Arts: Funding .......................................................................................... 7389
HMAS Westralia ...................................................................................... 7390

Questions Without Notice: Additional Answers—
HMAS Westralia ...................................................................................... 7391

Absence of the President......................................................................... 7391

Questions Without Notice: Additional Answers—
Immigration: Asylum Seekers .................................................................. 7392

Answers to Questions on Notice—
Question Nos 304, 405, 560, 561, 562, 704, 705, 829, 879 ......................... 7392
Question Nos 631, 674, 676, 693, 744 and 819 ......................................... 7393

Questions Without Notice: Take Note of Answers—
Superannuation: Preservation Age .......................................................... 7395
Superannuation Complaints Tribunal: Appointments .............................. 7395
Insurance: Public Liability ...................................................................... 7395
Arts: Funding .......................................................................................... 7400

Petitions—
General Agreement on Trade in Services ................................................. 7401
Terrorism: Suicide Bombings ................................................................... 7401

Notices—
Presentation ............................................................................................ 7401
Withdrawal ............................................................................................... 7407
Presentation ............................................................................................... 7407
Postponement .......................................................................................... 7408

Photovoltaic Energy .................................................................................. 7408

Committees—
Reports: Government Responses ............................................................. 7409

Delegation Reports—
Parliamentary Delegation to the 48th Commonwealth Parliamentary
Conference ............................................................................................... 7450

Documents—
Resolution of the Northern Territory Legislative Assembly .................... 7450
Responses to Senate Resolutions .............................................................. 7455
Committees—
Foreign Affairs, Defence and Trade Committee: Joint—Report................... 7455
Foreign Affairs, Defence and Trade Committee: Joint—Report................... 7457
Delegation Reports—
Parliamentary Delegation to the 171st Inter-Parliamentary Union Council.. 7459
Committees—
Environment, Communications, Information Technology and the Arts
References Committee—Membership....................................................... 7460
Assent ................................................................................................................. 7460
Medical Indemnity Bill 2002,
Medical Indemnity (Consequential Amendments) Bill 2002,
Medical Indemnity (Enhanced UMP Indemnity) Contribution Bill 2002 and
Medical Indemnity (IBNR Indemnity) Contribution Bill 2002—
First Reading ................................................................................................. 7461
Second Reading............................................................................................. 7461
Taxation Laws Amendment (Venture Capital) Bill 2002 and
Venture Capital Bill 2002—
First Reading ................................................................................................. 7463
Second Reading............................................................................................. 7463
Bills Returned from the House of Representatives............................................. 7465
Committees—
Membership................................................................................................... 7465
Telecommunications Competition Bill 2002—
In Committee................................................................................................. 7465
Third Reading................................................................................................ 7472
Bankruptcy Legislation Amendment Bill 2002—
Consideration of House of Representatives Message.................................... 7472
Migration Legislation Amendment (Further Border Protection Measures)
Bill 2002—
Second Reading............................................................................................. 7476
Medical Indemnity Bill 2002.............................................................................. 7506
Medical Indemnity (Consequential Amendments) Bill 2002 ....................... 7506
Medical Indemnity (Enhanced UMP Indemnity) Contribution Bill 2002 .......... 7506
Medical Indemnity (IBNR Indemnity) Contribution Bill 2002—
Second Reading............................................................................................. 7506
Adjournment—
Drought.......................................................................................................... 7509
Telecommunications: Interception................................................................. 7511
Veterans Review Board: Annual Report......................................................... 7513
Roads: Albury-Wodonga Freeway ................................................................. 7515
Documents—
Tabling........................................................................................................... 7516
Proclamations................................................................................................. 7516
Questions on Notice—
Trade: Four-Wheeled Vehicle Imports—(Question No. 666)......................... 7517
Fisheries: Patagonian Toothfish—(Question No. 731)................................. 7520
Fisheries: Illegal Fishing—(Question No. 751)............................................. 7521
New South Wales: South East Packaging Operation, Moruya—(Question
No. 857)......................................................................................................... 7523
SENATE CONTENTS—continued

New South Wales: South East Packaging Operation, Moruya—(Question No. 858).............................................................. 7523
New South Wales: South East Packaging Operation, Moruya—(Question No. 859).............................................................. 7524
New South Wales: South East Packaging Operation, Moruya—(Question No. 860).............................................................. 7524
New South Wales: South East Packaging Operation, Moruya—(Question No. 861).............................................................. 7524
New South Wales: South East Packaging Operation, Moruya—(Question No. 862).............................................................. 7525
New South Wales: South East Packaging Operation, Moruya—(Question No. 863).............................................................. 7525
Agriculture: National Food Industry Strategy—(Question No. 870) ............ 7526
Fisheries: Southern Bluefin Tuna—(Question No. 871)......................... 7528
Marine Affairs and Fisheries Working Group—(Question No. 873) ....... 7528
Trade: New Markets—(Question No. 934) ....................................... 7529
National Animal Welfare Strategy—(Question No. 935) ...................... 7530
Quarantine: Detector Dog Teams—(Question No. 938) ...................... 7530
Quarantine: Intervention—(Question No. 942) .................................. 7531
Monday, 9 December 2002

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

BUSINESS

Consideration of Legislation

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (12.31 p.m.)—I move:

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

Taxation Laws Amendment (Venture Capital) Bill 2002

Venture Capital Bill 2002.

Senator BROWN (Tasmania) (12.31 p.m.)—We have here a motion proposing the exemption of the Taxation Laws Amendment (Venture Capital) Bill 2002 and the Venture Capital Bill 2002 from the provisions of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Taxation Laws Amendment (Venture Capital) Bill 2002

Venture Capital Bill 2002.

Question agreed to.

TELECOMMUNICATIONS COMPETITION BILL 2002

In Committee

Consideration resumed from 5 December.

Bill—by leave—taken as a whole.

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (12.32 p.m.)—by leave—I move government amendments (1) to (15) on sheet EC207 and table a supplementary explanatory memorandum relating to the government amendments to be moved to the Telecommunications Competition Bill 2002.

The memorandum was circulated in the chamber on 3 December last. I so move:

(1) Schedule 1, item 1, page 3 (line 8), omit “ACCC may”, substitute “ACA must”.

(2) Schedule 1, item 2, page 3 (lines 10 and 11), omit the item, substitute:

2 Section 348

Omit “may”, substitute “must”.

(3) Schedule 1, items 3 and 4, page 3 (lines 12 to 15), omit the items, substitute:

3 Subsection 349(2)

Omit “may”, substitute “must”.

4 Subsection 349(2)

After “specified” (first occurring), insert “declared”.

4A At the end of subsection 349(2)

Add:

Note: Declared carriage service is defined by section 350A.

(4) Schedule 1, page 3, after proposed item 4A, insert:

4B After section 350

Insert:

350A Declared carriage services

(1) The ACCC may, by written instrument, declare that a specified carriage service is a declared carriage service for the purposes of this Part.

(2) The declaration has effect accordingly.

(3) In deciding whether to make a declaration under this section, the ACCC must have regard to whether the declaration will promote the long-term interests of end-users of:

(a) carriage services; or

(b) services supplied by means of carriage services.

(4) The ACCC may have regard to any other matters that it thinks are relevant.

(5) For the purposes of this section, the question whether a particular thing promotes the long-term interests of end-users of:

(a) carriage services; or

(b) services supplied by means of carriage services;

is to be determined in the same manner in which that question is determined for the purposes of Part XIC of the Trade Practices Act 1974.
Note: See section 152AB of the Trade Practices Act 1974.

(5) Schedule 1, items 5 to 13, page 3 (line 16) to page 7 (line 16), omit the items, substitute:

5 At the end of section 352
Add:

(4) Before making a declaration under this section, the ACA must consult the ACCC.

6 Transitional—sections 349 and 350A of the Telecommunications Act 1997

(1) This item applies if:

(a) a carriage service was the subject of a determination under subsection 349(2) of the Telecommunications Act 1997; and

(b) the determination was in force immediately before the commencement of this item.

(2) The Telecommunications Act 1997 has effect, in relation to the carriage service, as if the ACCC had:

(a) made an instrument under subsection 350A(1) of that Act declaring the service to be a declared carriage service for the purposes of Part 17 of that Act; and

(b) complied with the requirement set out in subsection 350A(3) of that Act in relation to the instrument.

(3) This item does not prevent the instrument referred to in paragraph (2)(a) from being varied or revoked by the ACCC in accordance with subsection 33(3) of the Acts Interpretation Act 1901.

(4) The amendments of subsection 349(2) of the Telecommunications Act 1997 made by this Part do not affect the validity of the determination.

(6) Schedule 1, page 10 (after line 25), at the end of the Schedule, add:

Part 4—Instruments

25 Subsection 589(6) (definition of this Act)

Repeal the definition, substitute: this Act includes:

(a) the Telecommunications (Consumer Protection and Service Standards) Act 1999; and

(b) Parts XIB and XIC of the Trade Practices Act 1974.

(7) Schedule 2, item 9, page 15 (lines 13 to 15), omit subitem (1), substitute:

(1) This item applies if:

(a) a final determination was made by the Commission under Division 8 of Part XIC of the Trade Practices Act 1974 before the commencement of this item; or

(b) both:

(i) a final determination is made by the Commission under Division 8 of Part XIC of the Trade Practices Act 1974 after the commencement of this item; and

(ii) the final determination relates to an access dispute that was notified under section 152CM of the Trade Practices Act 1974 before 26 September 2002.

(8) Schedule 2, item 62, page 34 (after line 9), after subsection (10), insert:

(10A) The expiry time for the order may be described by reference to the end of a period beginning when the service or proposed service becomes an active declared service.

(10B) Subsection (10A) does not, by implication, limit subsection (10).

(9) Schedule 2, item 74, page 42 (line 25), at the end of subsection (7), add:

To avoid doubt, if the undertaking is subject to limitations, the service supplied by the person is a declared service only to the extent to which the service falls within the scope of the limitations.

(10) Schedule 2, item 95, page 48 (line 29), after "section 152AR", insert "(disregarding subsection 152AL(7))".

(11) Schedule 2, item 95, page 52 (line 31), after "section 152AR", insert "(disregarding subsection 152AL(7))".

(12) Schedule 2, page 68 (after line 5), after item 121, insert:
121A Section 151AB

Insert:

*content service* has the same meaning as in the *Telecommunications Act 1997*.

(13) Schedule 2, item 124, page 68 (after line 18), after subsection (1), insert:

(1A) The Minister may only give a direction under subsection (1) that:

(a) requires the Commission to exercise its powers under section 151BU, 151BUDA, 151BUDB or 151BUDC; or

(b) requires the Commission to exercise its powers under section 151BU, 151BUDA, 151BUDB or 151BUDC in a particular way.

(1B) The Minister may give a written direction to the Commission requiring it, in the event that it receives a specified Ministerially-directed report, to:

(a) prepare a specified kind of analysis of the report; and

(b) publish the analysis within a specified period after receiving the report.

Note: For specification by class, see subsection 46(2) of the *Acts Interpretation Act 1901*.

(1C) The Minister may give a written direction to the Commission requiring it, in the event that it receives a report in a specified series of Ministerially-directed periodic reports, to:

(a) prepare a specified kind of analysis of the report; and

(b) publish the analysis within a specified period after receiving the report.

(14) Schedule 2, item 124, page 68 (line 22), omit “this section”, substitute “subsection (1)”.

(15) Schedule 2, item 124, page 68 (after line 30), after section 151BUAA, insert:

**151BUAAA Minister to give direction to Commission about Telstra’s wholesale operations and retail operations**

(1) The Minister must take all reasonable steps to ensure that a special Telstra direction is given within 6 months after the commencement of this section.

(2) For the purposes of this section, a *special Telstra direction* is a direction under section 151BUAA that:

(a) relates to Telstra’s wholesale operations and retail operations; and

(b) requires the Commission to exercise its powers under section 151BU to make rules requiring Telstra to:

(i) keep and retain particular records; and

(ii) prepare reports consisting of information contained in those records; and

(iii) give those reports to the Commission; and

(c) requires the Commission to exercise its powers under at least one of sections 151BUDA, 151BUDB and 151BUDC in relation to those reports.

(3) Before giving a special Telstra direction in compliance with subsection (1), the Minister must:

(a) publish a draft of the direction and invite people to make submissions to the Minister on the draft direction; and

(b) consider any submissions that are received within the time limit specified by the Minister when he or she published the draft direction.

(4) This section does not, by implication, limit the Minister’s powers to give subsequent directions to the Commission in relation to Telstra’s wholesale operations and retail operations.

(5) In this section:

**Telstra** has the same meaning as in the *Telstra Corporation Act 1991*.

**wholesale operations** includes operations in relation to services that Telstra supplies:

(a) to itself; or

(b) to other persons, in order that the other persons can provide carriage services and/or content services.

The amendments are designed to improve the proposed accounting separation framework to require that all reasonable steps be taken to ensure that a special Telstra direction is given within six months of the commencement of the bill. A special Telstra direction is one that relates to Telstra’s wholesale and retail operations and it requires the ACCC to exercise its powers to make rules requiring Telstra to keep and retain particular
records, prepare reports based on these records and deliver the reports to the ACCC. The amendments also set out the procedure that must be followed before the minister can make a special Telstra direction: the minister must publish the draft of the direction, invite people to make submissions on the draft direction within the specified time limit and consider any submissions that are received, before making the direction. The amendments also clarify that the minister may only give a direction that requires the ACCC to exercise its powers under sections 151BU, 151BUDA, 151BUDB and 151BUDC or that requires the ACCC exercise its powers under those sections in a particular way. This means that the minister would not be able to give a direction to the ACCC not to exercise its powers under those sections. The amendments also enable the minister to give a written direction to the ACCC requiring it to prepare a specified kind of analysis of the report and to publish the analysis within a specified period after receiving the report. To enable matters in an instrument to be incorporated by reference, one of the amendments amends section 589 of the Telecommunications Act to allow instruments made under parts XIB and XIC of the Trade Practices Act to apply, adopt or incorporate provisions of any act, instrument or other writing as enforced or existing at a particular time or from time to time. This will allow ministerial direction in relation to accounting separation to refer to the regulatory accounting framework enforced from time to time. The government’s amendments will also refine the proposed preselection arrangements so that the ACCC makes the threshold decision on which services should be preselectable, but the ACA is responsible for implementation, including technical matters. This refines the proposed preselection amendments in the bill to provide that the ACCC specifies which services should be subject to preselection, but the ACA determines the preselection requirements for those services, including exemptions from the requirements. The amendments also provide a right to seek merits review by the Australian Competition Tribunal in relation to access disputes that were notified to the ACCC before the introduction of the bill in the House of Representatives on 26 September last.

The proposed amendments include some minor technical amendments. One is an amendment to ensure that provisions relating to the expiry time of ex-ante class exemptions and individual ex-ante exemptions are similar—that is, so that an expiry time of an exemption order:

... may be described by reference to the end of a period beginning when the service or proposed service becomes an active declared service.

Another amendment provides two provisions relating to ex-ante undertakings, proposed sections 152CBA and 152CBF, to make it clear that the reference to ‘act of declared service’ is to declaration in the ordinary sense under proposed section 152AL(3), not the deemed declaration that results from the proposals in the bill, proposed section 152AL(7). Another amendment to proposed section 152AL(7) clarifies that if a special access undertaking is subject to limitations then the service specified in the undertaking is deemed to be a declared service—and therefore subject to the standard access obligations—only to the extent to which the service falls within the scope of the limitations.

Senator LUNDY (Australian Capital Territory) (12.37 p.m.)—These amendments are predominantly technical in nature and strengthen the provisions of the Telecommunications Competition Bill 2002. I would like to make a few comments about the range of amendments contained in this group. Items (1) to (5) modify the new preselection arrangements so that, whilst responsibility for declaring which services are subjected to preselection will be given to the ACCC, the ACA is responsible for determining the technical requirements for preselection. Item (6) is a technical drafting amendment. Item (7) allows for the merits review of access arbitrations that were notified before 26 September, the date of the bill’s introduction to parliament. This amendment satisfies a key concern identified by Labor senators in the minority Senate report on the bill. Under the current bill, arbitrations currently on foot with the ACCC would lose their ACT merits review appeal rights and this amendment
ensures that parties involved in these arbitrations would retain these rights. This was a particular concern to Seven, who had ongoing arbitrations in relation to pay TV, of which I understand there were two outstanding. Labor support this amendment fully, having already advocated it, and if the government had not moved the amendment then we certainly would have.

Items (8), (9), (10), (11) and (12) are technical amendments, and items (13), (14) and (15) amend the accounting separation provisions of the bill. Labor reflected on these in our minority report, and this is an appropriate opportunity to restate the concerns we have that this bill is generally a weak response to the recommendations contained in the Productivity Commission report. We expressed our concern and surprise at that at the time of hearing about this bill in committee. We will be supporting the bill nonetheless, on the basis that Labor will continue to develop our responses and policies as far as accounting separation for Telstra goes.

Senator CHERRY (Queensland) (12.39 p.m.)—I want to briefly note that the Democrats will be supporting these amendments and also, like Senator Lundy, note that we particularly support amendment (7), which is to grandfather two arbitrations under way currently which involve the Seven Network, a matter on which we had made representations to the government prior to this debate.

Senator HARRIS (Queensland) (12.40 p.m.)—I rise to indicate that One Nation will support the government’s amendments and the bill but will be opposing both Labor’s and the Democrats’ amendments. We believe that they would undo, to a large degree, Telstra’s input and the work that Telstra has been able to achieve by convincing the government of the dangers of allowing the other market players to have unfettered access to Telstra’s profit margins, its statistics and the like. Finally, I place clearly on the record that One Nation is supporting the government’s bill and the government amendments in the form that the government puts them forward.

Senator CHERRY (Queensland) (12.45 p.m.)—The Democrats are moving no
amendments that do any of the things which Senator Harris has mentioned, but we will debate that when we get to the amendments.

Senator LUNDY (Australian Capital Territory) (12.45 p.m.)—I would like to put the same thing on the record. The sorts of issues that Senator Harris has described are those contained and dealt with in this first group of government amendments.

Question agreed to.

The TEMPORARY CHAIRMAN (Senator Ferguson)—The question is that part 2 of schedule 1 and schedule 3 stand as printed.

Senator LUNDY (Australian Capital Territory) (12.45 p.m.)—Labor opposes the section of the Telecommunications Competition Bill 2002 removing the requirements of carriers to produce industry development plans. Carriers are currently required to present industry development plans to the minister, summaries of which are then made public. This enables the minister, the parliament and the public to scrutinise the industry development performance of carriers. While Labor acknowledges that these reports can be burdensome for some smaller carriers, simply removing these provisions altogether is unacceptable. It is appropriate that carriers, particularly Telstra, be encouraged to remain accountable in regard to their industry development plans. The core of these provisions should remain, so as to ensure the industry development plans of the major carriers can be monitored. I foreshadow Labor’s support of the next amendment, which does remove an additional burden for future carriers in relation to the preparation of an industry development plan. I will speak to that in more detail later, but is our intention to support the follow-on amendment for this, which further clarifies the role that future smaller carriers can play. That amendment will be moved by the government, and the opposition will be supporting it.

In general, industry development is an issue very important to the federal Labor opposition. It is something in which I have been involved in relation to information technology for a long time and it relates directly to the telecommunications industry. It should come as no surprise in the current public debate about the relative status of the information communication technology trade deficit in this country that Australia would be well suited and far better off if we were able to improve our exports in relation to our imports in the area of ICT. It would be the most inappropriate time to reduce or remove any accountability requirements for telecommunications carriers to state what they are doing in relation to industry development in ICT. A brief history lesson shows how crucial Telstra, in particular, has been to the growth and formation of many Australian companies and the growth of their capability—particularly in telecommunications technologies. Taking into account the sheer size of Telstra, I have no doubt that, as it and other carriers grow, their purchasing power in the Australian marketplace will have a directly determinant effect on the health of our local indigenous ICT sector.

This amendment is to prevent a watering down of those commitments. We believe that industry development plans should stay and that we should continue to be able to scrutinise the larger carriers—in particular, Telstra’s purchasing plans and what they contribute to industry development in this country. I should add that—as stories emerge from time to time about the plans and intentions, alleged and otherwise, of Telstra to source a growing number of services and technology from overseas, including outsourcing various aspects of their own IT to other places—it is a really important issue. I would like to know the government’s thoughts about the need to retain that level of accountability as far as industry development goes.

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (12.49 p.m.)—I think there was probably a time when IDPs had some relevance, although some might have argued even then that they were largely cosmetic because, whilst indicating areas in which the company’s performance should be specified in the plan, they essentially left it on a ‘best endeavours’ basis. In other words, the companies indicated their proposed levels of R&D and what they hoped to achieve in
other areas, but there was never any suggestion that they would be compelled to do things which did not make sense or which were quite uneconomic. The IDP provided a measure of visibility as to their plans, rather than our simply not having a clue what they might be up to or what their intentions were. Having that in front of you does not detract from the criticism that ultimately it does not make a great deal of difference.

The Productivity Commission found no compelling arguments for continuing with IDPs, on the basis that larger carriers are well aware of local capabilities and will continue to use local industry for cost and efficiency reasons. Smaller carriers are either resellers or carriers serving a limited or regional market and would have a limited impact on the local equipment industry. IDPs may act as a barrier to entry. Firms will be asked to comply with the principles set out in the Australian industry participation framework run by the Department of Industry, Tourism and Resources. This framework provides full, fair and reasonable access in the preparation of Australian industry development plans to maximise opportunities for suppliers and the development of industry. The government continues to support Australian ICT industry development through its endorsed supplier arrangement. In this regard, on 21 June 2002, the government released its voluntary procurement and strategic industry development guidelines to encourage its suppliers to undertake strategic activities in Australia in areas including R&D, exports, investments, SME alliances, skill development and technology transfer.

It comes down to this: if the Labor Party really only has Telstra in mind, it may as well come out and say what it will require Telstra to do. However, if it says that it should apply to the industry generally, it has to accept that these decisions are often made globally. If there is an unnecessary degree of paperwork involved in complying with what is essentially a feelgood exercise, they take that very much into account in deciding where to locate for all sorts of levels of activity. We have to get the balance right. We should not for a moment be out there saying that none of these things matters. We should be reminding them that quite often there is a mutual benefit to be derived. But to go beyond that and to force them to do things which they just do not think are commercial is not a good idea. I presume that Labor agrees with that. The halfway position is to get them to spell out plans in great detail and usually to engage consultants and others to prepare them so that everyone can feel a bit better about them. That is a much more significant burden on SMEs than it is on an organisation like Telstra. At the end of the day we would be better off having the resources of all concerned applied to competing in the marketplace rather than simply complying with red-tape requirements which ultimately will make no difference to commercial outcomes.

Senator CHERRY (Queensland) (12.53 p.m.)—The Democrats also will be moving to delete from the bill the provisions relating to industry development plans. The bill seeks to enact the Productivity Commission’s recommendation to scrap the requirement that a carrier develop and report against industry development plans. The Democrats oppose the removal of this requirement. We note the commission’s conclusion that it could find no compelling argument for continuing industry development plans, because commitments, apart from R&D, were formerly voluntary, and benefits including information on industry-wide investment and product development are not really part of the instrument. But, while we accept these arguments to a degree, in our view the appropriate course is not to scrap the plans but to re-evaluate and streamline the criteria. In particular, we believe that the plans should focus on R&D and technology transfer issues. Accordingly, we will look carefully at future legislation that sets out to improve the strategic focus of plans. I note that on 21 June the minister outlined streamlined ICT industry development arrangements. Whilst some of those measures are welcome and clearly overlap with the elements and scope of IDPs, we do not see them as a replacement.

Senator HARRIS (Queensland) (12.54 p.m.)—I rise again to indicate that One Nation will oppose the Labor and Democrat amendments. Part 2 of schedule 1, as the
The minister has said, refers to the production of industry development plans. I believe that both Labor and the Democrats are very much out of step with the industry position. I would be very interested to hear from both the shadow minister and Senator Cherry how they relate their position to a letter that I assume they also have received from Optus. I will quote it verbatim. It is a very short letter and it is dated 3 December 2002, so it is relevant. It states:

Dear Senator Harris

The Telecommunications Competition Bill 2002 is due to be debated in the Senate today or tomorrow. Optus supports the Bill.

I write to urge you to vote against a likely Labor amendment.

One provision in the Bill would remove the regulatory burden imposed on carriers to develop and report against Industry Development Plans (IDPs).

Optus and other telcos collectively spend billions of dollars each year on goods and services purchased from Australian industry. IDPs do not change what we do—they are simply a time consuming and costly regulatory burden.

For this reason, removal of IDPs was recommended by the Productivity Commission, in its inquiry into the Telecommunications Competition Regime.

Removing IDPs is particularly important for Telstra’s competitors. Telstra is four times the size of its largest competitor, Optus. It earns three quarters of industry revenues and 95% of industry profits. This means that regulatory burdens like the IDP fall much more heavily on players like Optus than they do on Telstra.

Optus understands that Labor will move to delete this provision.

Optus believes that Labor will move to retain—and IDPs removed.

I therefore urge you to vote against Labor’s amendment.

There we have from Optus the inference that other telcos are in agreement with them and that they want the government’s amendment retained to remove the necessity to do IDPs. As they say, they spend billions of dollars a year purchasing goods and services within Australia, and IDPs have no effect on them and do not improve the situation whatsoever. IDPs actually create a greater burden on the smaller players. It is quite logical if you work out the arithmetic: if Telstra has to produce an IDP from 75 per cent of the funds in the market, there is a relative cost per unit to it. Then we have all the other players who have to produce their IDPs—exactly the same as Telstra—from 25 per cent of the remaining value of the market. So the cost per unit on all of the other players is, disproportionately, three times greater. When you have Optus writing to senators, asking us to support the government’s position—that is, to remove IDPs—I find it quite perplexing that the Labor Party and the Democrats are moving to remove them. I place it on the record that One Nation will oppose the Labor and Democrat amendments.

Senator Lundy (Australian Capital Territory) (12.59 p.m.)—I would like to clarify a point. I do not know whether I moved the opposition amendments, but I would like to do so.

The TEMPORARY CHAIRMAN (Senator Ferguson) No, you have not yet, Senator Lundy. The question is that part 2 of schedules 1 and 3 stand as printed, so it is not an amendment.

Senator Lundy—Thank you for that clarification. For the benefit of Senator Harris, I would like again to clarify Labor’s position. Labor are taking this position on this aspect of the bill because we want to maintain industry development plans, not because we want to remove them.

Senator Alston (Victoria—Minister for Communications, Information Technology and the Arts) (1.00 p.m.)—I think I understood Senator Harris’s point to be that he is not aware of anyone in the industry these days who sees much virtue in retaining IDPs. He is really citing Optus as a classic example. But I think he is also saying that you will find a lot of smaller players as well who hold the same view that these might have been relevant once upon a time, but who say: ‘Who is in favour of them now apart from those who earn a living out of bureaucracy?’

Senator Harris (Queensland) (1.00 p.m.)—I concur with what the minister is saying. The industry wants the bill to stand as it is printed. If the Labor and Democrat amendments are passed, that will defeat the
section of the bill that will remove the requirement of the industry to produce IDPs. Clearly, the industry—and this is the position of Optus—have said that they do not see any value in the IDPs. It does not impact on how they provide their service and it does not impact on the goods that they purchase. Generally speaking, it covers a five-year period. As everybody knows today, the telecommunication industry is a moving feast, so what is relative this year, when these companies will spend millions of dollars to produce the IDPs for the next five years, may be totally irrelevant in 12 months time because of the changes in the industry. This is what the industry is saying: it wants the burdensome requirement to produce the IDPs removed. That is why One Nation supports the government’s position.

Question negatived.

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (1.03 p.m.)—I move government amendment (1) on sheet EC224:

(1) Schedule 1, page 9 (before line 2), before Part 3, insert:

Part 2A—Industry development plans

15 Subclause 5(1) of Schedule 1

Repeal the subclause, substitute:

Declarations

(1) The Industry Minister may, by written instrument, declare that a specified kind of carrier is a declared kind of carrier for the purposes of this clause.

15A At the end of clause 5 of Schedule 1

Add:

Exemption certificates—applicants for carrier licences

(4) The ACA may issue an exemption certificate to an applicant for a carrier licence if the ACA is satisfied that, if the applicant were to become a carrier, the applicant would be a declared kind of carrier.

(5) The ACA must cancel an exemption certificate issued to an applicant for a carrier licence if the ACA is no longer satisfied that, if the applicant were to become a carrier, the applicant would be a declared kind of carrier.

Exemption certificates—carriers

(6) The ACA may issue an exemption certificate to a carrier if the ACA is satisfied that the carrier is a declared kind of carrier.

(7) The ACA must cancel an exemption certificate issued to a carrier if the ACA is no longer satisfied that the carrier is a declared kind of carrier.

Exemption—applicants for carrier licences

(8) If an exemption certificate issued to an applicant for a carrier licence is in force, subclause 5(1) does not apply in relation to the decision to grant the licence.

Exemption—carriers

(9) If an exemption certificate issued to a carrier is in force, this Part does not apply to the carrier.

15B After paragraph 1(x) of Schedule 4

Insert:

(xa) a decision under clause 5 of Schedule 1 to refuse to issue an exemption certificate;

(xb) a decision under clause 5 of Schedule 1 to cancel an exemption certificate;

15C Transitional—subclause 5(1) of Schedule 1 to the Telecommunications Act 1997

(1) This item applies if:

(a) a declaration was made by the Industry Minister under subclause 5(1) of Schedule 1 to the Telecommunications Act 1997 in relation to a specified kind of carrier; and

(b) the declaration was in force immediately before the commencement of this item.

(2) The Telecommunications Act 1997 has effect, in relation to the specified kind of carrier, as if the Industry Minister had made a declaration under subclause 5(1) of Schedule 1 to that Act (as amended by this Part) that the specified kind of carrier is a declared kind of carrier for the purposes of that clause.

(3) This item does not prevent the declaration referred to in subitem (2) from being varied or revoked by the
Industry Minister in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*.

**15D Transitional—subclause 5(6) of Schedule 1 to the Telecommunications Act 1997**

(1) This item applies if, as a result of a declaration under subclause 5(1) of Schedule 1 to the *Telecommunications Act 1997*, Part 2 of Schedule 1 to that Act did not apply to a carrier immediately before the commencement of this item.

(2) The *Telecommunications Act 1997* has effect, in relation to the carrier, as if the ACA had issued an exemption certificate to the carrier under subclause 5(6) of Schedule 1 to that Act.

(3) This item does not prevent the exemption certificate referred to in subitem (2) from being cancelled by the ACA under subclause 5(7) of Schedule 1 to the *Telecommunications Act 1997*.

Accepting the Senate’s decision to retain the requirement for IDPs, the government remains concerned that the requirement for IDPs may act as a barrier to market entry, particularly for smaller carriers. Currently, applicants for a carrier licence must prepare an initial IDP in order to obtain a carrier licence, but thereafter they may fall within a category of exemptions as declared by the minister. This is a disallowable instrument subject to scrutiny by the parliament. The current exemptions are for small carriers with a total annual revenue of less than $5 million and capital expenditure below $20 million. This amendment further strengthens the provisions to ensure that these smaller carriers do not have to prepare such reports prior to being issued with a carrier licence, so it increases the consistency within the act. I think this will help reduce the regulatory costs and burdens on the smaller start-up carriers, because after all we are all about encouraging competition.

**Senator LUNDY** (Australian Capital Territory) (1.04 p.m.)—As the minister has said, this amendment makes some improvement to the operation of the industry development plan reporting exemptions for smaller carriers. Labor has been convinced in this circumstance that it is a sensible change to the act. Currently, the ACA can exempt smaller carriers from preparing industry development plans. As the minister said, carriers in this category include those with revenue below $5 million and capital expenditure below $20 million. This amendment further strengthens the provisions to ensure that these smaller carriers do not have to prepare such reports prior to being issued with a carrier licence, so it increases the consistency within the act. I think this will help reduce the regulatory costs and burdens on the smaller start-up carriers, because after all we are all about encouraging competition.

**Senator CHERRY** (Queensland) (1.05 p.m.)—The Democrats will also be supporting this amendment, and we note that it has been developed after discussions between the government and the other parties. It allows the ACA to provide exemptions for small prospective carriers to provide IDPs when they are seeking a licence. This makes the exemption provisions consistent with those that apply to existing carriers. The exemptions will be set out in a ministerial instrument and the current thresholds are expected to total annual revenue below $5 million and annual capital expenditure below $20 million. A further category of exempted carriers covers those whose services primarily relate to research or educational institutions. The Democrats understand that as a consequence there will be around 15 to 25 IDPs, including renewals, requiring approval by the minister each year. We further note that the proposed new section 15A, subsections (4) to (7) inclusive, provides for the ACA to verify that prospective and current carriers meet and continue to meet the conditions of the exemptions as determined. These are prudent amendments.

**Senator HARRIS** (Queensland) (1.06 p.m.)—Obviously, we have an interesting situation where both Labor and the Democrats have decided, to a large degree, who
will and who will not have to develop IDPs. It is also interesting that, based on the figures that we have been given, Optus is not one of those mentioned. So there again, we have a situation where the two main players in the industry, Telstra and Optus, are stuck with this burdensome requirement to provide industry development plans. Telstra has indicated that they have no impact on the service it provides and they have no impact on any purchases that they make within Australia. In their letter dated 3 December, Optus have clearly set out exactly the same, and yet there is the situation where Optus and Telstra now—effectively as of this minute—have to produce their industry development plans. If the amendment before us is successful, the minister will have the ability to exempt a licensed carrier, and it has been indicated to the chamber that there is going to be a numerical cap on that. My question to Labor is: when Telstra and Optus, because of the unfair market advantage of other carriers and because they are losing their marketplace, are required to lay off staff, how is the Labor Party going to convey to their union members that they were partially responsible for creating that situation?

Senator LUNDY (Australian Capital Territory) (1.09 p.m.)—I am tempted to respond to that. Senator Harris tries to imply that somehow this will deprive Telstra and Optus staff of their jobs. We are dealing with an amendment which is quite technical. It means that smaller carriers who would not otherwise be eligible to provide an IDP are not required, in preparation of becoming a carrier, to provide an industry development plan in advance of that process. This amendment is about reducing the red tape for the applications of smaller carriers for their carrier licences. We are not talking about doing away with jobs. I have a great deal of trouble in trying to reconcile Senator Harris’s comments with the amendment before us.

Question agreed to.

Senator CHERRY (Queensland) (1.11 p.m.)—by leave—I move amendments (2) to (6) on sheet 2752:

(2) Schedule 2, item 10, page 16 (lines 12 to 20), omit subsection (4), substitute:

Extension of expiry date

(4) The Commission may, by notice published in the Gazette, extend or further extend the expiry date of a specified declaration under section 152AL, so long as the extension or further extension is for a period of not more than 5 years.

(3) Schedule 2, item 10, page 16 (after line 27), at the end of section 152ALA, add:

Public inquiry during 12-month period ending on the expiry date of a declaration

(7) The Commission must:

(a) during the 12-month period ending on the expiry date of a declaration, hold a public inquiry under Part 25 of the Telecommunications Act 1997 about:

(i) whether to extend or further extend the expiry date of the declaration; and

(ii) whether to revoke the declaration; and

(iii) whether to vary the declaration; and

(iv) whether to allow the declaration to expire without making a new declaration under section 152AL; and

(v) whether to allow the declaration to expire and then to make a new declaration under section 152AL; and

(b) prepare a report about the inquiry under section 505 of the Telecommunications Act 1997; and

(c) publish the report during the 180-day period ending on the expiry date of the first-mentioned declaration.

(8) If:

(a) after holding a public inquiry under subsection (7) in relation to a declaration, the Commission allows the declaration to expire and then makes a new declaration under section 152AL; and

(b) the report mentioned in paragraph (7)(b) was published during the 180-day period ending when the new declaration was made;
the Commission is taken to have complied with paragraphs 152AL(3)(a), (b) and (c) in relation to the new declaration.

(9) If:

(a) after holding a public inquiry under subsection (7) in relation to a declaration, the Commission revokes or varies the declaration; and

(b) the report mentioned in paragraph (7)(b) was published during the 180-day period ending at the time of the revocation or variation;

the Commission is taken to have complied with paragraphs 152AL(3)(a), (b) and (c) in relation to the revocation or variation (as those paragraphs apply to the power of revocation and variation because of subsection 152AO(1)).

(4) Schedule 2, item 11, page 16 (line 29), omit “152ALA(4)(b)”, substitute “152ALA(7)(a)”.

(5) Schedule 2, item 12, page 17 (line 2), omit “152ALA(4)(b)”, substitute “152ALA(7)(a)”.

(6) Schedule 2, item 13, page 17 (line 4), omit “152ALA(4)(b)”, substitute “152ALA(7)(a)”.

The purpose of these amendments is to require that the ACCC make a deliberate decision concerning the ending of a declaration rather than simply allowing it to lapse as a result of a sunset mechanism provided for in schedule 2, item 10 of the bill. Amendment (2) allows the ACCC to extend or further extend the expiry date of a declaration for a period of up to five years. That means that a declaration could be for 10 years, as desired by the opposition, if the ACCC has conducted a public inquiry halfway through. Amendment (3) requires the ACCC to conduct a public inquiry within 12 months of the expiry date of a declaration. The inquiry will consider whether to extend or further extend the expiry date of the declaration, revoke the declaration, vary the declaration, allow the declaration to expire without making a new declaration or allow the declaration to expire and then make a new declaration.

In respect of amendment (3), subclauses (7)(b) and (7)(c) require the ACCC to prepare and publish the report within 180 days of the expiry of the first declaration. This period is consistent with other public inquiry provisions. Subclauses (8) and (9) seek to streamline the possible workload of the ACCC by removing the obligation to conduct a second inquiry to meet its obligations under 152AL(3)(a), (b) or (c) if it has carried out the process outlined in subclause (7). It does that by allowing that, if the ACCC has conducted a public inquiry and decides to allow a declaration to expire but then makes a new declaration, or decides to revoke or vary the declaration, and the ACCC report of the public inquiry was published within 180 days, then the ACCC is deemed to have made a public inquiry for the purposes of 152AL(3)(a), (b) or (c). Amendments (4), (5) and (6) are technical amendments to update references in items 11, 12 and 13 in schedule 2 of the bill which will change as a result of amendment (3).

I note that the opposition have proposed an amendment concerning the duration of declarations which is in conflict with our amendments. As I have already indicated, we will not be supporting the opposition’s amendment. If our amendments are successful then the opposition might decide not to move theirs, in which case we would like to put a few comments about the opposition’s amendment on the record. Whilst we acknowledge the rationale that 10 years provides greater certainty for investors for the duration of declarations, we question whether this is appropriate for all declarations. Clearly there will be circumstances where 10 years is appropriate. However, some services might not warrant such a length of time due to technological change or declarations in similar services. In any event, our amendments specifically provide for a 10-year declaration if the ACCC determines in the fifth year that an extension is so warranted.

Senator LUNDY (Australian Capital Territory) (1.14 p.m.)—The Democrats’ amendments modify the operation of the new provisions for the automatic expiry date of declarations every five years. The amendments ensure that the ACCC must, by way of a public inquiry, make a positive decision about whether to extend, revoke or vary a declaration during the 12-month period prior to the five-year declaration expiry date. Under the original bill, the ACCC needed to
hold a public inquiry only if they wished to extend the declaration. If the declaration automatically expires or is varied, there is no provision for any hearing at all. We will be opposing the Democrats’ amendments.

We are opposed to the automatic expiry of a declaration after five years, as we feel that this period is too short to provide for industry and regulatory certainty. For instance, the Senate inquiry received evidence pointing to the fact that many commercial contracts in the communications industries extend beyond five years. It would also mean that the ACCC is bogged down in constant regulatory reviews of access declarations. In any case, the ACCC has the power to revoke declarations that have become outdated, as happened with the AMPS service under the current access regime. Whilst I think that the Democrats’ amendments are well intentioned, in effect they further increase the burden on the ACCC to hold regular inquiries regarding access declarations.

I foreshadow Labor’s amendment to extend the sunset period for access declarations to 10 years. Labor feels that this provides a far more sensible solution to this dilemma. It is a simple amendment that accepts the government’s premise that access declarations need a defined expiry period, but it provides for a period more acceptable to the general terms of contracts that occur in the industry, and I think it is more appropriate for the efficient regulatory oversight of the industry.

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (1.16 p.m.)—Senator Lundy has spoken to these amendments and the following amendment. We take the view that the Democrats’ approach is not just well intentioned but is sensible policy. We understand that stakeholders want to have their views explicitly considered before the ACCC makes its decision. We therefore agree with Senator Lundy that automatic expiry after five years is no longer sufficient. We certainly oppose the extension to 10 years. Given the dynamic nature of the telecommunications industry and rapid changes in technology, five years is a more appropriate period than 10 years, particularly given that contracts in the telecommunications sector generally run for around three to five years. I think that means that the Democrats and the government are in agreement on these amendments.

Senator HARRIS (Queensland) (1.17 p.m.)—I indicate to the chamber that it is obvious that the Democrats have the support of the government on these particular amendments. The concern that I have with these amendments, first of all, is that we are extending or giving the possibility to extend a declaration. Senator Lundy raised the issue that some of the contracts for people accessing these services have been written for up to seven years. I understand the reason for that: if they are going to go to a major movie house and make a commitment to purchasing programming over a long period, they are going to need an applicable amount of time to have the surety to be able to deliver those movies through that carrier service, whoever that may be. But the point is that they have entered into these seven-year contracts knowing full well that the declaration is for only five years. They have entered into a commercial contract for seven years, knowing that there is only security there for five years. So, having done that, they have made an economic and strategic decision. Therefore, I believe that has no bearing on the length of period of the declaration.

I indicate to the chamber that it is obvious that the Democrats have the support of the government on these particular amendments. The concern that I have with these amendments, first of all, is that we are extending or giving the possibility to extend a declaration. Senator Lundy raised the issue that some of the contracts for people accessing these services have been written for up to seven years. I understand the reason for that: if they are going to go to a major movie house and make a commitment to purchasing programming over a long period, they are going to need an applicable amount of time to have the surety to be able to deliver those movies through that carrier service, whoever that may be. But the point is that they have entered into these seven-year contracts knowing full well that the declaration is for only five years. They have entered into a commercial contract for seven years, knowing that there is only security there for five years. So, having done that, they have made an economic and strategic decision. Therefore, I believe that has no bearing on the length of period of the declaration.

I have two concerns. I ask the minister: if the ACCC does extend the period of a declaration—in other words, if it carries forward the legal requirements for access for a person—does the actual carrier have a right of appeal or is the ACCC decision to extend final? That is one issue. The other issue that causes me great concern is that we have amendments proposed by the Labor Party where the intent is to remove the minister’s ability to give a direction to the ACCC. So these two are linked. If the chamber passes these amendments—and it appears that it will—the concern I have is whether the carrier who has a legal contract that was previously five years has a right of appeal against the ACCC. Also, provided the Labor amendments are successful, will the minister still have a right to give a direction to the ACCC?
Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (1.20 p.m.)—I think the position is that we fully understand the importance of the players and all of the stakeholders having their views properly considered but, at the end of the day, we think it is more appropriate that the ACCC makes that decision rather than government. So, if the public inquiry provides that opportunity, we do not think it is appropriate for the government to come in over the top of the ACCC and contradict it, in effect. The government would always have the ability to legislate a different position, but that is not what we think is the best approach here. We prefer the Democrats’ amendments, which require the public hearing and then provide the basis on which the ACCC can make a decision about an extension of the declaration, rather than the government itself doing that. At the end of the day, you can always appeal everything, but these are considered judgments that have to be made, and we think that the ACCC is in a better position to do that and have its objectivity unquestioned. If it is done by the government, then often it is seen to be for someone’s benefit or not for someone else’s benefit. We would rather take that tension out of the system wherever possible.

Question agreed to.

Senator LUNDY (Australian Capital Territory) (1.23 p.m.)—by leave—I move amendments (2) and (4) on sheet 2753:

(2) Schedule 2, item 10, page 16 (line 9), omit “5-year period”, substitute “10-year period”.

(4) Schedule 2, item 15, page 18 (line 9), omit “5-year period”, substitute “10-year period”.

I made my comments with respect to the 10 years that Labor is seeking in the context of the discussion we just had in committee. I urge the committee to support the opposition amendments.

Senator CHERRY (Queensland) (1.23 p.m.)—I want to note for the record that the Democrats will be opposing these amendments for the reasons that we stated earlier.

Question negatived.

Senator LUNDY (Australian Capital Territory) (1.24 p.m.)—by leave—I move amendments (R5), (6), (R7), (8), (R9) and (R10) on sheet 2753:

(R5) Schedule 2, item 60, page 29 (line 26) to page 30 (line 4), omit subsections (5) to (7).

(6) Schedule 2, item 60, page 30 (line 30), omit “or (6)”.

(R7) Schedule 2, item 62, page 33 (lines 20 to 28), omit subsections (7) to (9).

(8) Schedule 2, item 62, page 35 (lines 20 to 22), omit subsection (17).

(R9) Schedule 2, item 95, page 51 (after line 8), at the end of subsection (2), add:

Note: Section 152AH contains a list of matters to be taken into account in determining whether terms and conditions are reasonable.

(R10) Schedule 2, item 95, page 51 (lines 9 to 20), omit subsections (3) to (6).

I seek some clarification. As I understand it, we still need to return to previous Democrat amendments.

The TEMPORARY CHAIRMAN (Senator Ferguson)—Yes.

Senator LUNDY—As stated in our speech in the second reading debate, Labor have concerns about the ministerial power of direction under the new special anticipatory access provisions. There is a major difference between the new special anticipatory arrangements and the existing ordinary access arrangements. The new special anticipatory category requires the ACCC to take into account the views of the minister by disallowable instrument in determining whether or not to grant anticipatory access undertakings or exemptions. To ensure legislative parity between special, or anticipatory, and ordinary undertakings and exemption provisions, Labor’s amendments remove the ministerial power of directions under the new special anticipatory access provisions.

Given the current controversy over the Foxtel-Optus content sharing deal, it is important that the government ensures that access arrangements legislated for anticipatory services are the same as those for existing ordinary services. The ACCC should continue to use the long-term interests of end users test to guide its access decisions. The ACCC should not be subject to undue politi-
cal interference. It must be left to do its job. I would like to quote the minister from a few minutes ago in this debate. He stated himself that he would rather see the ACCC’s objectivity ‘unquestioned’ in relation to ministerial direction. I look forward to the government’s support in relation to this amendment.

I believe Labor’s amendments will ease concerns that the regulator could be influenced by the short-term political considerations of the minister rather than using the existing long-term interests of end users test, as is currently the case for ordinary access decisions. I think this very important amendment is worthy of support as it will strengthen the anticipatory access provisions, which Labor supports in principle. I would be interested to hear what other parties have to say, and I would like to make a few more comments before we conclude this aspect of the debate.

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (1.26 p.m.)—Just to be clear, we are not in any shape or form suggesting that the minister ought to be able to override the clear objects of the act, which of course include the long-term interests of end users. To the extent that the minister is able to give the ACCC any guidance, it will simply be in the context of making it aware of the government’s views and asking the ACCC to take them into account. That is pretty harmless stuff. It is really just saying: ‘This is what we think; have a good look at it.’ Otherwise, it might be unaware of some matters. None of us have perfect information from all sources, and this is simply designed to provide the ACCC with that level of awareness.

I want to make it clear that the minister will not be able to direct the ACCC to take into account matters that it could not in any case have regard to in deciding whether to approve an ex ante undertaking or grant an ex ante exemption. Nor will the minister be able to direct the ACCC to give particular weight to a matter notified in the minister’s instrument. The proposed formal notification procedure will provide a transparent and accountable statutory mechanism for the minister to bring particular matters to the ACCC’s attention. The minister’s notification is also subject to parliamentary scrutiny and disallowance.

Senator CHERRY (Queensland) (1.28 p.m.)—The Democrats will be supporting these opposition amendments. The legislation extends the ACCC’s powers by enabling it to deal with access issues before an investment is made. This is consistent with how it currently deals with access arrangements after the infrastructure is established. However, there is one notable difference between the new anticipatory access arrangements and existing access arrangements. The new anticipatory arrangements require the ACCC to take into account the views of the minister in determining whether or not to grant anticipatory access undertakings or exemptions. These views are intended to be put as a disallowable instrument. I take on board the minister’s statement that his policy statements are ‘pretty harmless’. I am sure that does not apply to the rest of the minister’s portfolio—I am thinking about the possible appointment of a former minister to the ABC board, which would not be described as ‘pretty harmless’ at all.

Senator Alston—Who? Gary Johns?

Senator CHERRY—I would describe Gary Johns as pretty harmless. There is an argument that such a provision as the ministerial policy statement in this area may lead to the politicisation of the ACCC’s consideration of anticipatory access arrangements. The opposition’s amendments ensure legislative parity between anticipatory and ordinary undertakings and exemption provisions. The Democrats are staunch defenders of the role of the ACCC and believe that a ministerial direction may impinge on its independence. Whilst we acknowledge that a disallowable instrument does allow for parliamentary scrutiny of a ministerial decision, on balance we feel there is no substantive reason why the current approach for ordinary undertakings should not be followed. As I noted previously, the Democrats welcomed the government’s decision not to accept the Productivity Commission’s recommendation about the long-term interests of end users or the LTIE test. We believe this remains the
most appropriate general framework for the ACCC to consider anticipatory undertakings in.

Senator HARRIS (Queensland) (1.30 p.m.)—I rise to indicate that One Nation will be opposing Labor amendments (R5), (6), (R7), (8), (R9) and (R10). We are doing this because the removal of the ministerial powers with respect to special access undertakings and exemptions would affect the integrity of a very important part of the entire bill. The government has quite rightly instituted a process whereby investors can approach the ACCC before they invest and seek assurances as to how they will be regulated. As part of this process, it is proposed that the minister can write to the ACCC and say that the ACCC needs to take into account a particular issue or policy objective when making a decision.

As a classic example of this we have seen pay TV companies run multiple cables down the same streets in the same cities and none of them is returning a profit on the investment. The government has correctly set out to allow a telecommunications carrier, prior to physically making the commitment of substantive funds to a particular project, to go to the ACCC and say, ‘This is what we are proposing to do; how would you allow our competitors access to this?’ The proposal is that, before they invest the money, they have a reasonable understanding of how they are going to get a return on it. There is not a business anywhere in this world that does not require that certainty, whether it is for their shareholders’ capital or their own capital from that particular company.

As part of the process in the amendments that Labor is proposing, the minister would not be able to go to the ACCC and say, ‘Telstra are going to run a fibre-optic cable out to Mount Isa but they need to know what return they are going to get on that investment.’ So they would go to the ACCC and the ACCC would come back with a regime of access to that infrastructure that was not viable for Telstra. You are saying that the minister cannot go to the ACCC and say, ‘Based on the benefit of that cable being run out to Mount Isa, there are social and economic issues that you should take into account when you are allowing other access to it.’ If the Labor amendments are passed, they will stop any telco from entering into a major project in a rural area because it will not have certainty as to how it would get a recovery on that investment. Most certainly the minister will not have the ability to go to the ACCC and say, ‘You have not taken this into consideration.’ You are condemning rural Australia, from this point on, to staying with the present infrastructure, because nobody will go out and invest in those areas if they do not have the ability to go to the minister and say, ‘This is for social or economic reasons in the rural areas.’ For those reasons One National believes it is absolutely critical that the ministerial powers be retained in this bill.

Senator LUNDY (Australian Capital Territory) (1.35 p.m.)—I would like to clarify again what the amendments are about. The amendments are about removing the ministerial direction and what prevails is the long-term interest of end users test. It is very strange for the amendments to be presented in the way that Senator Harris has chosen to present them because, as I explained in my earlier comments, the intent of the bill overall is to make sure that carriers have the opportunity, through the anticipatory undertakings, to plan for the future. That is exactly the opposite of what Senator Harris is saying the amendments will do.

The amendments strengthen the provisions and remove the opportunity for what we are concerned about—political interference. The bill will have the effect of providing the anticipatory undertakings regime, which is what Senator Harris is passionately arguing is the core outcome of this bill. I think we need to acknowledge that rural and regional Australia is currently in dire need of support. The fact is that the infrastructure in rural and regional Australia, which effectively has been in the hands of a monopoly—Telstra’s—for some time, is not getting better; it is actually getting worse. I think it would be a very positive outcome if the provisions of this bill were implemented so as to allow other competitors a far greater ability to determine the value of their investment in advance by determining anticipatory access undertakings.
I do not accept for a second the argument that to do such would undermine Telstra’s position in the market and would make it less likely that Telstra will in fact make those investments. That does not follow, and it is not supported by the evidence that we have before us. For many years Telstra have been in a position to make the choice to invest in rural and regional Australia, and they have chosen not to. They have chosen not to in a way that has left rural and regional services not only depleted but deficient—knowingly so, as has been recently documented, albeit in a perhaps less strident way than it could have been, in the Estens report. I believe that there is probably even some genuine intent by the coalition government here to try to strengthen the competition regime with a view to encouraging alternative investors to Telstra and, through that, hopefully encouraging Telstra to make the sorts of investments necessary.

I do not accept the argument, Senator Harris, that to remove ministerial direction lessens that; I actually think it strengthens that. You are arguing that ministerial direction would come by way of encouraging rural and regional investment and that not to have ministerial direction there would somehow undermine that. I think the opposite will occur. I think there is a potential risk that ministerial involvement will actually strengthen Telstra’s position at the expense of competition—and that is my concern. So I think we are coming at this from a fundamentally different premise. I have alleged on many occasions that I think the government and Telstra are far too close and that indeed they work together to prop up Telstra’s position in the market to the detriment of competition and services, particularly in rural and regional Australia. That is why we are moving these amendments, because we think that at this point in time political interference is moving in that direction. I accept where you are coming from if you are arguing the case that you believe ministerial direction actually strengthens competition and will in fact improve services in the bush. But, quite frankly, I think the evidence has shown us otherwise. I think we want to achieve the same thing—improving rural and regional services—but we are at odds over the role that ministerial direction will play. I think that is why you feel the way you do about our amendments, but I hope that clarifies our intent with this amendment. As an opposition we have more faith in the independence of the ACCC in using the long-term interests of end users test than we have in ministers involving themselves in the decision making of the ACCC. So I hope that clarifies your concerns about Labor’s position.

I would like to go to another matter that relates to the impact that the anticipatory undertakings have on pay TV. It is worth while laying out for the Senate in committee a number of the major concerns expressed during the consideration of this bill and the inquiry into this bill. One of the major concerns expressed not just by the Seven Network but also by Fairfax included the implications of this bill for pay TV. What we found, of course, was that the anticipatory undertakings and exemption provisions of this bill did have a direct impact at the time on the negotiations that were occurring in relation to the Foxtel-Optus content-sharing deal. In fact, the successful passage of this bill enabled a crucial part of the Foxtel-Optus content-sharing deal to occur. The crucial part was that these anticipatory undertakings are a prerequisite for Foxtel’s willingness to digitise their pay TV network. I, as well as many parties, have certainly expressed serious concern about this, because it is only with the successful passage of this bill that Foxtel will have the opportunity to seek anticipatory exemptions under these provisions so as to create an environment—effectively a six-months access holiday or up to 100,000 subscribers upon the digitisation of the pay TV network.

The government and other parties have been asked to excise the aspects of this bill that would relate to pay TV. Labor have not seen it as being appropriate for us to do that at this time, primarily because the ACCC will have to go through that formal process of listening to the arguments presented by Foxtel as to whether or not those anticipatory exemptions should be granted to digitise their service. So there will effectively be an opportunity for the ACCC to decide whether or not they believe anticipatory exemptions
are an appropriate condition for the digitisation of the pay TV network. Foxtel have made it clear that they do see them as a prerequisite, hence our concern that there appears to be a too-cute-by-half aspect to the negotiations on the part of Foxtel and certainly by Telstra, given that they own that hybrid fibre coaxial—HFC—pay TV network and given their involvement in Foxtel. The minister has said on the record:

... I have requested the ACCC to report to me in January 2003 on the wider competition implications of emerging industry structures in the Pay TV sector, including implications for the telecommunications sector.

He has done this in the hope that this report will cast ‘further light on this issue’. Given the context of this bill providing the preconditions of the ACCC’s formal contemplation of an exemption for a period of time or of set conditions for a future digitised Foxtel network, I would like to ask the minister about his key concerns over the emerging relationship between Telstra and the Foxtel network, particularly in the context of digitisation. I put it to you, Minister, that concerns have been expressed about Telstra’s place in the pay TV market and that you yourself have commented about the concerns over that structure.

I ask the minister to give some assurance to the Senate that the structure of pay TV and its relationship with this bill will not in any way serve either to reduce competition in pay TV or to set in place unfair conditions in pay TV. Indeed, could the minister elucidate further his concerns about what he has called the implications of emerging industry structures in pay TV? I have to say that I interpret these as being concerns about new verticals and old verticals being re-established in the new digital pay TV regime, particularly when the regulatory authorities in most other jurisdictions around the world have sought to prevent a residual monopoly extending from telecommunications into other areas of carriage and infrastructure, such as pay TV. I would be very interested if you expressed your concerns, Minister, and provided the Senate with some assurance that this will not lead to any uncompetitive environment or suppression of true competition in our pay TV network, particularly the future digitised pay TV network.

**Senator ALSTON** (Victoria—Minister for Communications, Information Technology and the Arts) (1.46 p.m.)—It looks as though we are going to miss out on lunch, so maybe I will spend a couple of minutes—

**The CHAIRMAN**—If you are quick, you might not, Minister.

**Senator ALSTON**—I hope that is so, but I did see Senator Murray lurking and I suspect he will want more than his one minute of sunshine. The short answer to the question is this: I am indebted to Senator Lundy for effectively foreshadowing Labor’s policy—a policy that has been a very badly kept secret in recent times—which is to force Telstra out of Foxtel. I think that is a very serious step to take, particularly in the absence of any evidence that it is uncompetitive. We will see what the ACCC has to say about these issues and it may well express a view on a desirable industry structure in terms of vertical integration. However, that is not to say one should assume that because of an apprehension you need to fundamentally destruct the current industry. Yet, that is what Labor is proposing to do. We know that, Senator Lundy, because we have been told by a number of people and, quite clearly, when the time comes there will be an almighty explosion, I can assure you.

This current provision, it must be understood, still requires a public inquiry. The ACCC still has to satisfy itself that any proposal is in the long-term interests of end users. There can be no suggestion of access holidays, special deals or backdoor assistance; it has to meet a test which is very transparent and visible. The advice which will be forthcoming—I hope we will have it by early next year; I have not asked to have it by next year; I would have asked to have had it quite some time ago—will address a number of issues which impact on the long-term future of the telecommunications and broadband industries. Things like video services will obviously be part and parcel of that. It may well address bundling; it may address the availability of new services; it may raise the need to ensure that there is full competition between HFC networks and the
DSL networks. We know that Telstra is in both of those networks. I have made it plain that, if there is any indication that Telstra is running dead on DSL, we would take a very dim view. That is one thing; it is another thing to say that simply because they are in Foxtel and there is a possibility that they might act in a way that you disapprove of that would then justify a policy decision to excise them, presumably against their wishes and against the wishes of the shareholders in Telstra, not to mention the shareholders in the Foxtel consortium. That would be a very big step. So, we are ready for you when you finally make that announcement. In the meantime, we will see what the ACCC has to say.

Senator HARRIS (Queensland) (1.50 p.m.)—Senator Lundy is correct when she says that One Nation is very passionate about rural areas but that passion extends also to urban areas. Senator Lundy is wrong in her statement that Telstra has not been investing in the rural areas. Two years ago I did an extensive tour through Queensland and at well over 100 meetings the issue of Telstra’s services was a major concern, yes. It was raised at each and every meeting during that tour around Queensland. This year I have been doing something similar and have had close to 50 meetings, at only two of which the issue of Telstra services in rural areas was raised. I would like to put very clearly on the record that I do not see any connection between people being satisfied with the service and making a commitment to privatise Telstra. I would not like to be misquoted in the media on that issue.

For example, the government has put in place a program in relation to Internet access in rural areas, which has been administered by Telstra. Through that program a person in a remote area can get satellite access or hardwired cable access. Telstra is working extremely hard in rural areas implementing that today. So the commitment has been made by Telstra to improve the service in rural areas.

I also believe that by removing the minister’s direction we are removing part of the possibility of the Senate overseeing an ACCC decision. Senator Lundy quite clearly said that they believe that the decision should stay with the ACCC. I do not believe it should. I believe that the decisions made by the ACCC should be able to be challenged in this place or supported if they are correct. I ask the minister: is it correct that if you were to give a direction to the ACCC under this legislation then the ACCC decision would be a disallowable instrument? That is my understanding of the bill. If that is the case then what you are doing is removing the ability of the Senate to be able to oversee and scrutinise an ACCC decision. I will be corrected if I am wrong, but it is my understanding that if the minister were to give a direction to the ACCC it would become a disallowable instrument and therefore come to this place.

Senator Lundy said that she is focusing on competition. I understand exactly where Senator Lundy is coming from, but we need a very careful balance in this legislation. There are times when being driven purely by competition can be detrimental to providing a service. Senator Lundy gave pay TV as an example, where under a competition regime multiple providers have rolled out the same cables down the same streets or strung cables on the same telegraph poles, power poles or whatever they are to create an unsightly mess in some of our areas. I believe that if the industry had had the ability to sit down together, go before the ACCC and set out an access regime for one single set of infrastructure then they would be a lot better off today. That is the example that I give in relation to finding this balance between competition and providing infrastructure that has a social and economic benefit for the community. I look forward to the minister giving us some clarification in relation to that direction. I place very clearly on the record that I believe that, for the purpose of the government being able to say that the ACCC has got it wrong in relation to a question of national interest, the ministerial direction should remain.

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (1.56 p.m.)—I think I understand Senator Harris’s concerns; however, we do take the view that ultimately the ACCC should not be subject to direction.
The provisions that we are canvassing are really a notice in advance requiring the ACCC to have regard to government concerns. That notice is a disallowable instrument but any decision of the ACCC is not. Most decisions of the ACCC can be taken to higher courts or tribunals under ADJR legislation and probably other legislation as well. In that way, I think the system does allow those who are not happy with the ultimate outcome to challenge it in the courts.

From the government's point of view, we quite rightly say that we think it is important for the ACCC to be aware in advance of our concerns so that they are not acting in ignorance and so that they can properly have regard to them. That document, as you say, is disallowable.

Senator BROWN (Tasmania) (1.57 p.m.)—This is a complicated argument with good points on both sides. The Greens will be supporting the opposition amendments, effectively in opposition to this provision. There is always the opportunity for legislation to override a decision by the ACCC and there is always the opportunity for a ministerial statement to concentrate the ACCC's mind on what the government's concerns are. A disallowable instrument is not of itself adjustable, and that presents a difficulty. I take into account the minister's own words that the ACCC has a good track record and has the ability to look after the long-term interests of the end users under existing legislation.

Question agreed to.

Progress reported.

QUESTIONS WITHOUT NOTICE

Superannuation: Preservation Age

Senator SHERRY (2.00 p.m.)—My question is to Senator Coonan, the Minister for Revenue and Assistant Treasurer. Will the minister rule out the Howard government increasing the preservation age at which Australians can access their superannuation?

Senator COONAN—Thank you, Senator Sherry, for the supplementary question. If that quote is correctly attributed to the Treasurer, it does not in any way mean that other options cannot be canvassed. The report that appears to have excited so much interest is an internal working document only and was prepared for the basis of an internal discussion. The Prime Minister has recently announced the establishment of an interdepartmental task force reporting to the Treasurer on labour force participation, particularly for older Australians who wish to continue to work; superannuation retirement incomes policy, which is extremely important; and managing expected increased government spending in areas affected by demographic change, particularly health and aged superannuation moneys are of course required. The government recently increased the preservation age from 55 to 60 on a phased basis between the years 2015 and 2025. This means that for someone born before 1 July 1960 the preservation age will remain at 55 years, while for someone born after 30 June 1964 the preservation age will rise to 60 years. This change aims to reduce the opportunities for people to double-dip—that is, to use their concessional tax superannuation benefits for non-retirement income purposes and then to access the age pension. What Senator Sherry appears to be referring to is a report that was apparently prepared by a temporary employee of the Department of Finance and Administration which raised the prospect of increasing the age pension age. This paper has absolutely no official status and the premise of the question is a complete furphy.

Senator SHERRY—Mr President, I ask a supplementary question. If it is not true that the minister will not rule out increasing the preservation age, why did the Treasurer state publicly on 7 August:

More flexible working arrangements, training and re-training, and raising the preservation age for superannuation would all be positive moves ...

That is the Treasurer’s own public comment on 7 August 2002. How can the minister continue to evade and deny the Liberal government’s plans to increase the superannuation preservation age?

Senator COONAN—Thank you, Senator Sherry, for repeating the question of a couple of days ago. The government provides substantial tax concessions for superannuation in order to promote self-provision in retirement. Appropriate restrictions on the release of
care. The work of the task force is under way and it is not surprising that the Treasurer would make some comment in relation to it.

**Drought**

**Senator LIGHTFOOT** (2.04 p.m.)—My question is directed to the Minister representing the Minister for Agriculture, Fisheries and Forestry, Senator the Hon. Ian Macdonald. Will the minister outline what additional actions the Howard government is taking to assist farmers who are facing hardship in drought stricken parts of Australia?

**Senator IAN MACDONALD**—Senator Lightfoot raises an issue which is of very great concern to all senators, I know, and which is certainly about a phenomenon that is crippling much of rural and regional Australia at the present time. This crippling drought needs attention in two ways: (1) to try and help those most severely affected with immediate help and (2) of course, we have to prepare for the time when the drought breaks, as it ultimately must, so that when it does break farmers can look forward to a future. The government has responded with additional measures for farmers, particularly those in New South Wales, and also with new measures for small business. Importantly, as well, there are new measures for workers whose jobs are at stake because of the impacts of the drought.

The Prime Minister announced this morning an additional package of some $368 million, and that is on top of the $360 million already committed for drought relief. Previously, the government had announced income support in areas where a prima facie EC, exceptional circumstances, case had been made. We have also previously announced the reduction of the 12-month waiting period for farm management deposit withdrawals. We had mentioned, in new initiatives over the last couple of weeks, an additional $2 million for counselling services; $10 million for a drought recovery Australian Government Envirowfund program; $1 million for pest management to help farmers in those areas affected; $5 million for the Farmhand appeal; and $1 million to the Country Women’s Association.

Today the Prime Minister announced that, for farmers having a one in 20-year rainfall deficiency over the nine months between March and November of this year, there would be interim income support. That is at around $600 per fortnight for a family. If more than 80 per cent of farmers in a state fall into this category of the one in 20 over the nine months then every farmer in the state will automatically be involved—that is, of course, what has happened in New South Wales. That will happen, should that statistic occur, in other states as well. All farmers in New South Wales are now eligible for interim income support.

As well, there is an interest rate relief subsidy of five per cent, or 50 per cent of the rate being paid by the individual farmer, on new or additional loans of up to $100,000. That applies not only to farmers caught up by this new program but also to people receiving existing and prima facie relief payments. Importantly, in this relief the government has recognised that small business also suffers. A range of measures has been introduced for small business in drought affected areas, and the details of that are on the government’s web site. As well, workers have not been forgotten. Where they have lost their job because of the impacts of drought, they will be involved in a new Work for the Dole program. They will be given access to a lot of facilities that are not usually available quickly. It is a good package. I ask the Labor Party to support it. I know that they need some support from the state Labor governments and we need our colleagues over the road here to get the states to help. We want them to make an effort to help. (Time expired)

**Superannuation Complaints Tribunal: Appointments**

**Senator COOK** (2.08 p.m.)—My question is to Senator Coonan, the Assistant Treasurer and Minister for Revenue. Can the Assistant Treasurer rule out that the government intends to appoint former Liberal senator, mate of the Prime Minister and big-spending diplomat, Michael Baume, as either chair or deputy chair of the Superannuation Complaints Tribunal?
Senator COONAN—I thank Senator Cook for the question. This is, yet again, another flight of fancy by the ALP. We have seen a fair bit of it over the last week or so. We have seen flights of fancy, we have seen speculation, we have seen rumour and we have seen Labor running up a blind alley and into a brick wall. The situation relating to former Senator Baume is a matter entirely for the Prime Minister, and I am not in a position to say whether Mr Baume is even under consideration. Under those circumstances, I have nothing further to add.

Senator COOK—Mr President, I ask a supplementary question. Given Mr Hockey’s recent initial appointment of Mr Baume to the tribunal without any experience or background in superannuation, why won’t the minister now rule out Mr Baume’s possible appointment to either of these crucial positions as a guardian of nine million Australian superannuation fund members?

Senator COONAN—I thank Senator Cook for the supplementary question. I have absolutely nothing further to add.

Gun Control

Senator CHAPMAN (2.10 p.m.)—My question is directed to the Minister for Justice and Customs, Senator Ellison. Will the minister update the Senate on the federal government’s successful leadership in tightening access to, and the availability of, hand guns in the community?

Senator ELLISON—I thank Senator Chapman for the question on what is a very important subject and one which concerns many Australians. Last week, COAG endorsed a comprehensive range of measures dealing with hand gun law reform. It accepted the 28 recommendations made by the Australian Police Ministers Council and looked at the question of how hand guns can be determined to be lawful or otherwise by virtue of the barrel length, the calibre and the capacity of shot. This was a very important decision, and it balanced public safety and security on one side with the interests of legitimate sporting shooters on the other. What COAG agreed to in relation to hand guns was that there be measures to ban semi-automatic hand guns with a minimum barrel length below 120 millimetres and revolvers and single-shot hand guns with a minimum barrel length below 100 millimetres, and that all hand guns are to have a maximum capacity of 10 shots. In relation to calibre, the option agreed to by COAG will apply a maximum calibre of up to .38, with a provision of a calibre of up to .45 for specially accredited sporting events, agreed to by COAG following some further consultation with the Sporting Shooters Advisory Council, which I have set up.

We believe that these measures will see more than 500 hand gun models banned. We will also, of course, see a buyback situation, which will be introduced to assist in the removal of banned hand guns from the community. Firearm owners will be offered fair compensation for those prohibited hand guns. A list of hand gun makes and models to be prohibited, together with values, will be prepared in consultation with experts in each jurisdiction. As far as funding is concerned, the Commonwealth will provide $15 million of funds remaining from the 1996 buyback, with the costs to be shared on the basis of two-thirds from the Commonwealth and one-third from each jurisdiction of the states and territories respectively. This buyback scheme will operate from 1 July 2003 to 1 January 2004. An amnesty will be run in conjunction with the buyback for people to surrender illegally held hand guns from 1 July 2003 to 1 January 2004.

What we have here is cooperation across the country between chief ministers, premiers and the Prime Minister in relation to the Commonwealth’s initiative following the Monash tragedy. The Prime Minister originally proposed the hand gun law reform, and, after consultation with the states and territories, we had that agreement the other day. They also adopted other measures which relate to graduated access, a probationary period for people who want to join the sport, a period of 12 months relating to the acquisition of a hand gun—for the first six months there will be no ownership of a hand gun and for the next six months legal possession would be restricted to two hand guns of a restricted type—and minimum participation rates to qualify as a genuine sporting shooter.
Tighter requirements will need to be met in terms of minimum participation rates by the person concerned. There are other provisions relating to medical reporting, the authority of clubs to expel members and measures to prevent club-shopping by individuals. This is a great initiative and a great decision by the governments of Australia and is, once again, the result of the leadership of the Prime Minister on what is a very important issue for all Australians.

**Fuel: Ethanol**

Senator HUTCHINS (2.15 p.m.)—My question is directed to Senator Coonan, the Minister for Revenue and Assistant Treasurer. Does the minister stand by her claim to the Senate on 23 September when she said: It is appropriate ... that ethanol is taxed on the same basis as petrol.

Can the minister confirm Treasury’s advice to the cabinet that, because ethanol is taxed, introducing a mandated amount of ethanol into petrol will also increase the price of petrol for motorists? Isn’t it the case that Treasury has estimated this price increase at three-quarters of a cent per litre for each 1c per litre mandated ethanol content in petrol? Doesn’t that mean a price increase of 7.5c per litre as a price that motorists would bear for the Prime Minister’s gift to his mate of 10 per cent mandated ethanol content in petrol?

Senator COONAN—Thank you, Senator Hutchins. My goodness, today must be the day for rehashing all the old questions. The issue to do with ethanol has been canvassed in this place for roughly about a week ad nauseam. The situation has certainly not changed since there were a series of questions in this place.

The implication that there is something improper between the Prime Minister and Mr Dick Honan has been frankly and systematically repudiated not only in this place but also in the House. There is no doubt, and there cannot be any doubt, about anything improper happening in relation to the ethanol proposal. It is quite clear that not only has there been nothing improper in relation to the arrangement with Manildra but, indeed, there are other ethanol producers who also benefit from the arrangements. This continued imputation on the propriety of this policy is just a further slur by the Labor Party, this time on the Prime Minister.

The Labor Party go from one person to another because they are a totally policy-free zone. How wrong can they be! It does not matter what they ask about; it is usually wrong. It goes up a blind alley. The Prime Minister has advised the House that he had not himself talked to Mr Honan on the issue. He found on checking that there were a number of letters received in his office on the ethanol issue from various sources. The Prime Minister’s office did get a letter from Mr Honan; it was not passed to the Prime Minister. The Prime Minister’s office has also spoken to a number of parties about options for promoting the ethanol industry, which included the Australian Biofuels Association and people with a different view. In fact, Mr Honan also had conversations with Mr Crean, so obviously he has also spoken to the opposition about this policy. There is no suggestion that Manildra is the only beneficiary of the subsidy.

Obviously the subsidy is not a matter for my portfolio—nor, indeed, is the administration of the issues to do with ethanol. What is appropriate for me to repudiate—and I do so wholeheartedly—is the suggestion that there is anything improper in what has been done in respect of putting together this policy, which of course has been put forward for very good reasons. The improved legislative and administrative arrangements that the government has announced should not lead to an increase in petrol prices. Why would they, you might ask. The petrol market is very price competitive and parties in the market are hardly likely to use inputs to make fuel unless those inputs lead to a price competitive product. The current law allows ethanol to be imported free of customs duty for blending with petrol in Australia, and very little has been imported for this purpose. I fail to see how this measure will affect the price of supply of any petrol outlets that rely on imported ethanol. It is appropriate that ethanol, which is an alternative fuel to petrol, is taxed on a similar basis to petrol.
Once again, another furphy from the Labor Party.

Senator HUTCHINS—Mr President, I ask a supplementary question. Can the minister explain why what should have been a minor matter of revenue policy—namely, excise on ethanol—was personally announced by the Prime Minister? Wouldn’t it normally be the case that the Minister for Revenue or someone else in the Treasury portfolio would announce a change to the excise rules? Did the Prime Minister announce the excise decision as a favour to his mate in the industry or was he forced to do so because the Minister for Revenue and the Treasurer refused to announce it?

Senator COONAN—Thank you for the supplementary question. It is one of Senator Hutchins’s ploys, I think, to try to suggest that there is something improper with this policy. The revenue effects are pretty clear. The fact that the Prime Minister announced it simply indicates that the policy has implications across many portfolios. It certainly does not only affect mine, and the Prime Minister in his usual efficient way frequently announces policies that have cross-portfolio implications. Why would he not do that? Obviously in those circumstances it is an integrated policy, it is a properly thought out and comprehensive policy, and it is entirely appropriate that the Prime Minister should take the lead on it.

Environment: Oil Exploration

Senator BARTLETT (2.21 p.m.)—My question is to the Minister representing the Minister for Industry, Tourism and Resources, Senator Minchin. Recently documents were tabled in the Senate in response to a Democrat return to order from Geoscience Australia concerning exploration activities in the Coral Sea adjacent to the Great Barrier Reef Marine Park. Is the minister aware that those documents included assessments of the petroleum prospectivity of the Townsville Trough, the Queensland Trough and other east coast basins and the purchase of satellite data for those areas as well?

Is the minister aware that at the estimates hearings in June Geoscience Australia indicated that such exploration activities were not occurring because government policy was that those areas were not being considered for release under the Petroleum (Submerged Lands) Act? Can the minister indicate, now that it has been revealed that this exploration is ongoing and continuing, that there has been a change in policy by this government? If there is no change in the government’s policy, why is this exploration occurring?

Senator MINCHIN—I can confirm that, so far as the government is concerned, petroleum exploration within the Great Barrier Reef Marine Park is illegal and is certainly not being considered by the government. We are committed to the protection of the reef and the World Heritage area and are not going to allow any exploration activity that would be harmful to the reef. So far as Geoscience Australia are concerned, as I am advised there is nothing that they are doing that could in any way be connected to oil exploration in or near the reef. The fact is Geoscience Australia do have crucial responsibilities that extend beyond petroleum exploration, including supporting management of marine regions and underpinning Australia’s claims under the law of the sea. Satellite data has been collected to assist in understanding environmental issues, such as pollution or growth of reefs over seepage as has been demonstrated by Geoscience Australia elsewhere around the nation. Informal discussions with scientific staff at the Great Barrier Reef Marine Park Authority about this work occurred in October 2000. I do not really have anything to add to the position.

Senator BARTLETT—Mr President, I ask a supplementary question. Has the minister received any requests or recommendations for release of areas in the Coral Sea outside the marine park area under the Petroleum (Submerged Lands) Act from either Geoscience Australia or the oil industry? Will the government commit not to release any areas in the Coral Sea for oil exploitation under the Petroleum (Submerged Lands) Act in the term of this government?

Senator MINCHIN—I am not personally aware of any applications. If there is any further information I can give to Senator
Bartlett, I will. I reiterate that the government are totally opposed to any petroleum exploration within the Great Barrier Reef Marine Park. We want to protect the reef and we will continue to do so.

Insurance: Public Liability

Senator CROSSIN (2.24 p.m.)—My question is to Senator Coonan, the Minister for Revenue and Assistant Treasurer. Does the Assistant Treasurer recall telling the Senate last Wednesday:

... what have I personally done about the implementation of Mr Justice Ipp’s recommendations in relation to mediation and personal injury claims is very simple: absolutely nothing because the Commonwealth has no jurisdiction over personal injury matters.

How does this statement to the Senate fit with the minister’s boast in her article on page 54 of last Friday’s Australian Financial Review that she:

... convened a series of meetings with my State and Territory colleagues to thrash out some concrete solutions to this very difficult issue.

Turning the Ipp vision into a reality has required strong leadership from the Commonwealth ... Given that these two statements are completely contradictory, can the minister explain which of them is correct?

Senator COONAN—This is another pathetic attempt to breathe a bit of life into Labor’s failed smear campaign, a campaign that has led to such scurrilous, misleading and defamatory statements over the past week. The Labor Party either completely misunderstands the work that this government has undertaken on resolving the public liability crisis or is simply willfully misrepresenting it. The Ipp report was commissioned by the Commonwealth in conjunction with the state and territory governments, and of its 61 recommendations one mentions mediation relating to personal injury matters. The recommendations do not make arbitration and mediation compulsory for all insurance claims. That is a completely false interpretation by the Labor Party. Personal injury matters are heard almost exclusively by court jurisdictions. I have already told the parliament that I have no interest whatsoever in any company and that any company my family has an interest in does not do personal injury matters.

Senator Crossin—Mr President, I rise on a point of order. I expressly wanted the minister to clarify the difference between her announcement in the Senate last week that the Commonwealth was going to have no involvement in this and her statement in the Financial Review last Friday that she had convened a meeting with state and territory governments to consider this issue. I am after a clarification of the two different positions. My point of order is that I have not asked about mediation and personal injury.

The PRESIDENT—There is no point of order. The minister still has 2½ minutes to answer this question and I presume she will come to it when she is ready.

Senator COONAN—At the public liability meeting on 3 May, it was agreed as part of a comprehensive suite of measures that the Commonwealth, states and territories would examine ways to improve procedures to encourage the resolution of claims without resort to litigation. Such procedures actually fall within the Attorney-General’s portfolio and not within mine. The coalition government and particularly the Attorney-General have spent 6½ years of government policy advocating alternative dispute resolution. The prospect that that benefits me in any way is absolutely absurd. Labor Party colleagues, especially Mr Latham, really need to spend a bit more time trying to develop some sensible policy and a bit less time trying to smear people’s reputations and trying to read things into articles about matters that they clearly do not have the slightest clue about. It is quite obvious that there is nothing at all irreconcilable with the Attorney-General implementing the one matter that relates to mediation and the other recommendations being implemented with the blessing of COAG. It just shows that Labor’s smear campaign has run into a brick wall. It is in total disarray. It is time that Mr Crean showed some leadership. Any decent leader of the opposition would stop this stupid witch-hunt.
Senator CROSSIN—Mr President, I ask a supplementary question. Minister, I repeat your statement of last Wednesday:

... what have I personally done about the implementation of Mr Justice Ipp’s recommendations ... is very simple: absolutely nothing ...

You have done nothing to implement the Ipp recommendations, yet on Friday you were boasting of thrashing out solutions with your state colleagues. Shouldn’t the minister now act to correct the record on her contradictory statements, as she is obliged to do under the Prime Minister’s code of conduct?

Senator COONAN—That is a nice try, Senator Crossin, but this is getting to the stage that you are looking very thick. We are talking about one recommendation and it falls within the Attorney-General’s portfolio, not mine. The other recommendations are largely to be implemented by the states and territories. If you cannot see the distinction between them, I cannot help you any further.

Health: Hepatitis C

Senator HARRADINE (2.30 p.m.)—My question is to the Minister for Health and Ageing. Is the minister aware that the Canadian Red Cross and its officials have been charged with endangering the public for failing to introduce surrogate testing for hepatitis C? Is the minister aware that the Australian Red Cross blood service also failed to implement procedures to protect Australian recipients of blood transfusions or blood products in the late 1980s, despite the fact that the US Food and Drug Administration had recommended this testing to safeguard against hepatitis C? Instead of the very limited inquiry we have now, will the minister order a judicial inquiry into Australia’s failure to adequately protect the public from hepatitis C tainted blood in the late 1980s resulting in an estimated 8,000 additional Australians acquiring this chronic virus with its drastic effect on families?

The PRESIDENT—Order! Senator Harradine, your question was rather long.

Senator PATTERSON—I am aware of the recent Krever report about the transmission of hepatitis C and human immunodeficiency virus, HIV, in Canada. According to media reports, it was the basis for the Royal Canadian Mounted Police laying criminal charges. I do not think it is appropriate for me to comment on legal proceedings currently under way in another country. It should be emphasised that the report involves events that occurred in the 1980s in Canada’s health system, not in Australia. I would also like to reassure Australians that we have one of the safest blood systems in the world. In 1990 we were one of the first countries in the world to introduce a first-generation mass screening test for hepatitis C, shortly after the new antibody test became available. During the mid to late 1980s the test available for hepatitis C was the surrogate test and it was only able to detect liver dysfunction. This test was not specific for hepatitis C, it was not a wholly conclusive test and not all countries adopted it.

There was an element of criticism in what Senator Harradine said about the inquiry, but I have asked Professor Barraclough to look into the claims that plasma testing positive to the hepatitis C antibody was used in the manufacture of plasma products in 1990 and his report is due at the end of the year. Two expert hepatologists, Professor Peter Angus and Geoff Farrell are supporting Professor Barraclough in his work. As part of the process, Professor Barraclough is consulting with all appropriate parties, including the Australian Red Cross blood service and CSL Ltd, as well as state and territory health departments. I think it is important for the community to understand that the claims that Professor Barraclough is looking at relate to a period in 1990, not today. Senator Harradine will disagree with me on this but I believe that it is appropriate to have a person of Professor Barraclough’s standing to undertake this investigation of something which occurred over 10 years ago.

Senator HARRADINE—Mr President, I ask a supplementary question. I am not querying the efficacy of the blood supply now—let us get that clear—but, after the state of Queensland implemented surrogate testing for hepatitis C in 1988, why did the other states not follow suit? Should that be part of Professor Barraclough’s inquiry? When blood donors who were found to be carriers of hepatitis C were asked to keep donating
blood plasma in 1990 were any checks conducted to determine whether they had donated blood in the past? How many previous recipients of their blood have been contacted and informed of the risk to their health or to those around them? An examination of the adequacy or otherwise of medical and counselling services and financial redress for victims such as mothers with families should be conducted. Why won’t the minister ensure that Professor Barraclough, whom I respect, should not undertake that inquiry—(Time expired)

Senator PATTERSON—I am sure that Professor Barraclough will be looking at the issues that Senator Harradine raised. I do not believe that some of them are appropriate for Professor Barraclough to be looking at, but I will draw his attention to Senator Harradine’s question because there are some issues in the first part of his supplementary question which I believe Professor Barraclough may already be looking at. I know that Senator Harradine does not agree that Professor Barraclough should be undertaking this review. It is something that happened 10 years ago. It is something that happened when there were significant changes occurring in our understanding of technology and our understanding of blood and blood safety. I am sure that Professor Barraclough, assisted by two other experts in the field whom I have already named, will present me with a report before the end of the year, and I will assess it when I receive it.

Medicare: Bulk-Billing

Senator MOORE, (2.35 p.m.)—My question is to Senator Patterson, the Minister for Health and Ageing. Can the minister confirm that the latest government figures prove that last financial year almost eight million fewer GP services were bulk-billed, compared to the first full year of the Howard government? Isn’t it also the case that, since the election of the Howard government six years ago, in total almost 16 million fewer GP services have now been bulk-billed? Will the minister finally acknowledge that this slow slide in bulk-billing that started when the Howard government came to office has now become a free fall under her policies as health minister?

Senator PATTERSON—No is the answer to the last part of the question. I am really getting very tired of the Labor Party talking about Medicare, as though in 1996 we inherited a healthy, functioning health care system. The fact is we did not. We did not inherit a healthy, functioning system, we inherited a system where public hospitals had huge strain, and we have reduced the strain on the public hospitals. Labor view Medicare as a funding model, not as a health care model. They are only interested in what happens at the counter, not what happens in the surgery. As health minister, I am concerned about Medicare as the deliverer of good health outcomes for all Australians, not just for those in the inner suburbs of Melbourne and Sydney.

Our list of achievements is very long. We have increased spending on Medicare by $2 billion from $6 billion to $8 billion. The number of services covered by Medicare will increase this year to 220 million, 25 million more than in 1996. We are investing $560 million in the Rural Health Strategy, which is already delivering results. I have said before that the number of GPs practising in rural and remote areas has increased from 5,700 in 1997-98 to 6,363 in 2000-01.

Labor left us with an absolute maldistribution of doctors, and had we undertaken what—and I should not mention her name—Carmen Lawrence was advocating, which was that we reduce the number of medical school places, we would now have even fewer doctors. But that was what Labor were advocating and the deans of medicine opposed it. We have increased the number of doctors in rural areas, with an 11 per cent increase over three years. We have committed $80 million to an outer metropolitan program to encourage more GPs in this area. We were left with too few doctors in rural areas and too few doctors in outer metropolitan areas. We have also increased the number of doctors in training by 160. In medical schools, we have increased the number of GPs in specialist training. With respect to visits to GPs, about seven out of 10 continue to be provided at no cost to patients, and about eight out of 10 visits to GPs by pa-
tients aged 65 and over continue to be provided at no cost to the patient.

Government spending on general practice, including Medicare rebates, a practice incentive program and general practice immunisation incentives, will increase this year, representing an increase of around 24 per cent in the four years up to and including 2003. The Labor Party were paying doctors but they were not vaccinating children. Fifty-three per cent of our kids were vaccinated then; now we have over 90 per cent of our kids being vaccinated. Three out of four GPs receive practice incentive payments. This year, the government has allocated a further $242 million to the program, $49 million more than last year. The average payment under the practice incentive program in 2001 and 2002 per full-time equivalent doctor was $15,149. This is expected to rise to $17,928 this year, an increase of $2,779. This is so that doctors will do things like deal with patients who have diabetes and assist them with their management, deal with people who have asthma and assist them with an asthma management plan, vaccinate our children and produce health outcomes. We are focused on health outcomes. Labor was focused on the financial side, financing health rather than producing health outcomes.

In terms of GP remuneration, I am committed to working with the profession on affordable and sustainable outcomes. I point out, though, that in the last six years under Labor, the Medicare rebate for a standard GP consultation increased by only $1.70. Under the Howard government, it has increased by $4.20. More importantly, under the last six years of the previous Labor government, the Medicare rebate for the longer level D consultation increased from $62 to $65.20—a rise of $3.20. Under the Howard government, it has increased from $65 to $80—a rise of $15.20. So when Labor stand up and say that we have kept pressure down on rebates, remember that the government have done a lot more than Labor ever did. (Time expired)

Senator MOORE—Mr President, I ask a supplementary question. Does the Minister for Health and Ageing recall that in the late 1980s our current Prime Minister made public statements like: Medicare has been an unmitigated disaster …We’ll … get rid of the bulk-billing system—it’s an absolute rort.

Minister, do these statements still represent the government’s real approach to Medicare? Is that the reason that the government has been prepared to sit and watch idly while bulk-billing by GPs has gone into such a catastrophic decline?

Senator PATTERSON—You can hide behind bulk-billing rates but you cannot hide behind the fact that, because of the maldistribution of doctors, some people in some areas on the same income pay more to see a doctor. The position was the same under Labor. My concern is about affordability and access, not about hiding behind a number of bulk-billing rates. My concern is to make sure that access to GPs is fair and equitable. One way to achieve that is by getting a better distribution of general practitioners, a distribution that will correct the maldistribution that was left to us by Labor.

Taxation: Income Tax

Senator REID (2.41 p.m.)—My question is to the Minister representing the Treasurer, Senator Minchin. Will the minister advise the Senate of the fall in the level of income tax and the overall tax burden paid by Australian taxpayers since this government was first elected? How have the Howard government’s policies contributed to the fall in the tax burden, and is the minister aware of any alternative policies?

Senator MINCHIN—I thank Senator Reid for her question; I appreciate it. I wish her well in her last few weeks in this chamber. The recent midyear update on the budget does show the strength and resilience of our economy. But the midyear update also shows that Australians are now paying a lower level of tax to GDP than when we came to office in 1996. Since we came to office, total income tax as a share of GDP has fallen from 17.1 per cent to 16.4 per cent in 2001-02. Looking at personal income tax, it has fallen from 12.7 per cent of GDP when we came to office to 11.8 per cent in 2001-02.
Of course, that is a reflection of the fact that we gave the biggest income tax cuts in the history of this country—$12 billion worth of tax cuts, which are reflected in those figures which show the ratio of income tax to GDP. Our total Commonwealth tax revenue this year is actually less as a proportion of GDP than it was a decade ago, and it is going to stay that way well into the forward years. Of course, as part of our efforts to ease the tax burden on Australians we have provided things like the private health insurance rebate, a tax cut and family tax assistance. We cut Labor’s fuel excise by 1½c a litre, and we abolished Labor’s petrol indexation. Our policy is to keep tax as low as possible, commensurate with providing Australians with the services which they expect and, of course, with budget responsibility.

It is the opposition’s desire to get up the sort of line that Labor are actually not the party that believes in high taxes and high spending but that it is the coalition party. Of course, not even the Labor Party believe that. If you look at some of their high-spending promises, they will inevitably lead to higher taxation if they ever do get back into office. The highest tax burden on individuals ever recorded in this country was in 1986-87 under the then Labor government when tax was 14.2 per cent of GDP compared with 11.8 per cent now under us. Labor’s record on tax is abominable. You should never believe anything they say on this subject. The nation will never forget the l-a-w law tax cuts before the 1993 election which, of course, Labor never delivered. They have no credibility.

They are also trying to perpetrate the nonsensical idea that the GST is a Commonwealth tax; it is a tax that is paid entirely to the state premiers. It is not available for spending by the Commonwealth, it is a tax that we collect for the states and territories. Every single Labor premier is very grateful that we collect that tax for them and they spend it, not the Commonwealth. Even if, for the purpose of debate, you hypothetically assumed that the GST was a Commonwealth tax, which I hasten to add it is not, then to make a comparison you have to deduct all the state taxes that the GST replaced—and of course they were numerous. If you do that, then the tax to GDP ratio still falls as a result of the new tax system, with total tax revenue at 22.6 per cent in 2002-03, down from 23.5 per cent of GDP in 1996-97. So we are responsible for the biggest tax cuts ever in Australian history. We are about easing the tax burden on Australians. We want to keep managing this economy well, managing the budget well, and delivering further tax cuts to Australians.

Nuclear Energy: Lucas Heights Reactor

Senator FORSHAW (2.46 p.m.)—My question is directed to Senator Alston, the Minister representing the Minister for Science. Could the minister confirm that last Thursday employees at the Lucas Heights nuclear reactor had to be evacuated due to the dangers associated with the approaching bushfires? Can the minister also confirm that other evacuations of the reactor have occurred in recent years, including a shutdown of the reactor, due to the danger of extreme bushfires in the neighbouring area? Given these circumstances, wouldn’t the safety of the employees, the community and the reactor itself be more appropriately guaranteed if the new reactor were to be located at another location more remote from large residential communities and areas prone to bushfires?

Senator ALSTON—I suppose the legitimate starting point is to know whether Labor has resiled from the policy they adopted when Senator Evans was corresponding on the subject a few years ago. If you remember, he basically said: ‘We’re against the relocation of Lucas Heights’—I am sorry, that should be: ‘We’re in favour of it but for political reasons we have to say we’re against it.’

Opposition senators interjecting—

Senator ALSTON—I think I did get it right the second time. The main thing is that I got it right eventually, and that is something I think you have not learned over the last three elections—and you are not showing much promise of getting it right this time. If we just deal with the effect of bushfires, quite clearly we are concerned to ensure the safety of employees and, indeed, that the
community and all residents in the area are fully protected at all times.

Owing to the bushland setting of the Lucas Heights Science and Technology Centre, protection against the risk of bushfires has been an integral part of ANSTO’s safety precautions for many years. ANSTO undertakes hazard reduction measures each year before the summer to ensure that adequate firebreaks exist. There are over 100 fire hydrants located around the centre’s boundary fence as part of its firefighting infrastructure, together with an independent water supply and trained bushfire volunteers. The separation distances between buildings with nuclear built materials and the bush prevent any direct bushfire threat to these buildings. Bushfires do not present a credible threat to the safety of the HIFAR research reactor or other significant ANSTO facilities. At no point during current or past bushfires has there been any direct threat to the HIFAR reactor. Indeed, HIFAR’s strong containment building is designed to withstand greater heat loadings than could be achieved by a bushfire. Fire protection measures are part of the design of all ANSTO buildings and emergency arrangements for fire are regularly and exhaustively reviewed. Comprehensive emergency plans exist for the facility.

ANSTO, in consultation with the New South Wales fire brigades and bushfire brigades, has prepared a comprehensive assessment of past bushfires, and lessons learned are incorporated into emergency plans. The potential hazard from bushfires has been taken into account in the design of the replacement reactor. The ANSTO emergency plan, which is integrated with the local district and state emergency plans, specifies the roles and responsibilities of emergency services, such as police, fire brigade and ambulance, in the event of any emergency such as a bushfire threat to the site. The plan has been developed by the ANSTO local liaison working party, comprised of representatives of the New South Wales Police Force, New South Wales fire brigades, the Ambulance Service of New South Wales, the New South Wales Department of Health, the New South Wales Environment Protection Authority, Sutherland Shire Council and the New South Wales State Emergency Service. An independent review in 2000 by an expert appointed by the New South Wales government concluded that the plan is adequate. I hope that demonstrates that these matters are of serious concern and that all that could feasibly be done is being done. The end result is the judgment that bushfires do not present a credible threat to the safety of those facilities, and Labor will therefore have to find another, presumably more specious, reason for trying to justify a relocation of the site.

Senator FORSHAW—I thank the minister for his answer. I note that, given all those safety procedures that you have just referred to regarding the actual facilities, you avoided the issue, which is the fact that the employees had to be evacuated last Thursday and that it has happened on previous occasions. Mr President, I ask a supplementary question. Can the minister also confirm reports that ANSTO is conducting a competition amongst high school students across Australia to select a suitable name for the new nuclear reactor at Lucas Heights? Minister, is it true that the prize will be $10,000 for the student whose proposed name is chosen and a further $10,000 to the student’s school? I understand it has been suggested to name it after a famous tennis player: Nukem! Wouldn’t some of these moneys be better spent on reducing the risks for ANSTO employees from bushfires at Lucas Heights rather than on such publicity stunts?

Senator ALSTON—I thought you were going to inquire whether they could extend the terms of reference so that you might be eligible to put in a suggestion.

Senator Hill—What about Schachty? Did you ever get those submissions on the ABC?

Senator ALSTON—No, I think they are still coming, actually. He has probably got a lot more time these days to devote himself to those matters. Unfortunately, however, for Senator Forshaw, the assumption in his question is that government resources are being devoted to providing prize money that could be better spent elsewhere. That seems to be the proposition, and in his usual form he did not bother to make any inquiries. A simple phone call would have told him that prizes for the competition have been donated
by the replacement reactor construction contractors, INVAP, and the John Holland-Evans Deakin joint venture.

*Opposition senators interjecting—*

**Senator ALSTON**—It is not built into their contract.

**Senator Faulkner**—Are you sure about that?

**Senator ALSTON**—I will check it just for Senator Faulkner, but I reckon it is a pretty safe bet. I do not know whether I would put the house on it, but I reckon it is pretty safe. *(Time expired)*

**Arts: Funding**

**Senator RIDGEWAY** (2.52 p.m.)—My question is to Senator Alston, representing the Minister for the Arts and Sport, Senator Kemp. Minister, could you confirm whether media reports last week were correct in that the government is undertaking a review into the funding and efficiency of national arts institutions, including the National Museum, the National Gallery of Australia and many others? If so, could you outline what the government is investigating, whether it is intending to cut the budget allocations to these public arts and cultural institutions in the May budget and whether we can expect to be paying entry fees in the next financial year? How would an outcome of this sort further the government’s vision for the arts of encouraging excellence in artistic endeavour and access to Australia’s rich cultural heritage?

**Senator ALSTON**—I can confirm for Senator Ridgeway that the government is reviewing cultural agencies in order to examine the potential for achieving efficiencies whilst, of course, maintaining the ability of those agencies to achieve the government’s cultural objectives. There should be no concern about that.

**Senator Carr interjecting—**

**Senator ALSTON**—It might be slash and burn if you were in government but under us it is not; it is about trying to ensure that scarce government resources are used in the most effective manner possible. You can either spend an arm and a leg on a project or you can do your homework and get it for a respectable price but nonetheless a very good quality outcome—as we did with the National Museum, for example, where the price was probably less than might have been paid in other countries but where the end result, certainly in terms of the structure of the building, was very good indeed.

We have asked for the review to be jointly undertaken by the Department of Communications, Information Technology and the Arts, the Department of Finance and Administration, the Department of the Treasury and the Department of the Prime Minister and Cabinet. Of course, it would not be appropriate to speculate about the outcomes of the review, but quite clearly that review will have wide-ranging coverage, as it should. I can recall some years ago we got Mr David Gonski to do a review of the various film bodies to see whether it was appropriate to have three, four or five bodies all in that general area, whether they all served a useful purpose on a stand-alone basis or whether there was some scope for rationalisation. That is a legitimate exercise. That is what estimates committees, for example, should probe but, as we know, estimates committees are used for other purposes these days—

*Opposition senators interjecting—*

**Senator ALSTON**—Yes, basically for trawling and fishing—

**Senator Carr**—At least we go! How would you know? You’re never there!

**Senator ALSTON**—I am there whenever I need to be. Senator Ridgeway, I can therefore say to you that I hope the outcome will be beneficial for all concerned, certainly for those agencies that might gain some additional insights into how they might be able to more efficiently conduct their operations, and of course for the taxpayers, who always have a keen interest in ensuring that they are getting value for money.

**Senator RIDGEWAY**—Mr President, I ask a supplementary question. I thank the minister for his answer. I presume from that that he is flagging that there will be entry fees charged in the year 2003.

*Opposition senators interjecting—*

**Senator ALSTON**—I am there whenever I need to be. Senator Ridgeway, I can therefore say to you that I hope the outcome will be beneficial for all concerned, certainly for those agencies that might gain some additional insights into how they might be able to more efficiently conduct their operations, and of course for the taxpayers, who always have a keen interest in ensuring that they are getting value for money.

**Senator RIDGEWAY**—Mr President, I ask a supplementary question. I thank the minister for his answer. I presume from that that he is flagging that there will be entry fees charged in the year 2003. In view of the signal that is being sent, can you at least provide some indication to the 20,000 practising professional visual artists across the country
that your government will support and implement the recommendations of the Myer inquiry into that sector? Isn’t it also true that the Myer inquiry and the Guldberg report show that, for every $1 invested, there is a $3 return and that so far that sector alone is contributing $160 million to the Australian economy? Are you prepared to provide additional funding to the sector, particularly in terms of non-budgetary measures, a public ruling from the ATO regarding the definition of who is a professional arts practitioner and the introduction of a resale royalty rights scheme?

Senator ALSTON—Just on your first point, can I tell you that I was a keen advocate of the National Gallery of Australia dropping entrance fees and I think that has been shown to be a very successful outcome, so I certainly do not take the view that you slavishly impose entrance fees. There are other ways of skinning a cat. Once you have people inside the building there are very many opportunities to persuade them to buy merchandise, use the cafeteria or whatever else. On the Myer inquiry, I think Senator Ridgeway would well know that we have a very impressive track record—$92 million for the film industry and $45 million for the major performing arts. The Myer inquiry report, which we received I think on 6 September, is one that many people in the industry have wholeheartedly supported. A number of them have been to see me already, urging its implementation. It will, of course, require cooperation from all of the states, not on a go-it-alone basis, as we have recently seen in Victoria, so I hope that, if you have some specific views, particularly as chairman of Bangarra, you might like to—(Time expired)

HMIS Westralia

Senator CHRIS EVANS (2.58 p.m.)—My question is directed to Senator Hill, the Minister for Defence. I refer to the question I asked him last week about the coronial inquest into the Westralia fire. Can the minister now confirm why the Commonwealth representative at the Western Australian coronial inquest into the fire submitted that it not be held in public? In rejecting that submission, didn’t the coroner highlight a number of concerns about the fire that have not been investigated? Wasn’t concern also expressed that the Commonwealth omitted critical information in its submissions concerning the fire’s cause? Is the minister aware also that counsel assisting the coroner last week expressed grave concerns about the Commonwealth’s noncooperation with the inquest, including its failure to provide the court with the names and contact details of key witnesses? Has the minister now availed himself of a briefing on these serious issues?

Senator HILL—I actually have answers to the questions that were asked by Senator Evans last week, which I intended to table at the end of question time today. Senator Evans adds some extra matters in his question of today. I am astonished to hear suggestions that the Commonwealth is failing to cooperate. Defence has got nothing to hide and is making every effort to cooperate with the coronial inquiry.

Last week, the questions in part related to why the initial Navy inquiry took place before the engines were stripped. The answer is that it was because the stripped engines were not relevant to the cause of the fire. The inquiry that took place was to determine the cause of the fire. That was determined on the basis of the advice from the Western Australian Police arson squad report. I hope the other detailed responses that I have for Senator Evans will help him in relation to this matter. This ongoing coronial inquiry has full Commonwealth support. There is nothing to hide. Unless it relates to a specific witness or some matter that is a national security issue, which I cannot imagine there would be, it clearly should be held in public.

Senator CHRIS EVANS—Mr President, I ask a supplementary question. I thank the minister for his answer. I think he ought to have a look at the transcript, because a number of concerns were expressed about the attitude the Commonwealth had adopted, including the call to have the inquiry held in camera, and also concern about its failure to cooperate in the provision of witnesses’ names and addresses and other matters. As my supplementary question, I ask: didn’t the Western Australian coroner also highlight a number of areas not investigated by the naval
board of inquiry into the fire? Given that you have now had a briefing on the issue, are you confident that the Navy inquiry has covered all relevant issues and that there is no need for further investigation? Are you confident that the matters that were uncovered post the naval board of inquiry being held do not warrant further investigation by the Navy?

Senator HILL—I have no reason not to be confident. There is a coronial inquiry taking place that will examine the matters as determined by the coroner. If there is a public interest that has not been adequately addressed by the Defence inquiries, no doubt that matter will be brought out. But the Defence inquiry was to determine the cause of the fire, and that was duly determined. Mr President, I ask that further questions be placed on the Notice Paper.

QUESTIONS WITHOUT NOTICE:
ADDITIONAL ANSWERS

HMAS Westralia

Senator HILL (South Australia—Minister for Defence) (3.02 p.m.)—I seek leave to incorporate the answers to questions asked by Senator Evans on 4 December relating to the Westralia fire.

Leave granted.

The answers read as follows—

On December 4, 2002, Senator Evans asked a number of questions in relation to the Westralia fire.

I provide the following advice from the Navy.

1. Can the minister confirm reports that the initial Navy Board of Inquiry into the Westralia fire was held before the ship’s engines had been stripped down and examined?

   There was no “initial” Navy Board. The Navy Board of Inquiry (BOI) was directed by the terms of reference to determine the cause of the fire, which it did as the result of the evidence of the Western Australian Police Arson Squad Report as to the cause being the failure of a fuel supply hose. While other theories were initially submitted to the Board their proponent did not press them. None of those theories or the evidence of the Arson Squad required any investigation of the internal elements of the engines. The internal examination of the engines was done in 2 stages as part of the restoration of the ship, not to determine the cause of the fire; first by way of determining what if any damage had been sustained by the engines as the result of the fire, second by way of work commissioned as preventative maintenance, intended to ensure the engines served the planned period between major overhauls and was based on recommendations flowing from the first fire damage report.

2. How could that BOI have thoroughly examined the causes of the fire if it did not have the report from the detailed engine inspection?

   As the issue for the Board was the cause of the fire and this was determined on the basis of reliable evidence, subjected to full testing by cross examination from all represented parties, it was not consistent with the role of the Board to order a stripping of the engines when there was no probative value as to the cause of the fire in following that course.

3. Does it show that a number of faults other than the flexible fuel line could have caused the fire?

   No. The first report addressed the fire related damage to the engine and included the results of an examination of the two cylinders on the Starboard Main Engine around which the fire had erupted. The report stated “Combustion spaces were in the condition that might be expected for an engine that had been operated on lower loads in recent times.” The nature of the examination could nevertheless have been expected to identify such other causes had they been present. No such matters were raised in the report. The second report was based on the findings of a substantial overhaul operation concerning the technical state of the engine which included taking measurements of wear and distortion of components. While some wear and distortion was identified this was consistent with the use of the engine and not of any failure of the engine or component. Both of the examinations and reports were provided by Rolls Royce.

4. Can he also confirm that the Commonwealth representative at the coronial hearing this week into the Westralia fire argued that the hearing should not be held in public? Did you, as minister, authorise that submission and if so why?

ABSENCE OF THE PRESIDENT

The PRESIDENT (3.02 p.m.)—I inform the Senate that, for personal reasons, I will be absent from the Senate from 4 p.m. today. I suggest that the Deputy President, Senator
Hogg, be empowered to act as President during my absence, pursuant to standing order 13.

Senator HILL (South Australia—Minister for Defence) (3.02 p.m.)—by leave—I move:

(a) That, during the absence of the President, the Deputy President shall, on each sitting day, take the chair of the Senate and may, during such absence, perform the duties and exercise the authority of the President in relation to all proceedings of the Senate and proceedings of committees to which the President is appointed.

(b) That the President be granted leave of absence from 10 December 2002 to 11 December 2002.

Question agreed to.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Immigration: Asylum Seekers

Senator ELLISON (Western Australia—Minister for Justice and Customs) (3.03 p.m.)—On Wednesday, 4 December Senator Bartlett asked me a question in my capacity as the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs. That was in relation to temporary protection visas. I table the information that I undertook to get for him and seek leave to incorporate it as well.

Leave granted.

The answer read as follows—

Further response to Senator Bartlett’s Question Without Notice on 4 December:

I can confirm that the Department of Immigration and Multicultural and Indigenous Affairs is progressively reviewing approximately 3,500 files to identify those that require further investigation in relation to their country of origin, nationality or citizenship claims.

To date, 16 temporary protection visas have been cancelled where it has been found that the person engaged in identity fraud in order to obtain the visa. None of these cancellations were in any way related to links with terrorist organisations.

The security of our country is a top priority for the government.

ANSWERS TO QUESTIONS ON NOTICE

Question Nos 304, 405, 560, 561, 562, 704, 705, 829, 879

Senator SHERRY (Tasmania) (3.04 p.m.)—Pursuant to standing order 74(5), I seek an explanation from the Assistant Treasurer, Senator Coonan, as to why answers to the following nine questions on notice are overdue: No. 304, relating to government election commitments, of which notice was given on 14 May; No. 405, relating to Commercial Nominees and other prudential matters, of which notice was given on 26 June; No. 560, relating to the Australian Independent Superannuation Fund in WA; No. 561, relating to Commercial Nominees; No. 562, relating to the Freedom of Choice Monthly Income Pool, of which notice was given on 19 August; No. 704, relating to former Senator Michael Baume’s role on the superannuation complaints tribunal, of which notice was given on 27 September; No. 705, relating to overdue responses to committee reports, of which notice was given on 30 September; No. 829, on some GST matters, of which notice was given on 30 October; and No. 879, relating to the APRA annual report, of which notice was given on 8 November.

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (3.05 p.m.)—I thank Senator Sherry for mentioning this matter to my office so that I could get an appropriate update. I will take the questions seriatim. The answer to question No. 304, on superannuation benefits, is very close to being finalised and will be tabled shortly. My best information is that this will be by the end of the week. Answers to question No. 405, which contains within it 26 questions, and to question No. 561, which also contains another 10 questions on Commercial Nominees, should be available within the next day or two.

The answer to question No. 560, which contains 12 questions on the Australian Independent Superannuation Fund should also be available in the next day or two. The answer to question No. 562, on Freedom of Choice Monthly Income Pool and APRA, is very close to being finalised. My best esti-
mate is the next day or two. The answer to question No. 704, relating to the very fine former Senator Michael Baume, will be tabled by the end of this week. The answer to question No. 705, on government responses to the Senate Select Committee on Superannuation, will be available by the end of the week. Question Nos. 829 and 879, which relate to GST, electricity and APRA’s annual report, are still under consideration, and I should be in a position to provide Senator Sherry with a better estimate shortly; I just cannot do that today.

Senator SHERRY (Tasmania) (3.07 p.m.)—I move:
That the Senate take note of the minister’s response.

The first question that I referred to, No. 304, is now more than six months overdue. Question No. 405 is now more than four months overdue. They are certainly detailed questions—as I think the minister would expect when I ask questions in respect of superannuation matters—but the Senate standing orders require a 30-day response period. If the minister or her office cannot respond within that 30 days, then I believe it would be courteous to give some sort of indication as to why such important issues are left unanswered for such a considerable amount of time.

There is another important issue in relation to question No. 705. That question relates to why the government and the minister responsible for superannuation policy have failed to respond to a number of Senate committee reports. In themselves, the answers to those Senate committee report recommendations are between nine and 18 months overdue. This is yet another indication of the parlous state of the government’s approach to superannuation and retirement income matters in this country. These are important issues that have been raised by the Senate, and ministers—and, in this case, this minister in particular—should ensure a swift response. I am certainly not an unreasonable person. I have waited for some considerable time beyond the 30-days notice that is due, and a number of these matters have been outstanding for very lengthy periods of time.

Question agreed to.

Question Nos 631, 674, 676, 693, 744 and 819

Senator MARK BISHOP (Western Australia) (3.10 p.m.)—Pursuant to standing order 74(5), I ask the Minister for Defence, representing the Minister for Veterans’ Affairs, for an explanation as to why answers to question Nos 631, 674, 676, 693, 744 and 819, all of which are overdue by more than 30 days, have not yet been provided. Question No. 676 relates to departmental savings proposals, question No. 819 relates to the home care program, question No. 631 relates to various grants programs, question No. 674 relates to departmental advice to government members and senators, and question No. 744 relates to compensation claims arising out of our involvement in the conflict in East Timor.

Senator HILL (South Australia—Minister for Defence) (3.10 p.m.)—I am advised that three of the questions, Nos 631, 674 and 693, are with the Minister for Veterans’ Affairs, who intends to deal with them immediately after question time today. I am also advised that the other three questions, Nos 676, 744 and 819, are still with the department because of the complexity of the figures required. I am assured that the answers will be completed and tabled as soon as possible.

Senator MARK BISHOP (Western Australia) (3.11 p.m.)—I move:
That the Senate take note of the minister’s response.

It is a sad reflection on government—and not a new one—that the process of accountability of government to the parliament and to taxpayers is so easily thwarted by failure to answer, within the 30-day limit, questions put on the Notice Paper. No doubt in some cases the lack of response is simply to avoid accountability, and senators will have noticed that it is often the same ministers or departments who have this aggressive ethos towards parliamentary government and the rights of senators to seek information.

The first unanswered question of note, No. 676, concerns the savings proposals of the Department of Veterans’ Affairs over the last five years, which I suspect are a total sham.
As the Senate knows from the estimates function, which we all explore several times a year, portfolio and new spending proposals are often required to be offset by an equivalent saving. This is a useful discipline as it forces scrutiny of ineffective programs and expenditure and focuses minds on real priorities.

However, I suspect that this process is little more than an elaborate game, particularly if the savings option is nebulous and difficult to cost. I suspect the answer I am awaiting from the Minister for Veterans’ Affairs will tell me that many of the savings options nominated over the last five years cannot be calculated because there are simply no measures to do so or, what is more likely, no one has ever checked. I will be happy to be proven wrong but I suspect that the game is that, having got the new policy money and kept the minister happy at budget time with lots of new giveaways, you forget about the veracity of the savings and, where your programs are standing appropriations—that is, open-ended, as many are in Veterans’ Affairs—you simply come back in additional estimates and get topped up. By that stage, of course, time has moved on, no one goes back to reconcile the record, and the numbers all get lost in the wash of the next budget estimates. So much for the Charter of Budget Honesty!

I have also asked a detailed question on the Veterans’ Home Care Program, which is the equivalent of HACC but which is now the subject of substantial cutbacks to the extent that some veterans are wishing they had remained in HACC. Once again, this is a major embarrassment. While the departmental spin doctors will no doubt try and put a good light on it for the minister, the fact remains that the program is being cut back because the estimates of demand and budget were quite inadequate. As we have now discovered in estimates, management of this program is worse than we thought and the minister has blatantly misled veterans and war widows by a spurious claim that this year’s budget for home care has increased by $8 million. The facts are that last year’s budget was the same as this year’s—$59 million—but it was underspent and that $8 million went back to the Treasury. There is no increase at all, although we hope the full budget will be spent this year.

I also draw to the chamber’s attention unanswered question No. 631. That question was about grant programs, which are of course the mother of all pork barrels. We also learned at Senate estimates that the Repatriation Commission and the Department of Veterans’ Affairs have become the political promotion vehicle for the minister and the Howard government. Those who believe this is an area of bipartisanship are mistaken. It is no wonder that the minister would like to avoid scrutiny as to where the grant money has gone. It is a similar case with question No. 674, which seeks information on departmental regional visits where advice of such visits is provided only to government members and senators. The Department of Veterans’ Affairs is now completely complicit in this politicisation, and the lack of an answer can be seen as a confession to that accusation.

Finally, question No. 744 seeks an update on earlier information about the number and type of compensation claims lodged by ADF personnel serving in East Timor, under the Veterans’ Entitlements Act. This is a major cause for concern. As stated at estimates, because of the provisions of the Privacy Act, details of these claims cannot be passed to the ADF health service. This means that, within the many hundreds of compensation claims accepted, there will be a considerable portion of disabilities which will be sufficient to render the claimant unfit for duty. Yet they are able to conceal that fact, which makes one wonder about the credibility of the assessment process in the first place. I would have thought that at least the Minister for Defence would have liked to know about this as it is potentially a very serious fraud, to say the least. I could go on question by question but the issue is the same: if we in this place cannot get straightforward questions answered, where is the accountability? The only thing that is worse is the refusal to answer at all, but at least we have this procedure of asking the minister and taking note.

Question agreed to.
QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS
Superannuation: Preservation Age
Superannuation Complaints Tribunal:
Appointments
Insurance: Public Liability

Senator LUDWIG (Queensland) (3.17 p.m.)—I move:
That the Senate take note of the answers given by the Minister for Revenue and Assistant Treasurer (Senator Coonan) to questions without notice asked today.

It was surprising, if not downright incredible, to hear what the Assistant Treasurer said today when she was given an opportunity to explain the inconsistency between, on the one hand, the answer that she gave in this house to the question on the report by Justice Ipp and, on the other hand, the matter she raised in the Australian Financial Review.

I suspect that Senator Coonan, with respect, is too concerned about her personal affairs to worry about the questions that are asked in here. It would pay her more to listen to the questions and answer them. The question that was asked by Senator Collins last week and Senator Crossin today was: what steps has the minister taken to promote the implementation of recommendation 57 of the Ipp report on the law of negligence? That was where it started.

Nevertheless, the answer to Senator Collins’ question as to what have I personally done about the implementation of Mr Justice Ipp’s recommendations in relation to mediation and personal injury claims is very simple: absolutely nothing!—

because the Commonwealth has no jurisdiction over personal injury matters.

Senator Sherry—So not a thing!

Senator LUDWIG—If she had done nothing—not a thing—then why does she write a paper entitled Turning the tide, which goes into her role in relation to the Ipp report, given that she was also the minister responsible for the reforms in personal injury insurance? If she has done nothing about it, then one wonders whether she has just forgotten her role as Assistant Treasurer. It appears that she must have. Not only has she forgotten the paper that was on her web site entitled Turning the tide: insurance in Australia—2002 in profile but the guts of that paper then appeared in the legal affairs section of the Australian Financial Review on Friday, 6 December. So what we have discovered is that Senator Coonan is more interested in talking to the papers than in talking to the Senate. She comes in here and says, ‘I’ve got a blank’—she is like a rabbit startled by a spotlight. But when she then takes the trouble to talk to a paper she becomes very effusive. She manages to give the media the whole box and dice. In fact she manages to claim, and I quote from the legal affairs section of the Australian Financial Review but it is also in the Turning the tide paper:

Turning the Ipp vision into a reality has required strong leadership from the Commonwealth, state and territory governments. It cannot be coming from Senator Coonan, because she cannot remember anything about it, so I do not know who she is talking about. It then goes on to say:

At the last ministerial meeting held in Brisbane, ministers made a landmark commitment to reform the law of negligence in accordance with the majority of Ipp’s recommendations.

For the first time there was agreement for a national law of negligence. Clearly, Senator Coonan must have forgotten that she had been in Brisbane and called a meeting. It appears she must have absolutely and completely forgotten that. She has forgotten or at least does not want to tell the Senate—that is the choice we have. We have to consider whether Senator Coonan has either forgotten the issue or cannot recall it. It is really difficult to tell.

Senator Coonan should get on with it. She should tell the Senate what the issues are with the law of negligence and what this government is doing about them, but if we take her word for it this government is doing nothing about it. That is what we are told. Senator Coonan should start to liven up her act and explain what this government is doing rather than simply say, ‘I can’t remem-
ber.’ Who are we to believe? Do we believe Senator Coonan in the *Australian Financial Review* or Senator Coonan—apparently the same person; she does not have a twin—who comes into this place and says, ‘I can’t remember anything about it’? It is about time that Senator Coonan—(Time expired)

**Senator CHAPMAN** (South Australia) (3.22 p.m.)—We see again this pathetic opposition coming into this chamber trying to beat up an issue where absolutely no issue exists, because the Minister for Revenue and Assistant Treasurer, Senator Coonan, has shown strong leadership with regard to dealing with the issue of public liability insurance. Indeed, on 15 November the minister met for the fourth time with relevant state and territory ministers as well as with a representative of the Australian Local Government Association to discuss public liability insurance. As a result of those meetings, there is agreement between all levels of government on the need for the introduction of measures aimed at reducing and containing claims costs and improving the affordability and availability of public liability insurance. This follows the historic in-principle agreement reached at their previous meeting to move to a nationally consistent law of negligence. At that meeting it was further agreed that a system of thresholds or scales for general damages coupled with restrictions on legal costs is an imperative; it is noted that most states are moving in this direction. The minister also confirmed that the federal government would amend the Trade Practices Act to support reforms that were nationally consistent, and they agreed in principle to amend areas of inconsistency. Ministers agreed that the national package should have a significant impact on alleviating the public liability crisis and reform insurers of the importance of quickly and fully passing on the benefits of reform to consumers.

An actuarial assessment of the economic impact of national reforms to negligence law on the affordability and availability of public liability insurance was also presented to ministers at that meeting on 15 November. The assessment noted that, if key quantifiable elements of the review of the law of negligence were implemented, an initial reduction in public liability premiums of 13½ per cent could be expected—a significant achievement. The assessment also suggested that the behavioural effects of adopting the suite of recommendations on the definitions of ‘negligence’ and ‘duty of care’ and other Ipp recommendations on liability reform should result in significantly larger savings over time. The actuarial report was supported by industry representatives present at the meeting. The representatives assured ministers from the states and the Commonwealth that adoption of the Ipp recommendations will increase the availability of public liability insurance, particularly in the community sector, and bring certainty and stability to pricing. They agreed with the findings of the PricewaterhouseCoopers report that the reduction in claims costs due to the Ipp reforms will flow through to reduce premiums by an estimated 13½ per cent.

At that meeting, ministers also agreed to consider in detail the merits of proportionate liability and professional standards legislation as a means of addressing problems surrounding professional indemnity insurance. There was strong agreement on proportionate liability for economic loss, with some jurisdictions committed to implementing legislation and others close to finalising their position. All of that has been achieved as a result
of the four meetings that Senator Coonan initiated with representatives of the states and territories. The achievements to date and the forward work plan were therefore put to the meeting of the Council of Australian Governments for endorsement. That was achieved last Friday. (Time expired)

Senator SHERRY (Tasmania) (3.27 p.m.)—We have just had from Senator Chapman an extraordinarily comprehensive outline of what Senator Coonan has been doing in respect of the implementation of the Ipp report, which deals with a whole range of issues with regard to insurance matters. The Ipp report makes recommendations on some important aspects of insurance in this country. Senator Chapman has spent five minutes outlining to us what Senator Coonan has been doing in apparently taking a lead role in activating action in response to the recommendations of the Ipp report. According to Senator Chapman, apparently Senator Coonan has been involved in these meetings no less than four times. Why is it, then, that last Wednesday in the Senate, in response to a direct and clear question from my colleague Senator Collins about what she was doing about the recommendations in the Ipp report, the Minister for Revenue and Assistant Treasurer, Senator Coonan, said, ‘Absolutely nothing’?

Senator Hill—She explained all that in question time.

Senator SHERRY—She did not explain it, Senator Hill. We have got a case of a minister who either forgot all about the activities that have been outlined by Senator Chapman—the minister is absolutely incompetent if she cannot remember all the activities she carried out in respect of the recommendations of the Ipp report that Senator Chapman has very kindly accredited to her—or was misleading the Senate. I find it amazing that on Wednesday of last week the minister came in here and said she had done ‘absolutely nothing’ about the recommendations of the Ipp report and then on the Friday in the Financial Review she claimed credit for all the activity she had been carrying out. There is a fundamental contradiction in Senator Coonan’s response.

Two other questions were raised in the Senate today. The issue of former Senator Michael Baume’s appointment to the position of either chair or deputy chair of the Superannuation Complaints Tribunal was raised by my colleague Senator Cook. Senator Baume, a longstanding Liberal senator in this place, a mate of the Prime Minister, Mr Howard, was appointed by the former minister, Mr Hockey, as a member of the Superannuation Complaints Tribunal last year, just prior to the election being called. Former Senator Baume had been the consul general—that is effectively a type of ambassador—in, I think, New York for a number of years, representing Australia. As I understand it, it was an appointment made by the Prime Minister for his former mate—a current mate, apparently. Then Mr Baume bobs up on the Superannuation Complaints Tribunal.

We have looked at the contribution of former Senator Baume to superannuation matters while he was a member of the Senate. It is absolutely nothing. Here is a person appointed as a member of the Superannuation Complaints Tribunal who has no record of activity in, knowledge of, or involvement in superannuation matters in this chamber. It is not as though the Labor Party are opposed to political appointments—they do have their place. However, here we have a bloke appointed to the consul general’s position in New York for a couple of years. It is a very lucrative position and he is a mate of the Prime Minister. It is not as though we are saying that all political appointments are inappropriate but he has come back to Australia after being in New York for a couple of years and he ends up on the Superannuation Complaints Tribunal.

With credit to Senator Watson, if it were Senator Watson who was being proposed as chair or deputy chair of the Superannuation Complaints Tribunal, the Labor Party would not be complaining. But this bloke, who has already had one job, and who has absolutely no record of service in the area of superannuation, is being touted by this government as a future chair or deputy chair of the Superannuation Complaints Tribunal—a tribunal that is responsible for guarding the su-
perannuation of nine million Australians. A bloke who has absolutely no involvement or record in the area of superannuation is being touted by this government for an appointment to safeguard the superannuation of nine million Australians. It is absolutely outrageous. He has no qualifications and the minister, Senator Coonan, refuses to rule out—

(Time expired)

Senator WATSON (Tasmania) (3.33 p.m.)—I remind the Senate that public liability is primarily the responsibility of the state governments. It is true that before 15 November this year there was some possibility that we may not have reached unanimous agreement amongst the states. There was a suggestion that they may go their own way in a number of areas. It is a tribute to the leadership and the chairmanship provided by Senator Coonan that, at that historic meeting, she drew all the people involved, the state premiers and others, to the need to get some commonality of approach and uniformity. This has been achieved. Undoubtedly, that date is an important milestone for Australia. Public liability insurance in terms of awards and costs had become quite out of hand and was unfortunately affecting much of Australia’s way of life. Senator Coonan, as Senator Chapman has indicated, has had four important meetings which have brought together the contentious and outstanding issues to get a very important resolution.

In raising this today the question I have to ask the opposition is: where have you been? Haven’t you been reading newspapers? Haven’t you been keeping abreast of these important issues? Are you out of contact with the community you are supposed to serve? Are you not fully acquainted with the problems and the solutions that Senator Coonan and her colleagues have been able to bring to bear? In a sense, I think this take note debate and the matters that have come from the government are a reflection on the Labor Party’s lack of closeness with the electorate they serve. Maybe they gave that responsibility to their colleagues in the lower house. It is an important responsibility, whether you are in this house or in the House of Representatives, to keep very much abreast of the issues that affect your electorate. Certainly, public liability is one of these issues.

What came out of that important and historic agreement is that ministers have agreed to a package of reforms which implement key recommendations of the review of the law of negligence, which we refer to as the Ipp report. It is a very important report. To suggest that the Commonwealth has not taken a leadership role and that it has not taken adequate action in relation to the limited areas is to forget that it has a limited responsibility—but it has had a coordinating role. It has fulfilled that coordinating role remarkably well, and it would appear that we are going to get some very satisfactory outcomes.

The Commonwealth, of course, has introduced the Taxation Laws Amendment (Structured Settlements) Bill 2002. The bill is designed to provide tax concessions for periodic payments to seriously injured people who receive large damages so they are not disadvantaged by taking periodic payments rather than a lump sum. Again, this is another initiative of Senator Coonan and it is a bill that has gone through this place. For people to raise questions of the nature that have been raised today is quite extraordinary.

I find it disappointing that members of the Senate raise questions about the Superannuation Complaints Tribunal and attack the integrity of Michael Baume. Michael Baume was certainly a very fine senator. Assertions have been made that he has been a mate of the Prime Minister. If prime ministers and all of us had friends with the loyalty and respect of Michael Baume, this world would be a much better place. It is true; I acknowledge that he has been a great friend of the Prime Minister. That is nothing to be snide about. That is a tribute both to the character of the Prime Minister and to Michael Baume. They have a lot to offer. Naturally, Mr McDonald, I understand, is not seeking reappointment to the Superannuation Complaints Tribunal. (Time expired)

Senator CROSSIN (3.38 p.m.)—I also rise to take note of the answers given by Senator Coonan today. It has been a very sad, feeble attempt by members of the government to defend the answers that were
given by the minister today—in fact, the lack of answers. The question that I asked was a very clear and straightforward question: could the minister please clarify for us what she said last Wednesday in the Senate in comparison to what was written in the Financial Review last Friday? Senator Coonan has to always come from a point where she has to defend what she believes is some sort of personal attack, although she is pretty good at, perhaps, being able to give that back. I noticed today that the only thing thick about what was happening in this place was her ability—

Senator Ian Campbell—Have you apologised to her husband yet? Have you apologised to Andrew Rogers yet? That was a personal attack.

Senator CROSSIN—to understand exactly what my question was about. She quite clearly did not understand that we were simply asking for a simple explanation in relation to what she said last week in the Senate and what was written in the Financial Review.

Senator Ian Campbell—You were simply attacking her husband last week. It was scurrilous and disgraceful and you were a part of it.

Senator CROSSIN—Today I want to actually take note of the very first question we asked yesterday, which was in relation to this government’s little secret agenda to try and make sure—

Senator Ian Campbell—This is a scurrilous and disgraceful fraud—without a leader, without a policy, without an agenda.

The DEPUTY PRESIDENT—Senator Ian Campbell, you might show some constraint.

Senator CROSSIN—that will be the day, when Senator Campbell can show some constraint. What we uncovered today was the government’s secret agenda to try and make sure that everybody is going to work for as long as they possibly can, to try and creep the working age up to at least 70. The very first question on this day was asked because, again, we wanted to get this minister to clarify for us exactly where the government are going in relation to their proposals to increase the preservation age to 65 or 70 years, as well as phasing out the age pension. We had, of course, straight off the mark, a minister who was prepared to duck and weave on the issue. She was not prepared to clearly outline for us what the plans of the government are.

Senator Ludwig—Nor deny it.

Senator CROSSIN—That is right, Senator Ludwig. She was not prepared to deny it at all. This is a government that has made it quite clear that it wants Australians working much longer, regardless of their circumstances. Given the kind of signalling that we have had from government ministers over the last few months, it is no doubt that we, along with the Australian public, should expect—any time now, I suppose—that this government will announce an increase in the preservation age to 65 or 70 years as well as the phasing out of the age pension. This will probably happen, we suspect, in the 2003 budget. The government is doing this because it refuses to do anything to deal with the adequacy of retirement incomes. So what it wants to do is make sure that more people work for longer. It wants to ensure that Australians work until they are at least 70 years of age.

Have a look at the measures that are already in place. The preservation age was increased by the Liberal government from 55 to 60 years as part of the 1997 budget. They increased the age at which a person can contribute to super from 65 to 70 as part of the 1996-97 budget. Then, as part of their 2001 election commitments, it was increased to 75 years. Let us have a look at some of the minister’s comments, which will show quite clearly why we believe the government have an agenda of getting Australians to work until they are 70. It is an agenda of increasing the preservation age of superannuation from 60 to 70 years, which means you will not be able to touch that superannuation component until you reach that age. On 21 December last year on the AM radio program, the minister said:

We want to move superannuation along the track of phasing out any need to rely on social security...
So there was the first warning bell that went off. Then, of course, we had the Treasurer, Peter Costello, talking about the increase of preservation age for superannuation from 55 to 60, which is the current provision. On 7 August this year he stated:

Higher participation among the over 55s will have a much more immediate and direct impact than rising fertility rates.

He went on to say:

More flexible working arrangements, training and re-training, and raising the preservation age for superannuation would all be positive moves to address this issue. (Time expired)

Question agreed to.

Arts: Funding

Senator RIDGEWAY (New South Wales) (3.43 p.m.)—I move:

That the Senate take note of the answer given by the Minister for Communications, Information Technology and the Arts (Senator Alston) to a question without notice asked by Senator Ridgeway today relating to the funding of arts institutions.

There are some 15 institutions affected by this review, some of them well known. I will name a few: the National Museum, the National Gallery of Australia, the National Portrait Gallery and the National Maritime Museum. The answer from Senator Alston suggested that there was a need for a review in order to achieve some efficiency in relation to resources. It seemed to me to be an argument suggesting that there were a number of things that were going to come out through the review process. One thing that is very clearly mooted at the moment is talk of entry fees being imposed upon many of these institutions which currently enjoy free access, particularly to the general public and more particularly to school groups. I think it is of concern that this is the path that the government are going down. They are suggesting that, because of the bean counters over at the Department of Treasury and the Department of Finance and Administration looking at the budget bottom line, art institutions are not paying for themselves and somehow need to be held accountable for what is regarded as inefficient use of moneys.

The other thing that needs to be said is that it is disingenuous on the part of the government to suggest also that it is supporting the pursuit of artistic excellence when it comes to addressing the funding needs of our cultural institutions in this country, particularly when you consider what has come out of the recent Myer inquiry and the Guldberg report—that it is clear on the face of it that for every $1 that is invested in the visual arts sector there is usually a $3 return. And we are talking about a sector of the arts industry where some 20,000 people are employed. We are talking about $160 million being returned annually in terms of their contribution to the Australian economy, and now we have a government talking about introducing fees. Not only that, we have a government that is talking about the possibility of amalgamations. There is a suggestion that, of these 15 national institutions, amalgamations may occur between the National Portrait Gallery just down the road and the National Gallery, and between Screensound and the National Archives.

This is of concern because it goes to the question of the public accessibility to these organisations and it fails to recognise that, even where an economic argument is developed, clearly from the range of reports that have been put forward, not all of these institutions can survive for themselves. More particularly, the minister, Senator Alston, failed to give any answers to questions that I asked in relation to the non-budgetary support that might be given to implement the recommendations from the Myer inquiry into the visual arts sector, particularly in relation to a tax ruling from the tax office on the definition of a professional arts practitioner and, in addition to that, whether there would be any decision to introduce resale royalty rights in this country. These are important. When you consider the range of recommendations that have been put forward through the Myer report, they are indeed very small commitments in terms of what the government can do to shore up the visual arts sector in this country. At the moment, all the government seems to be doing is looking at the budgetary bottom line without thinking about what other incentives might be put in place to support this industry—to support 20,000 workers and an industry that is contributing $160 million annually.
This is pertinent at a time when we consider that, even for the resale royalty rights, the only thing that has been asked for there is for $250,000 to be set aside to allow a feasibility study to examine how such a scheme could be put in place in Australia to bring us into line with our counterparts in other parts of the world. This is particularly important to me when you consider that in many Indigenous communities, particularly those that have thriving artists in rural and remote locations, virtually the only job available is producing artworks for the art markets in Australia and abroad. If anything, the government ought not be putting off any answers to the Myer inquiry. (Time expired)

Question agreed to.

PETITIONS

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

General Agreement on Trade in Services
To the Honourable the President and the members of the Senate in Parliament assembled:

The Petition of the undersigned shows our concern that:

(a) all “requests” under the General Agreement on Trade in Services (GATS) must be lodged by 30 June 2002;
(b) formal offers must be concluded by March 2003;
(c) the Australian Government has so far not revealed what it proposes to put on the table at GATS;
(d) our democracy and the future of our public services are under threat from other countries which are pressuring Australia to open up telecommunications, postal services, water supply, health and education services, banking and the professions to foreign corporations, and to accelerate privatisation.

Your petitioners respectfully ask that the Senate urgently request the Australian Government to publicly release all demands and concessions it proposes to make to other countries for opening up trade in services as part of negotiations on a new General Agreement on Trade in Services (GATS).

by Senator Cherry (from 30 citizens).

Terrorism: Suicide Bombings
To the Honourable the President and members of the Senate assembled in Parliament

We the citizens of Australia note that the practice of suicide bombing is a crime against humanity. This crime and its participants, organisers and supporters are guilty of a crime which has been committed against innocent civilians.

Further, we the undersigned note that there is no moral, religious, or political justification for this crime.

Your petitioners, declare therefore, that the perpetrators of these crimes should be prosecuted and punished by the appropriate international courts of justice.

We the citizens of Australia call on the Senate to act immediately to facilitate a debate at the next United Nations conference to declare, clearly and unequivocally, that the practice of suicide bombing is a crime against humanity.

by Senator Jacinta Collins (from 695 citizens).

Petitions received.

NOTICES

Presentation

Senators Faulkner, Bartlett, Harradine, Murphy, Brown and Nettle to move on the next day of sitting:

That the Senate—

(a) expresses:

(i) its support for the majority findings in the report of the Select Committee on a Certain Maritime Incident and calls on the Commonwealth Government to immediately implement all of the recommendations contained in that report, and
(ii) its serious concern at the apparent inconsistencies in evidence provided to the committee and estimates committees by Commonwealth agencies in relation to the People Smuggling Disruption Program and in relation to Suspected Illegal Entry Vessels (SIEVs), including the boat known as SIEV X; and

(b) calls on the Commonwealth Government to immediately establish a comprehensive, independent judicial inquiry into all aspects of the People Smuggling Disruption Program operated by the Commonwealth Government and agencies from 2000 to date, including:

(i) all funding and other resources put to the program, both within Australia and overseas,
(ii) the involvement and activities of all Australian Departments and agencies involved in the program, both within Australia and overseas,

(iii) the extent of ministerial knowledge of, and authorisation for, the program,

(iv) allegations raised in the media in relation to the program, including by the Sunday program,

(v) the nature of the co-operative relationship between the Australian and Indonesian Governments and agencies, including the operation of agreements and protocols, the funding and resources provided under those arrangements, and the activities of individual Australian and Indonesian citizens,

(vi) the use of Australian equipment and resources in the program, including use by persons outside of Australian agencies,

(vii) the effect of the program on persons seeking asylum from Indonesia or Australia, including the effect on means of transport, and

(viii) the circumstances and outcomes of all departures from Indonesia of all boats carrying asylum-seekers, including the circumstances of the sinking of SIEV X.

Senator Faulkner to move on the next day of sitting:

That there be laid on the table, no later than immediately after motions to take note of answers on Thursday, 12 December 2002, all documents relating to the inquiries undertaken by the Department of the Prime Minister and Cabinet into the possible conflict of interest between the ministerial responsibilities of the Minister for Revenue and Assistant Treasurer (Senator Coonan) and the commercial activities of Endispute Pty Ltd (including, but not limited to, a copy of the report of those inquiries furnished to the Prime Minister (Mr Howard) and referred to by him during question time in the House of Representatives on Tuesday, 3 December 2002).

Senator Bartlett to move on the next day of sitting:

That there be laid on the table no later than 4 pm on Thursday, 12 December 2002, all materials prepared by Geoscience Australia in response to the proposal by TGS-NOPEC to conduct seismic testing in the Townsville Trough.

Senator Bartlett to move on Wednesday, 11 December 2002:

That the Senate—

(a) notes:

(i) the recent oil tanker disaster off the coast of Spain and the restrictions on oil tanker shipping now being implemented by the Spanish Government,

(ii) that there are approximately 6 000 vessel movements of ships in excess of 50 metres annually in the Great Barrier Reef Marine Park,

(iii) that between 5 and 10 per cent of those vessels are oil tankers,

(iv) the dangers associated with 'ships of shame' and that 95 per cent of the ships using the Great Barrier Reef Marine Park are foreign owned,

(v) the regularity of shipping accidents inside the Great Barrier Reef Marine Park; and

(b) calls on the Howard Government to:

(i) prohibit vessels from using the Great Barrier Reef Marine Park unless:

(A) the vessel is stopping at a port or ports inside the Great Barrier Reef region, or

(b) the vessel is a commercial vehicle of 50 metres or less, or

(c) the vessel is Australian flagged, and

(b) prohibit all oil tankers from using the Great Barrier Reef Marine Park unless they are double hulled.

Senator Brandis to move on the next day of sitting:

That the time for the presentation of the report of the Economics Legislation Committee on the provisions of the Financial Sector Legislation
Amendment Bill (No. 2) 2002 be extended to 12 December 2002

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

(1) On Tuesday, 10 December 2002:
(a) the hours of meeting shall be 2 pm to 6.30 pm and 7.30 pm to 11.10 pm;
(b) the routine of business from 7.30 pm to 10.30 pm shall be government business only; and
(c) the question for the adjournment of the Senate shall be proposed at 10.30 pm.

(2) On Wednesday, 11 December 2002, the hours of meeting shall be 9.30 am to adjournment, and standing order 54(5) shall apply to the adjournment debate as if it were Tuesday.

Senator Forshaw to move on the next day of sitting:
That the time for the presentation of the report of the Finance and Public Administration References Committee on the recruitment and training in the Australian Public Service be extended to 27 March 2003.

Senator Heffernan to move on the next day of sitting:
That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the Transport Safety Investigation Bill 2002 be extended to 11 December 2002.

Senator Tierney to move on the next day of sitting:
That the Senate—
(a) expresses concern about the extreme bushfire danger facing the citizens of New South Wales;
(b) praises the unstinting and brave work of the voluntary bushfire fighters in combating the fires and protecting and saving property and lives;
(c) congratulates the Australian Government for its high tech support for the firefighting effort with the provision of air crane fire bombing technology;
(d) recognises that the current extreme fire conditions have been exacerbated by a build-up of forest fuel resulting from the Carr Australian Labor Party Government’s anti-back-burning policies over the past 7 years;
(e) condemns the Carr Government for ignoring the recommendations of the state parliamentary inquiry into the 2001-02 New South Wales fires brought down 6 months ago; and
(f) calls on the Carr Government in New South Wales to recognise that south-eastern Australia is the most fire-prone region in the world and to develop more appropriate policies to protect life, property and the environment.

Senator Brown to move on Wednesday, 11 December 2002:
That the Senate—
(a) acknowledges the substantial contribution members of the East Timorese community have made to the Northern Territory community over many years;
(b) expresses its support for the East Timorese asylum seekers living in Darwin who are in the process of being served with deportation orders by the Federal Government;
(c) extends its support to those affected families, some of whom are facing having their family permanently separated because of the Federal Government’s decision to deport individual family members in some instances;
(d) supports the Northern Territory Government and its agencies in assisting these East Timorese families in their efforts to remain in Darwin;
(e) commends the individuals, businesses and community organisations that are supporting the East Timorese people affected by the deportation orders;
(f) recognises that the Northern Territory Government wants the East Timorese to remain at home in the Northern Territory and will use its best endeavours to achieve that end; and
(g) calls on:
(i) the Minister for Immigration and Multicultural and Indigenous Affairs (Mr Ruddock) to grant a favourable assessment on each application considering the unique and compelling reasons this group of East
Timorese Territorians have for remaining in Darwin, and
(ii) federal parliamentary representatives to actively support this resolution and the applications of the deportees to
the Minister.

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (3.49 p.m.)—I give notice
that, on the next day of sitting, I shall move:
That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:
Aviation Legislation Amendment Bill 2002
Copyright Amendment (Parallel Importation) Bill 2002
Crimes Legislation Amendment (People Smuggling, Firearms Trafficking and Other Measures) Bill 2002,
Financial Sector Legislation Amendment Bill (No. 2) 2002
Inspector-General of Taxation Bill 2002
National Environment Protection Council Amendment Bill 2002
Renewable Energy (Electricity) Amendment Bill 2002
Taxation Laws Amendment (Earlier Access to Farm Management Deposits) Bill 2002
Workplace Relations Amendment (Fair Termination) Bill 2002
I table statements of reasons justifying the need for these bills to be considered during these sittings and seek leave to have the statements incorporated in Hansard.
Leave granted.

The statements read as follows—

AVIATION LEGISLATION AMENDMENT BILL 2002

Purpose of the Bill
The Bill:
• amends the Air Navigation Act 1920 to modernise the Australian aviation security regulatory framework;
• amends the International Air Services Commission Act 1992 to implement government decisions to simplify and streamline the processes for allocating capacity to Australian international airlines and promote economic efficiency through competition in the provision of international air services; and

Reasons for Urgency
Following the events of September 11, 2001 and the Bali bombings of 12 October 2002, there has been a significant shift towards increased aviation security in Australia and internationally.
The passage of this Bill will allow the introduction of an over-arching legislative framework for the handling of aviation security information.
The framework is designed to further encourage industry to provide regular information on how it complies with the aviation security standards and help the Department of Transport and Regional Services (DoTRS) to better assess aviation security performance in the Australian aviation industry.
This will also empower DoTRS to deal with, and help resolve, compliance problems (whether anticipated or actual) in a timely and effective manner.

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

COPYRIGHT AMENDMENT (PARALLEL IMPORTATION) BILL 2002

Purpose of the legislation
To amend the Copyright Act 1968 to allow the parallel importation of books, computer software, periodical publications, sheet music, and parallel importation of copyright material associated with these items and with sound recordings. To correct errors and misdescriptions in the Copyright Act 1968, arising from amendments in the Copyright Amendment (Digital Agenda) Act 2000.

Reasons for Urgency
The terms of the Bill have had substantial Parliamentary and community consideration. Further delay in its consideration may leave the issue as an unnecessary irritant for affected businesses and possibly the USA. The Bill was reintroduced in March 2002 after the Federal Election in October 2001. Its predecessor Bill which it almost substantially replicates was then awaiting debate in the Senate. The 2001 Bill was considered and reported on by the Senate Legal and Constitutional Committee in May 2001. The Bill proposes substantial changes to the importation provisions as they relate to printed materials and to computer software. Uncertainty over the passage of the legislation impacts on the business environment in the affected industries and should not be unnecessarily delayed.

(Circulated by authority of the Attorney-General)
CRIMES LEGISLATION AMENDMENT (PEOPLE SMUGGLING, FIREARMS TRAFFICKING AND OTHER MEASURES) BILL 2002

Purpose of the Bill
The Crimes Legislation Amendment (People Smuggling, Firearms Trafficking and Other Measures) Bill 2002 contains new people smuggling offences, interstate firearms trafficking offences and makes minor amendments to a number of criminal justice Acts.

The firearms offences are an important part of moves by the Commonwealth, States and Territories to strengthen controls over the misuse of firearms, in particular, handguns. The offences in this Bill are designed to combat the increasing interstate trade in illicit firearms, which includes the trafficking of illicit handguns. Research indicates that those who engage in firearms crime are invariably sourcing their weapons illegitimately and do not comply with licensing and registration requirements. The offences in the Bill impose tough penalties on those who in the course of trafficking firearms across interstate borders breach State and Territory firearms laws.

The Bill’s new people smuggling offences would cover smuggling activity not already covered by the Migration Act 1958. In particular, the offences would target the involvement of Australian citizens and residents in overseas people smuggling operations, and smuggling activities coordinated from Australia. Aggravated people smuggling offences would provide larger penalties for people smugglers who smuggle five or more people, and smugglers who endanger the life, plan to exploit or otherwise ill-treat those people being smuggled.

These offences would broaden the focus of Australia’s people smuggling legislation, and would demonstrate Australia’s commitment to combatting people smuggling in both Australia and the region.

Reasons for Urgency
It is desirable that the measures in the Bill be in place as soon as possible, to strengthen firearms laws in line with agreement on 6 December 2002 by the Council of Australian Governments to improve community safety and control access to firearms, particularly handguns.

Timely passage of this Bill would implement an important measure in the combined Commonwealth, State and Territory effort to fight the spread of illegal firearms, and emphasises the priority the Commonwealth places on strengthening national firearms controls.

The Commonwealth’s timely adoption of firearms trafficking offences is consistent with the aim of introducing increased penalties for trafficking. State and Territory maximum penalties for the illegal possession and sale of a firearm are generally significantly lower than those being proposed under the Commonwealth’s legislative amendment.

Passage of the people smuggling offences by the end of this year would fulfil the commitment made by Australia at the Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, held in Bali in February this year, to combat people smuggling in the region.

FINANCIAL SECTOR LEGISLATION AMENDMENT BILL (No. 2)

Purpose of the Bill
The Bill amends seven Acts relating to the financial sector. Amendments are aimed at improving corporate governance in the banking industry through introducing a ‘fit and proper’ test for directors and senior managers, enhancing the ability of the Australian Prudential Regulation Authority to monitor the financial industry and ensuring that Australia is in compliance with international best practice standards in supervision, particularly in the banking industry. There are also many amendments of a minor and technical nature.

Reasons for Urgency
Appropriate corporate governance practices in financial firms and the ability of regulators to thoroughly monitor the financial industry are recognised as very important features in encouraging a sound and efficient financial sector. The passing of this Bill will particularly improve the environment for Australia’s banking (or deposit taking) industry through ensuring that regulation and corporate governance practices comply with international best practice standards. Improved corporate governance and regulatory practices have recently been introduced to other financial industries, such as insurance, and it is desirable that these improvements extend to the banking industry as a matter of urgency.

(Circulated by authority of the Minister for Justice and Customs)

(Circulated by authority of the Treasurer)
INSPECTOR-GENERAL OF TAXATION BILL 2002

Purpose of the Bill
The Bill establishes the office of the Inspector-General of Taxation as an independent statutory authority. The Inspector-General will provide a new source of advice to the government on tax administration. The Inspector-General will identify systemic issues of concern in tax administration.

Reasons for Urgency
The office of Inspector-General of Taxation is intended to be operational by the end of 2002 and funding was included in the 2002-03 Budget for the establishment of the office. There is a government commitment and community expectation that the office will be established and operational by the end of 2002. The creation of the office of Inspector-General is a response to serious concerns of taxpayers and tax professionals regarding tax administration. The urgency of the Bill stems from a need to address systemic problems in taxation administration without further delay.

(REPRINTED BY AUTHORITY OF THE MINISTER FOR REVENUE AND ASSISTANT TREASURER)

NATIONAL ENVIRONMENT PROTECTION COUNCIL AMENDMENT BILL 2002

Purpose of the Bill
The National Environment Protection Council Act 1994 is being amended:

- to allow for the National Environmental Protection Council (NEPC) Service Corporation to provide Secretariat support to the new Environment Protection and Heritage Council;

- to permit variations agreed unanimously by NEPC to be of a ‘minor’ nature, to be made through less complex notification and consultation procedures; and

- to provide for another review of the operations and achievements of the Act after a further five years.

Reasons for Urgency
The Bill was introduced into the House of Representatives on 26 June 2002. States and Territories need to pass mirror legislation based on a final Commonwealth Act to enable the Act to come into force 12 months after Royal Assent. Some States and Territories have now drafted mirror legislation but await the passing of the Bill (to be certain of the final text for their Bills) before introducing the corresponding legislation into their Parliaments.

(REPRINTED BY AUTHORITY OF THE MINISTER FOR THE ENVIRONMENT AND HERITAGE)

RENEWABLE ENERGY (ELECTRICITY) AMENDMENT BILL 2002

Purpose of the Bill
The Bill will clarify key definitions in the original legislation and provide for greater efficiency and effectiveness in the administration of the legislation.

Reasons for Urgency
At present there is considerable uncertainty that is negatively impacting on the business sector and investment in renewable energy. The uncertainty arises from the lack of clarity in various provisions of the Renewable Energy (Electricity) Act 2000 and in the context of longer term energy market reform. Resolving these administrative issues in advance of the mandated independent review of the Act, scheduled to begin in January 2003, will enable market participants to focus on policy issues and plan for the future. The potential exposure of business and government to legal challenge will also be reduced as a result of the Bill.

(REPRINTED BY AUTHORITY OF THE MINISTER FOR THE ENVIRONMENT AND HERITAGE)

TAXATION LAWS AMENDMENT (EARLIER ACCESS TO FARM MANAGEMENT DEPOSITS) BILL 2002

Purpose of the Bill
The Bill will provide for earlier access to Farm Management Deposits (FMDs). This will be achieved by providing an exception to the 12-month waiting period for access to FMDs for farmers in Exceptional Circumstances area. This will help farmers manage the cash flow impact of the drought.

The Bill also includes a number of technical amendments to ensure the law operates as intended.

Reasons for Urgency
The legislation is required to be enacted by the end of the Spring sittings so as to provide farmers with the necessary assistance.

(REPRINTED BY AUTHORITY OF THE TREASURER)
WORKPLACE RELATIONS AMENDMENT (FAIR TERMINATION) BILL 2002

Purpose of the Bill
The Bill will amend the Workplace Relations Act 1996 (the WR Act) to: restore the exclusion of short term casual employees from termination of employment provisions to the position that applied before the Federal Court decision in the Hamzy case; and make the filing fee for lodgment of termination of employment claims a permanent requirement and to provide for annual indexation of this fee.

Reasons for Urgency
The Bill was introduced in the House of Representatives on 20 February 2002 and subsequently referred to the Senate Employment, Workplace Relations and Education Legislation Committee which reported in May.

The Bill principally seeks to restore the provision that prevents short-term casual employees from accessing termination of employment remedies otherwise available under the WR Act.

In the Hamzy case in November 2001, the Federal Court invalidated Workplace Relations Regulations excluding specified categories of casual employees from the termination of employment provisions of the WR Act, including the unfair dismissal provisions, because they went beyond what was authorised by the regulation-making power provided for under the WR Act.

The Federal Court’s decision raised significant concerns in the business community about their liability under unfair dismissal laws.

On 7 December 2001, replacement regulations came into operation, preventing casuals who have been working for their employer for less than 12 months from accessing termination of employment remedies. However, these Regulations do not fully restore the short-term casual exclusion as it operated from 1996 until the decision in Hamzy.

The Bill has now been before the Parliament for some months, has been considered by a Senate Committee and is still necessary to address specific ongoing employer concerns about the operation of unfair dismissal laws. Recent independent research has confirmed the negative influence that these laws have on business and employment. The sooner this legislation is passed, the sooner the benefits will flow to business and the wider community.

(Circulated by authority of the Minister for Employment and Workplace Relations)

Withdrawal
Senator TCHEN (Victoria) (3.49 p.m.)—Pursuant to notice given on the last day of sitting on behalf of the Regulations and Ordinances Committee, I withdraw business of the Senate notice of motion No. 1 standing in my name for three sitting days hence.

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

That the Senate calls on the Minister for Transport and Regional Services (Mr Anderson) to explain the sudden reversal of his decision in February 2001, repeated as recently as 4 December 2002, to support the Albury bypass.

Senator Brown to move on Wednesday, 11 December 2002:

That the Senate, noting the 61 per cent majority of Albury citizens who, in a referendum in 1997, opposed an internal freeway, calls on the Government to support the bypass option.

Senator Nettle to move on the next day of sitting:

That the Senate—

(a) notes that 10 December 2002 is International Human Rights Day and joins with the many thousands around the world who are participating in events on this day to:

(i) condemn the ongoing abuse of human rights worldwide,
(ii) extend our sympathy to the victims of these abuses, and
(iii) support the defence of those rights both in Australia and overseas; and

(b) condemns the Government’s appalling record in the field of human rights and, in particular, the Government’s:

(i) failure to endorse the optional protocol to the United Nations (UN) Convention Against Torture,
(ii) contravention of the UN Convention on the Rights of the Child in relation to some asylum seeker detainees,
(iii) proposed contraventions of the International Covenant on Civil and Political Rights to be enacted under the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002,
(iv) unwillingness to act in defence of Mr David Hicks and Mr Mamdouh
Habib, illegally detained in Guantanamo Bay, Cuba, and
(v) in principle support of a United States impunity agreement in regard to Article 98 of the International Criminal Court treaty.

Senator Nettle to move on the next day of sitting:
That the Senate—
(a) expresses its profound concern that Mr David Hicks and Mr Mamdouh Habib remain incarcerated in Camp X-Ray at Guantanamo Bay, Cuba, without having been charged or brought before the courts for trial;
(b) notes that Article 9 of the Universal Declaration of Human Rights states that, “No-one shall be subject to arbitrary arrest, detention or exile”;
(c) recalls the commitment that the Minister for Foreign Affairs made last year that, “If Mr Hicks has committed a crime against Australian law, the Australian Government will do whatever is necessary to bring him to justice”; and
(d) calls on the Australian Government as a matter of urgency to take whatever steps are required to return both Mr Hicks and Mr Habib to Australia to determine whether they should be freed or face trial, as is their right.

The DEPUTY PRESIDENT—It is available to senators to submit these notices to the Clerk for incorporation. There is now no need necessarily to read out notices of motion.

Postponement
Items of business were postponed as follows:
Business of the Senate notice of motion no. 3 standing in the name of Senator O’Brien for today, relating to the disallowance of the Primary Industries (Excise) Levies and Charges Collection Amendment Regulations 2002 (No. 7), postponed till 10 December 2002.
Business of the Senate notice of motion no. 4 standing in the name of Senator O’Brien for today, relating to the disallowance of the Primary Industries Levies and Charges Collection Amendment Regulations 2002 (No. 7), postponed till 10 December 2002.
General business notice of motion no. 258 standing in the name of Senator O’Brien for today, relating to crises in rural and regional Australia, postponed till 12 December 2002.
General business notice of motion no. 287 standing in the name of the Chair of the Select Committee on Superannuation (Senator Watson) for today, relating to the reference of a matter to the Select Committee on Superannuation, postponed till 10 December 2002.
General business notice of motion no. 288 standing in the name of Senator Allison for today, relating to the long-distance trucking industry, postponed till 10 December 2002.

PHOTOVOLTAIC ENERGY
Senator ALLISON (Victoria) (3.53 p.m.)—I move:
That the Senate—
(a) notes the findings of the 2001 National Survey of Photovoltaics in Australia which shows that:
(i) in 1996 Australia led the world in per capita manufacture of photovoltaic systems,
(ii) despite an increase from 7.5 megawatts to 10 megawatts capacity between 1996 and 2001, Australia fell behind Japan and Spain for per capita manufacture of photovoltaic systems,
(iii) Japan now dominates the manufacture of photovoltaic systems, whilst Australia’s share of the world market is down 70 per cent,
(iv) Australia’s relative share of photovoltaic energy usage fell 50 per cent between 1996 and 2000,
(v) the growth in uptake of photovoltaic energy is greatest in the United States of America and European countries, where subsidies make it competitive with residential electricity prices,
(vi) rebates in Australia leave photovoltaic energy two to three times more expensive than coal fire-generated electricity, and

(vii) there is potential for an extra 10 million grid-connected rooftop customers in Australia;

(b) urges the Federal Government to extend the photovoltaic energy rebate program, currently due to end in 2003 and to develop a strategy in conjunction with the photovoltaic industry to ensure that it becomes self-sufficient in the longer term; and

(c) urges Federal and state governments to encourage utilities to adopt fair metering and billing policies, which recognise the value of electricity generated from photovoltaic systems.

Question agreed to.

COMMITTEES

Reports: Government Responses

The DEPUTY PRESIDENT (3.53 p.m.)—Pursuant to standing order 166, I present government responses listed on today’s Order of Business at item 11(a), which were presented to the President since the Senate last sat. In accordance with the terms of the standing order, the publication of the documents was authorised. In accordance with the usual practice and with the concurrence of the Senate I ask that the documents be incorporated in Hansard.

Leave granted.

The documents read as follows—


Introduction

Prior to its announcement in May 2000 the Government considered very carefully the views of the various stakeholders, including those involved in the low volume import trade. I believe the decisions taken strike an appropriate balance between the interests of suppliers and retailers of new and used mainstream vehicles, used vehicle importers, and consumers of genuine specialist and enthusiast vehicles.

I should point out that, while the driving force behind the decisions was to ensure that the national safety and environmental objectives of the Motor Vehicle Standards Act 1989 were not undermined, the decisions were also driven by the need to ensure equity in meeting regulatory requirements between the supply of vehicles under normal and concessional arrangements.

The Committee’s Recommendations (Responses in Italics)

4.20 The Committee considers that significant but not fundamental amendment to the Scheme is necessary in order to meet the Government’s objectives of ensuring that only safe vehicles are supplied to consumers within an appropriate regulatory environment.

4.21 The Committee therefore recommends amendments to the revised arrangements along the following lines:

a) Simplified criteria for the RAW Scheme, and

• The RAWS criteria are detailed rather than complex. The previous regime of little control in regulation and a set of administrative procedures was ineffective, and made possible the substantial level of malpractice within the former scheme. The criteria set out in the Regulations for the RAW Scheme aim to achieve the original scheme outcomes and close the loopholes in the previous system.

b) Continuation of transitional arrangements until the Regulations are amended, ie an extension of the 7 May 2002 cut-off date until revised criteria are operational.

• The 7 May 2002 cut-off date, after which non-SEVS vehicles could no longer be imported, was one of the Government’s core policy decisions. The Amendment Act, which commenced on 1 April 2002, made all existing approvals transitional approvals. The Regulations specified that transitional approvals for non-SEVS eligible vehicles be terminated at midnight on 7 May 2002. It is not possible to reinstate those approvals, which have already been terminated.

4.22 Simplified administrative criteria for the RAW Scheme must address, but may not be limited to, the following:

a) The ‘fit and proper person’ requirements;
b) Vehicle inspection signature requirements [Regulation 13Y];

c) The two year approval period for a RAW, which should be extended to not less than four years;

d) Access and inspection requirements [Regulation 13ZF], especially Regulation 13ZF(c).

- Refer to response to 4.21 a) above. The Government may consider some fine tuning of these criteria with the benefit of experience of their operation.

4.23 The Committee also recommends Government review of the criteria for inclusion of low volume imports on the SEVS Register.

- The eligibility criteria were developed in line with the core policy decisions of the Government. If the criteria were to be relaxed the policy intent would not be achieved, and large numbers of used vehicles that could not reasonably be considered specialist or enthusiast would be imported.

4.24 The Committee further recommends that the Review Panel membership be amended to comprise:

a) an independent chairman;

b) a representative from the Department of Transport and Regional Services; and

c) a representative nominated by an industry association (whose members are Registered Automotive Workshops.)

- The review panel has an independent chairman being the Administrator of Vehicle Standards. The person who reviews the original decision, taking into account the Review Panel’s report, will not be the same person who made the original decision. In any case an application could still be made to the AAT for review of a decision.

- To achieve completeness the review panel also includes a representative from the mainstream vehicle manufacturers, the motor vehicle users association and the Department of Industry, Tourism and Resources.

Conclusion

SEVS has, in practice, been in operation for nearly two and a half years (since May 2000) and that already 194 vehicle models have been included on the Register of Specialist and Enthusiast Vehicles. Of these, 150 vehicle models are used imported vehicles. A measure of the success of SEVS is that there has not as yet been any requests for a review panel to meet, nor has there been an application to the Administrative Appeals Tribunal to review a decision in relation to SEVS.

The RAWS is a well considered scheme and the legislation provides the rigour needed by the Department of Transport and Regional Services to administer the new arrangements properly. It provides a comprehensive framework for the imported used vehicle industry and gives the certainty needed for the industry to make business decisions for the future. As at 5 September 2002, 80 corporations have registered with the Department as a RAW Scheme participant, 17 participants have paid their application fee, and two RAWs have been approved.

I have requested that the Department consider carefully the Report in the context of future opportunities to improve the operational efficiency of the schemes. However, the Government does not intend that the policy decisions that it took in May 2000, and reaffirmed in September 2000, would be revisited in the near future. The Government will await the outcomes of full implementation of the schemes as legislated prior to considering changes.

RESPONSE TO RECOMMENDATIONS OF A REPORT ON VISITS TO IMMIGRATION DETENTION CENTRES BY THE HUMAN RIGHTS SUB-COMMITTEE OF THE JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE

The Report contains 20 recommendations across a range of issues.

Recommendation 1

That DIMIA and ACM introduce into each of the centres an updated and expanded range of educational, sporting and exercise facilities and provide access to a range of newspapers.

DIMIA manages a process of continuously improving programs, services and facilities for detainees. A significant expansion of the range of recreational, sporting and educational opportunities occurred during 2001 and 2002.

The Immigration Detention Standards (IDS) underpin the delivery of services in immigration detention facilities, including the provision of educational and recreational activities. DIMIA has undertaken a review of the IDS to ensure that the standards are appropriate, effective and measurable and that the outcomes stipulated in the IDS are measured, monitored and delivered to a consistent standard.

A full list of educational, sporting, recreational and exercise facilities, and a list of the newspapers provided to each centre as at 30 June 2002 is
Recommendation 2

That DIMIA negotiate agreements with State and Territory Governments and non-government schools to enable children in detention centres to gain access to nearby schools:

1. To ensure that all school age persons in detention centres are given the access to the level of education that they require, and

2. Reports to the Committee on progress of these negotiations with relevant State and Territories by not later than six months after the tabling of this report.

The provision of education services at all immigration detention facilities is covered by the contractual relationship with the Detention Services Provider. The Department and Services Provider’s duty of care includes ensuring that all children in detention have access to, and are encouraged to participate in, education opportunities.

All detainee children are encouraged to regularly attend educational classes provided either within the detention facility or, if appropriate and where possible, at local schools. At the very least, attendance enables detainee children to acquire some basic socialisation skills. Where children are released from detention through grant of a visa, regular attendance will provide a foundation for them to enter schools in the Australian community.

The programs developed for children in classes in detention facilities are based on state/territory school curricula but also take into account the children’s variable lengths of stay in detention and address their abilities, any learning difficulties they may have, such as literacy and numeracy problems, and the level of their English language skills. Trained and qualified teachers, focusing on ESL, are employed in all facilities.

Within detention facilities, pre-school programs usually comprise language, craft and play activities that assist the children to develop physical, social and language skills. The focus of these programs is on early childhood development, promoting strong parent-child relationships and socialisation.

Primary level classes include English, mathematics, arts and craft, physical education, and computer skills. The children often incorporate their own culture and upbringing into the work they complete, such as drawings, music and written work. Classes focussing on Australian culture allow the children to gain an understanding of life in Australia and are an effective preparatory program for those who are released from detention.

Secondary classes also focus on English, mathematics, physical education, and computing. At the secondary level, science classes may be better suited. Formal classroom activities are supplemented by additional activities and developmental programs, including access to computers, discussion groups, and organised sports and crafts activities. For those older children accessing the adult classes, some life skills and other useful courses are available.

DIMIA recognises that for many children, access to external schooling is likely to be appropriate and beneficial. There may, however, be limits to the number of detainee children who can be placed in nearby local schools. This is because of their level of literacy and English language skills and, particularly for those who have just arrived, unfamiliarity with the Australian school system.

Attendance by detainee children at nearby schools also needs to factor in the children’s emotional well-being in such an environment. Some detainee children may in fact be more comfortable participating in classes run within detention facilities. Schooling in the facilities may better be able to prepare those who are in detention for a short period prior to release on visas for their eventual attendance at schools in the community.

Consideration of enrolment in local schools needs to take account of the views, concerns and needs of local schools and state and territory authorities in relation to the provision of education for detainee children.

While DIMIA is seeking to negotiate formal arrangements such as MOUs with relevant state governments, its priority is in trying to get practical arrangements in place so that detainee children can attend either local government or non-government schools.

Access to external schools for some detainee children has occurred or occurs at Curtin, Port Hedland and Christmas Island IRPCs and at Maribyrnong and Villawood IDCs—in some instances in local state schools and in other instances through the Catholic education system. Negotiations are continuing with the South Australian and Victorian Education Departments on access by detainee children to local state schools.

DIMIA officers have reported to the Committee on progress in the area of access to educational facilities for detainees in recent appearances before the Committee.

Recommendation 3...
That, together with English language lessons, detainees be strongly encouraged to participate in classes about life in Australia.

Educational opportunities and information sessions which inform detainees about life in Australia are provided at all immigration detention facilities. Detainees are advised on arrival about the facilities and classes available. Participation in the classes is voluntary. Balance is required between encouraging participation and raising detainee expectations about the likely outcome of their visa application.

The range of information sessions and classes was expanded in 2001 to reflect detainee interest. For example, information sessions at Woomera deal with such matters as ATM banking, driving and registering a car, cultural diversity and the election process.

Recommendation 4
That DIMA and ACM review the Occupational Health and Safety issues involved in the work done by detainees at detention centres.

Meaningful activities are provided to detainees so that they may contribute to their own care, as well as that of the wider detainee community. Essentially, these activities are similar to those which people undertake on a daily basis in maintaining a home. The activities give detainees some control over aspects of their daily lives and are viewed as contributing positively to morale and self-esteem.

ACM and DIMA are committed to providing a safe and healthy environment for staff, detainees and visitors to detention facilities. A number of initiatives have been taken to ensure compliance with relevant building codes and health/safety legislation. For example, health and facilities managers brief detainees on their rights and obligations in relation to relevant health and safety issues and legislation before detainees commence voluntary activities in the kitchens or elsewhere in centres. These issues are fully covered in the operations manual of the services provider.

Recommendation 5
That the points system for work carried out by the detainees at the centres be reviewed to ensure that, as far as practicable, there is consistency in the allocation of points where similar work is undertaken at the various centres.

The points system operating in the immigration detention facilities is aimed at providing detainees with opportunities to be rewarded for involvement in meaningful activities at centres. This encourages participation in such activities which contributes positively to detainee morale and self-esteem. These activities are entirely voluntary and any points earned are transferable between centres.

The allocation of points per hour is consistent across the centres at one point per hour. If there are differences between centres with respect to how many points a detainee might receive per week for undertaking similar activity, this is likely to be because the number of hours per week for this activity differs. An effort is made to rotate such activities amongst detainees and the numbers available to undertake a particular activity—and therefore the number of hours per detainee—may differ from centre to centre.

In some centres, points are sometimes calculated on an estimated number of hours per week for which the activity is undertaken. An example of this is points allocated weekly for participation in detainee representative committees. This is appropriate because, in addition to attending committee meetings and various representational and ad hoc activities on behalf of detainees, committee members are on call 24 hours a day and are the first point of contact for ACM officers in the event of a problem.

Recommendation 6
That the Australian Government consider the establishment of a reserve list of Members to assist the Refugee Review Tribunal (RRT) at times of peak workload.

In 2001 the Government finalised a selection process for additional RRT members, with a term of appointment from 1 October 2001 to 30 June 2004. With these new appointments, the RRT membership increased to 66 members. However, one member resigned in April 2002. The RRT now comprises 65 members, including one principal member, one acting deputy principal member, three senior members, 36 full-time members and 24 part-time members. In addition, eight new RRT appointments have recently been approved. The new members are expected to take up their positions from 1 July 2002.

The RRT’s part-time members are required to work a minimum of two days per week. However, in periods of peak workload, part-time RRT members work extra days to meet demand. Hence, part-time members already function as ‘reserves’ when required.

Recommendation 7
That the current informal arrangement, whereby the Refugee Review Tribunal can draw attention to humanitarian issues in the case of an asylum seeker, should be formalised by an amendment to s417 of the Migration Act 1958 so that these issues are formally included in the Minister’s consideration of such cases.
The Minister’s power under s417 is a non-compellable, non-delegable discretionary power. It is a safety net mechanism to address any humanitarian concerns, including ensuring that Australia meets its obligations under the International Covenant on Civil and Political Rights and the UN Convention Against Torture.

Ministerial Guidelines for the identification of unique or exceptional cases where it may be in the public interest for the Minister to substitute a more favourable decision under s345/351/391/417/454 of the Migration Act 1958 are publicly available. When a Tribunal member is of the view that a particular case may fall within the ambit of these Guidelines, they may refer the case to the Department. In this situation, their views will be brought to the Minister’s attention using the process outlined in the Guidelines.

In any event, cases in which the RRT has affirmed the original decision are routinely assessed by DIMIA officers against the Guidelines, irrespective of whether the case was flagged by the RRT.

The Government considers the current arrangements to be sufficient to address cases where there are humanitarian concerns and, therefore, formalisation of this arrangement through legislative change is considered to be unnecessary.

The Government, therefore, cannot accept this recommendation.

Recommendation 8
That the Australian Security Intelligence Organisation develop an appropriate risk profile to assist the early release into the Australian community of asylum seekers.

The Government is confident that the existing process of security checking of protection visa applicants is completed in a timely manner.

Under the Migration Act, asylum seekers who are unlawfully in Australia must be detained and cannot be released into the community until and unless they are granted a visa.

In undertaking security checking of protection visa applicants, including applicants who have arrived in Australia without authority and are held in immigration detention, ASIO already utilises profiles based on risk factors in order to facilitate security checking processes.

Protection visa decision making occurs relatively swiftly, except where there are security concerns, which need to be addressed by ASIO, or character or identity matters which need to be addressed by DIMIA.

Delays can also occur where applicants later change the information they initially provided about their identity. Where detainees cooperate, security and character checking can usually be addressed quickly, enabling the protection visa decision-making process to be expedited.

Recommendation 9
The Committee supports the proposed trial of facilities for women and children in towns, with access to nearby detention centres.

The trial of alternative detention arrangements for women and children commenced in Woomera in August 2001. The trial comprised a maximum of 25 Woomera women and children, housed outside the IRPC in a cluster of four three-bedroom houses, under ACM supervision. Originally, each had a family member remaining at Woomera, an application for asylum under consideration and posed neither character nor management risks.

An evaluation of the Woomera project has been conducted and the Minister has agreed to expand the eligibility criteria to include those women and children whose cases have proceeded beyond the primary or merits review stage. The Minister has also given approval for compelling cases or those with special needs to be considered for participation on a case by case basis.

Recommendation 10
That for asylum seekers who have received security clearance:

3. There should be a time limit on the period that they are required to spend in administrative detention;

4. It is desirable that this time limit should be no longer than the period that the Department is funded by the Australian Government from time to time to process individual applications for asylum in Australia, currently 14 weeks; and

5. Similarly appropriate time limits should be established for consideration of applications by the Refugee Review Tribunal.

The concept of time limits on processing and length of detention such as proposed by the Committee has been tried in the past and was unsuccessful, not least because, rather than encouraging cooperation in for example the provision of documentation, it may be an invitation to detainees to simply ‘wait out’ the time limit. This proposal could well act as an incentive to those who seek to enter Australia illegally and be used as a selling point for the people smugglers.

In 1992 the then Labor Government introduced the Migration Reform Act which overtook the previous provisions limiting immigration detention to 273 days (although these provisions remain in the Act). The limits only ever applied to
Onshore Protection case officers are not located on site at immigration detention facilities. This recommendation would have significant workload implications for case officers and may divert such resources from processing protection visa applications.

The appointment of Deputy Managers at each detention facility allows DIMIA to be more proactive in addressing the immigration status of detainees.

Recommendation 12
That the Department negotiate with appropriate community groups to examine the feasibility of developing a sponsorship scheme for detainees who have not been processed within the time limit against which the Department is funded, currently 14 weeks, and who have received a security clearance.

The Parliamentary Joint Standing Committee on Migration assessed alternatives to detention in 1994 (Asylum, Border Control and Detention) and expressed doubts that any alternative could ensure that unauthorised arrivals would not abscond during the processing of their applications. It also raised concerns about whether there was sufficient capacity in the community to provide adequate care for these people while their applications were decided.

While some community organisations are prepared to offer support to those released from detention, they do not see it as their role or responsibility to ensure that asylum seekers present themselves for removal from Australia if they are found not to have a right to remain.

In the absence of such undertakings, community sponsorship schemes would not deliver the essential function of making sure failed asylum seekers are available for removal.

The majority of people who have been in immigration detention for a lengthy period are there because they have been found not to be refugees and are awaiting removal. Such people would have nothing to gain by cooperating in a community release scheme and would have no incentive to comply. The recommendation does not address the requirement that people who do not have established reasons to remain in Australia must be available for removal. While the Government remains prepared to consider the feasibility of community sponsorship schemes, it cannot support schemes which do not address this fundamental requirement.

Recommendation 13
That, wherever possible, blocks within detention centres be designated for the exclusive use of families.
The IDCs at Perth, Villawood and Maribyrnong all contain designated areas for women, children and family groups. Every effort is made to accommodate families and other special needs groups, such as women, children and unaccompanied minors, together in all facilities. Courtesy fences have been erected in the Woomera IRPC to enable discrete areas to be assigned for use by women, children and families and separate areas for single men.

Capacity to deliver the optimum accommodation plan depends on the nature of the detention population at any given time, including, for example, the proportion of families with children. This can vary significantly. Facilities are utilised flexibly to deliver the best result, within the limitations of existing infrastructure and the size and composition of the population.

In the design of new facilities, particular attention is being given to a flexible design which will allow for the segregation of certain groups, and for the provision of family friendly accommodation. In respect of the new Baxter IRPC facility for example, the Department has drawn lessons from its experience in managing detention in its existing facilities over the last few years. Baxter will provide higher levels of amenity and security than existing IRPCs. The smaller capacity compounds will provide more flexibility for the management of detainees, in a more community-oriented environment. It will better accommodate families, first because there will be a family-designated compound and secondly because all the accommodation has ensuite facilities. Moreover, some of the rooms have interconnecting doors with one other room. Two of the nine compounds have rooms for people with disabilities.

**Recommendation 14**

That appropriate community organisations, including religious and welfare groups, be given greater access to the detention centres after detainees have met initial processing requirements.

Subject to the good order and security of the detention facility; the protection of the privacy, dignity and safety of detainees; the restriction of a detainee's movements for management reasons; and the agreement of detainees, detainees are able to receive visits from relatives, friends, and community contacts. Visits are focused on the needs of the detainees. Community group members and religious leaders are regular visitors to the centres to provide services including personal, cultural, spiritual and religious support to the detainees. Other organisations such as the Australian Red Cross have access to the facilities to provide tracing and other services to detainees.

The detention services provider is required to provide all the basic facilities and services needed by the detainees. It can, and does, subcontract the provision of some of these services to community groups but whether it does so is a matter for the services provider.

Community groups are also represented on a number of the Centre Consultative or Community Reference Committees. DIMIA is currently undertaking a review of these committees.

Some community groups and organisations wish to have access to detention centres not because they have a link to a particular detainee or because they are providing services to detainees but because they wish to assure themselves of the conditions within centres or that detainees are being treated in a humane way. DIMIA understands this motivation and is looking at ways in which such access might be granted.

**Recommendation 15**

That, as a matter of urgency, the Department negotiate Memoranda of Understanding with relevant States and Territories about the detention of asylum seekers in their jails.

The Department is already in the process of negotiating MOUs with correctional authorities. Finalisation of these MOUs is a priority for the Department.

In particular, a Service Level Agreement between DIMIA and Queensland Corrective Services is close to finalisation. MOUs with NSW and Victoria, are progressing towards finalisation.

**Recommendation 16**

That the Minister consider the establishment of a higher security facility, either within an existing centre or as a new facility, for the housing of a particular group of detainees that could include those who have been:

- Charged with a criminal offence and are awaiting trial; or
- Convicted of a criminal offence and have completed their jail term; or
- Found to have been convicted of a criminal offence in another country; or
- Instigated serious disturbances in existing centres.

DIMIA is continually examining the most appropriate and optimal use of our immigration detention facilities and streaming of certain groups of detainees, possibly including high risk detainees, is something it is prepared to consider.

There are pros and cons to the proposition that high-risk detainees be accommodated together in one purpose-built facility. Concentration of all difficult detainees in one centre would remove the
benefit of the ameliorating influence of better-behaved inmates, making the management of this cohort much more difficult. This is why many prisons do not segregate in this way.

It would also mean that detainees who are community compliance cases would have to be moved from states where they have lived and have community support. This may provoke criticism from the courts and legal representatives of those who are pursuing litigation. There would also be increased costs associated with transporting and escorting detainees, including for tribunal and court hearings.

On the other hand, if high-risk or difficult detainees are accommodated along with the general population of the detention centres, they are in a position to take the opportunity to stir up trouble and to influence other detainees to participate in unacceptable activities, and potentially to expose detainees, including women and children, to the risk of harm.

The recommendation presumes that DIMIA can accurately predict the reactions of detainees and identify those people who are likely to present behaviour management difficulties and who should, therefore, be transferred to such a facility. This is not a simple matter. While the key points and events which may trigger a negative or violent reaction are known, not all detainees respond in this way. Moving people, of itself, could prompt a violent reaction from otherwise compliant detainees or provoke protests or other incidents by detainees remaining in the centre.

While continuing to assess these issues, DIMIA is aiming to ensure that, in time, all IDCs and IRPCs will have some capacity to manage closely detained detainees by detainees remaining in the centre.

Recommendation 17
That DIMIA hold discussions with ACM, with a view:
10. To ensuring an appropriate relationship exists between staff and detainees at immigration detention centres;
11. To ensuring appropriate briefings are given on arrival at centres, so the detainees are made aware of the range of assistance and facilities that is available;
12. To strengthening the role of counsellors and welfare officers at the centres to ensure as far as practicable that all detainees are aware of the role of these staff members and the assistance that they can provide; and
13. To nominating an appropriate, independent person for each detention centre to whom complaints can be brought by detainees who claim harsh or unfair treatment by officers of ACM.

DIMIA has a range of mechanisms through which discussions with the detention services provider take place. The Contract Management Group (CMG) comprises senior DIMIA and ACM officials who meet every quarter to consider both broad strategic directions and general operational issues in relation to ACM’s management of immigration detention centres.

It also provides a forum for both parties to discuss aspects of ACM’s performance and gives ACM the opportunity to communicate their views to DIMIA on a range of issues.

The Contract Operations Group meets monthly to consider general operational issues, concerns and trends emerging from monthly reporting, analysis of incident reports and monthly audits of centres. In addition, DIMIA Managers and Deputy Managers are on site to provide day to day feedback to the detention services provider.

ACM Staff
ACM’s service delivery in all detention facilities must meet the quality level established in the Immigration Detention Standards. These standards set out the service provider’s obligations to meet the individual care needs of detainees in a culturally appropriate way while at the same time providing safe and secure detention for all detainees. In addition to the selection and training requirements of detention officers through contractual obligations, including the requirement for appropriate cultural awareness training, ACM officers must abide by the company’s Code of Conduct.

The vast majority of ACM staff at the facilities accord high priority to maintaining appropriate relations with detainees, DIMIA staff and visitors to the centres. Where ACM staff have not met their obligations with respect to detainees, however, they have been dealt with under ACM’s Code of Conduct. Where criminal conduct has been alleged and investigations have sustained those allegations, charges have been laid.

Briefing on Facilities/Availability of Counsellors
On arrival at detention facilities, detainees are advised of the range of assistance, programs and services available to them, including the availability of counsellors and welfare officers.

There is a significant amount of information provided to detainees in the induction phase and, in recognition of the difficulties for detainees in absorbing all this information, there is an ongoing process of continual information provision.
Trained interpreters are employed at each centre to assist with the provision of information in appropriate languages.

**Independent Person**

Given the existing extensive scrutiny of immigration detention centres, the need to establish an additional position to monitor conditions and talk to individual detainees is not warranted.

In addition to the Human Rights and Equal Opportunity Commission (HREOC) and the Commonwealth Ombudsman who regularly visit detention centres to investigate complaints and conduct enquiries, the Minister established the Immigration Detention Advisory Group (IDAG) in February 2001.

The Advisory Group provides the Minister with advice on the appropriateness and adequacy of services, accommodation and facilities at detention facilities. The group has unfettered access to all immigration detention facilities and is able to visit the centres at any time and without prior notice. During these visits they have access to staff, individual detainees and detainee representative committees to obtain first hand information on the operation and environment of each centre.

The group comprises Australians who have been chosen for their individual expertise and commitment to immigration, refugee and humanitarian issues.

**Recommendation 18**

That the Department undertake, as a matter of urgency, a review of the Immigration Detention Standards and include the revised document in its contractual negotiations with ACM Pty Ltd.

A review of the Immigration Detention Standards (IDS) has been undertaken. The revised IDS will form part of the new detention services contract. The draft revised IDS were included in the Request for Tender for the new contract for detention services, released on 28 June 2002.

The revision of the IDS has drawn on the experience of DIMIA in managing and monitoring the current detention services contract and has been guided by the recommendations of the Flood Inquiry and various Commonwealth Ombudsman inquiries. DIMIA has consulted with the Ombudsman, HREOC and IDAG among others, during the process of revising the IDS.

The new IDS will also provide an updated framework of performance measures to ensure quality performance by the Services Provider. The greater degree of specificity in the standards and the clearer link between the IDS and performance measures will enable DIMIA to be more precise in its monitoring of service delivery.

**Recommendation 19**

That the visual checks of detainees, including waking them during the night to establish their identity, should cease except where special security concerns exist.

The Government does not support this recommendation and accepts that the detention services provider undertakes musters and visual checking of detainees as part of their responsibilities to ensure that escapes from immigration detention are minimised. Visual checking at night occurs only where there are specific security or safety concerns. In general, it is expected that with recent improvements to physical security including enhanced perimeter fencing, the need for night time checks should be lessened.

**Recommendation 20**

That a review be carried out by the Department and ACM into the adequacy of psychological services provided to detainees.

The psychological needs of detainees are addressed in the Immigration Detention Standards. In addition, the Immigration Detention Advisory Group (IDAG) is addressing health, including mental health, services as part of its mandate to advise the Minister on the adequacy and appropriateness of accommodation, facilities and services in detention centres. Two members of the Advisory Group have particular skills in this area: Mr Paris Aristotle, Director of the Victorian Foundation for the Survivors of Torture Inc and Convenor of the National Forum of Services for the Survivors of Torture and Trauma; and Professor Harry Minas, Associate Professor, Transcultural Psychiatry; Director of the Australian Transcultural Mental Health Network.

**Summary of Facilities, Services and Activities Available to Detainees**

Current at 30 June 2002

There has been considerable progress with improvements to the amenity of detention facilities since the beginning of 2002. The attached table provides detail of the changes (page 4).

Further tables provide a summary of facilities and activities available to detainees in each Detention Centre and Immigration Reception and Processing Centre:
<table>
<thead>
<tr>
<th>CENTRE</th>
<th>ENHANCEMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>CURTIN IRPC</td>
<td>• New classroom with library incorporated (recently fire damaged)</td>
</tr>
<tr>
<td>Centre Capacity: 1127</td>
<td>• Two new children’s playgrounds</td>
</tr>
<tr>
<td>Centre Current population: 260</td>
<td>• Family shade areas</td>
</tr>
<tr>
<td></td>
<td>• Beauty Salon (recently fire damaged—awaiting power and some modification)</td>
</tr>
<tr>
<td></td>
<td>• New recreation building (recently fire damaged—repairs to commence shortly)</td>
</tr>
<tr>
<td>MARIBYRNONG IDC</td>
<td>• Repainting of external recreation area paving and walls continued</td>
</tr>
<tr>
<td>Centre Capacity: 84</td>
<td>• Painting of Visits foyer and table in court yards.</td>
</tr>
<tr>
<td>Centre Current population: 62</td>
<td>• New couches, beds, plants acquired</td>
</tr>
<tr>
<td></td>
<td>• Pool table recovered (damage by unknown detainee)</td>
</tr>
<tr>
<td></td>
<td>• New carpet laid in male common room, female common room and supervisor’s office</td>
</tr>
<tr>
<td></td>
<td>• Renovations in male bathroom area completed.</td>
</tr>
<tr>
<td></td>
<td>• Male dorms area being painted.</td>
</tr>
<tr>
<td></td>
<td>• Rear grassed area levelled and is now being offered to the detainees for use in small numbers on a twice-daily basis.</td>
</tr>
<tr>
<td></td>
<td>• An aquarium has been donated to the centre and has been placed in the visitors waiting area.</td>
</tr>
<tr>
<td>PERTH IDC</td>
<td>• Sri Lankan, Hindi, Farsi and Iranian videos now available</td>
</tr>
<tr>
<td>Centre Capacity: 66</td>
<td>• Detainees have access to Foxtel (24hours)</td>
</tr>
<tr>
<td>Centre Current population: 46</td>
<td>• New board games have been purchased</td>
</tr>
<tr>
<td></td>
<td>• Gymnasium established</td>
</tr>
<tr>
<td></td>
<td>• Soccer nets erected</td>
</tr>
<tr>
<td></td>
<td>• Volleyball net erected</td>
</tr>
<tr>
<td></td>
<td>• 2 x Table Tennis tables</td>
</tr>
<tr>
<td>CHRISTMAS ISLAND</td>
<td>• Local Island resident appointed Activities Officer (to utilise local knowledge and contacts)</td>
</tr>
<tr>
<td>Centre Capacity: 600</td>
<td>• Local Island resident appointed Education Officer</td>
</tr>
<tr>
<td>When Completed</td>
<td>• Sunday religious services now provided onsite every Sunday by local parish members</td>
</tr>
<tr>
<td>Centre Current population: 57</td>
<td>• Main store and supply room refurbished and restocked to provide a more efficient service</td>
</tr>
<tr>
<td></td>
<td>• Concrete pathways established between buildings and pedestrian gates.</td>
</tr>
<tr>
<td></td>
<td>• Gardens implemented</td>
</tr>
<tr>
<td></td>
<td>• Mess/recreation room being painted by staff</td>
</tr>
<tr>
<td></td>
<td>• Stress management education</td>
</tr>
<tr>
<td></td>
<td>• Children attend school Mon-Fri 0740hrs to 1410hrs</td>
</tr>
<tr>
<td></td>
<td>• There is an external excursion programmed for 1-2 hours each afternoon after school, this includes physical and cultural activities for children.</td>
</tr>
<tr>
<td>PORT HEDLAND IRPC</td>
<td>• Provision of detainee gym.</td>
</tr>
<tr>
<td>Centre Capacity: 820</td>
<td>• Softening of environment by way of extensive painting of murals and expansion of beautification projects etc.</td>
</tr>
<tr>
<td>When Completed</td>
<td>• Increase in excursions, adult classes and vocational training</td>
</tr>
<tr>
<td>Centre Current population: 133</td>
<td>• All children at the centre now attend external schools, with breakfast being provided at school.</td>
</tr>
</tbody>
</table>
### CENTRE

**CENTRE**

**ENHANCEMENTS** List all enhancements undertaken in the Centre since January 2002

- Increase in provision of newspapers and videos.
- Provision of four extra payphones and three sewing machines
- Women’s area established
- Computer study room for children attending school
- Women only gym sessions 10am-1pm daily
- Women’s aerobic classes have commenced.
- Currently running following daily classes, pre-primary, lower primary, upper primary, secondary class, three x male adult classes and 1 x women only class. Details in Education table.
- Family only blocks established.
- Women’s only area for recreation is under development
- Murals on most of the walls painted by detainees
- A professional cook is providing on the job training and supervision for detainees.
- Some detainees are being trained as teacher’s assistants.
- Excursions for children include Girl Guides, picnic.
- Detainee musical concert evenings are held, where possible, monthly.
- Residents’ Committee continues to work well and includes female members.
- New fence is complete.
- Horse-riding for the disabled for children with intellectual disability
- ACM-financed resident hairdressing.

### WOOMERA IRPC

**Centre Capacity:** 1652  
**Centre Current population:** 183

**WOOMERA IRPC**

- Special needs category Long Term Minors priority for excursions and individuals given seeds for their personal gardens
- Integrated Care support services ICASS Project being implemented
- Life skill classes for residents—‘Life in Australia’ sun care, parenting skills & child behaviour management, education in Australia, cultural diversity; equality; special needs attention, programs work with nurse to deliver weekly women’s health issues program
- Work experience for kitchen duties, stores, car detailing, gardening and centre beautification
- Arts and craft include: mural painting, flower potting, painting & drawing, beading, hand sewing, cutting and pasting
- Family Centre for children and parents to access daily, currently video screenings are popular
- Air conditioning installed in Mike & November compound recreational rooms
- Courtesy fences erected to provide a secure night environment for women and family groups
- Playgroup continued—for one to four year olds for motor skills and pre school development. Parenting skills is provided for mothers.
- Long Term Minors—Special Needs Group ongoing
- Education accessible to children aged 5 to 16 years of age; located in Woomera Village at St Michael’s School. School reports for children at school monthly.
- Education accessible to women in Woomera Village at St Michael’s School
ENHANCEMENTS
List all enhancements undertaken in the Centre since January 2002

- School assembly for children and women to attend weekly
- Consolidation of programs into Charlie Compound
- Intensive behaviour management strategies developed for teenage detainees
- Practical life skills programs occur almost daily at WRHP
- Excursions to local swimming pool for targeted groups, grocery shopping at local supermarket by detainees, weekly excursions to Woomera Area Library and excursions to Breen Park
- Budgeting skill development
- Visit to gymnasium upon request
- Individualised ESL for adults
- Women attending Sewing Coop to improve sewing skills
- Exercise bike ordered for housing project at residents request to improve self fitness.
- Refurbishment of Oscar and November Messes has been completed including new windows, roof and painting.
- New schools and programs buildings handed over to ACM from DIMIA.
- Fixtures for sporting fields including basketball rings, soccer and volleyball nets installed on new playing fields.

VILLAWOOD IDC
Centre Capacity: 700
Centre Current population: 486

- School children birthday's celebrated regularly;
- New school furniture arrived, new Primary school established, new Pre-school established, new primary school fully furnished;
- Children’s play equipment near the pre-school area at stage 2
- Adult English Classrooms in stages 2 & 3
- Detainee children’s playroom in the LIMA Female Dormitory area is being provided
- Ongoing: Pre-School & Primary School classes, computers classes, Adult English lessons ongoing
- Detainee Women’s hairdressing services and detainee barber’s services are ongoing
- Music equipment borrowing and informal musical lessons are ongoing
- Detainee children’s playroom in the LIMA Female dormitory area is being provided
- Detainee newsletter is being reviewed
- Women’s Centre activities of arts & crafts, sewing, flower arrangement, card making, potpourri, de-coupage, stencilling, pillow making, basket flower arrangement and etc are ongoing
- Weekly Women’s Relaxation & Mediation classes have concluded and is currently being reviewed, weekly Arts/Design & Drawing classes for Stage I Detainees have concluded and is currently being reviewed and weekly Women’s Life Skills Classes have begun and is ongoing
- Women’s weekly discussion groups continue
- Reading Room’s are being utilised in Stage’s 2 & 3
- Daily women’s aerobic classes being held in the LIMA Female dorm is ongoing
- Weekend “movie time” sessions for children continue
### CENTRE

<table>
<thead>
<tr>
<th>ENHANCEMENTS</th>
<th>List all enhancements undertaken in the Centre since January 2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Establishment of Detainee Advisory Committee</td>
<td></td>
</tr>
<tr>
<td>• Fitness equipment for stages 2 &amp; 3 have been installed and used regularly</td>
<td></td>
</tr>
<tr>
<td>• Monthly activities &amp; programs days are held regularly since August, previous activities included Hangi &amp; Activities (mini Olympics/novelty races), Celebrating national literacy &amp; numeracy day, Taronga Park Mobile Zoo visit, Universal Children’s day celebrations &amp; Mini “World Cup” soccer Competition, festival of celebrations, disco’s, dances, Jamberoo Recreation Park, Ice Skating etc</td>
<td></td>
</tr>
<tr>
<td>• Mini Swimming Pool &amp; sports equipment is available for all VIDC children, donated by the United Nations</td>
<td></td>
</tr>
<tr>
<td>• Detainees participate in a vocational ‘picnic table’/‘benches’ manufacturing and assembly;</td>
<td></td>
</tr>
<tr>
<td>• Detainee gardening project has commenced as part of the VIDC Programmes Department beautification programme;</td>
<td></td>
</tr>
<tr>
<td>• Comprehensive Detainee entertainment schedule has been developed commencing 1st of May;</td>
<td></td>
</tr>
<tr>
<td>• Stage 1 Programs &amp; Activities schedule finalised;</td>
<td></td>
</tr>
<tr>
<td>• VIDC ‘Display &amp; Presentation’ room completed;</td>
<td></td>
</tr>
<tr>
<td>• Quarterly reviews of two ‘external providers’ has been completed</td>
<td></td>
</tr>
</tbody>
</table>

### WOOMERA RESIDENTIAL HOUSING PROJECT

| Centre Capacity: 25 |
| Centre Current population: 10 |
| Practical Life Skills programs occur almost daily at WRHP |
| Grocery Shopping at local supermarket by detainees |
| Budgeting skill development |
| Visit to gymnasium upon request |
| Weekly excursions to Woomera Area Library |
| Individualised ESL for adults, children receive education at St. Michael’s with other children from the Centre, thus increasing socialisation whilst learning; |
| Several excursions to Breen Park. Residents walk to the park and have a BBQ |
| Attendance at St Michael’s School for women, with women from the Centre. Encourages peer relationships. |
| Cat provided as pet for RHP |
| Women attending Sewing Coop to improve their sewing skills |
| Staff and residents at the project have completed gardening and paving. |
| Children have been involved in group paintings with staff members. |
| Cooking classes have commenced with the help of the housing project interpreter. |
| Practical Life Skills programs occur almost daily at WRHP |
| Grocery Shopping at local supermarket by detainees. |
| Budgeting skill development |
| Visit to gymnasium upon request |
| Weekly excursion to Woomera Area Library |
| Attendance at St Michael’s School for women, with women from the Centre. Encourages peer relationships. |
| Women attending Sewing Coop to improve sewing skills |
Children in Detention

Please provide numbers of detainees of each category at time of completion.

<table>
<thead>
<tr>
<th></th>
<th>Curtin IRPC</th>
<th>Port Hedland IRPC</th>
<th>Woomera IRPC</th>
<th>Maribyrnong IDC</th>
<th>Perth IDC</th>
<th>Villawood IDC</th>
<th>Woomera Residential Housing Project</th>
<th>Christmas Island</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unaccompanied Minors (detached/unattached)</td>
<td>Male 0 0 1 Nil</td>
<td>0 0 0 Nil</td>
<td>0 0 0 Nil</td>
<td>1 1</td>
<td>0 0 1 Nil</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Female 0 0 0 Nil</td>
<td>0 0 0 Nil</td>
<td>0 0 0 Nil</td>
<td>1 1</td>
<td>0 0 1 Nil</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unaccompanied Minors (attached)</td>
<td>Male 0 0 0 Nil</td>
<td>0 0 0 Nil</td>
<td>0 0 0 Nil</td>
<td>1 1</td>
<td>0 0 1 Nil</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Female 0 0 0 Nil</td>
<td>0 0 0 Nil</td>
<td>0 0 0 Nil</td>
<td>1 1</td>
<td>0 0 1 Nil</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accompanied Minors (parent present)</td>
<td>Male 18 9 22 2 0</td>
<td>7 2</td>
<td>4 3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Female 13 2 13 8 0</td>
<td>8 4</td>
<td>6 3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>31 11 36 10 1 16 7</td>
<td>10 16 7 10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Minors Individual Care Needs

Please provide details of any specialised programs implemented for the following special care groups and the average participation in those activities.

<table>
<thead>
<tr>
<th>Centre</th>
<th>Special Care Groups</th>
<th>Program</th>
<th>Average Participation per day</th>
</tr>
</thead>
<tbody>
<tr>
<td>CURTIN IRPC</td>
<td>Unaccompanied Minors (all)</td>
<td>Unaccompanied minors taken on fishing, crabbing and swimming excursions Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Infants &amp; Young Children (0-5)</td>
<td>Preschool three hours per day. 4 CHILDREN ARE TOO YOUNG TO PARTICIPATE IN ACTIVITIES 3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Older Children (6-12)</td>
<td>Weekly structured swimming lessons, 13 children attending local school 13</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Youths (13-18)</td>
<td>School, organised recreation, excursions 11</td>
<td></td>
</tr>
<tr>
<td>Centre</td>
<td>Special Care Groups</td>
<td>Program</td>
<td>Average Participation per day</td>
</tr>
<tr>
<td>-------------</td>
<td>-------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>PORT HEDLAND IRPC</td>
<td>Unaccompanied Minors (all)</td>
<td>No accompanied minors at PHIRPC</td>
<td>NIL</td>
</tr>
<tr>
<td></td>
<td>Infants &amp; Young Children (0-5)</td>
<td>Provision of pre-school class. 2.5 hrs per day.</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Older Children (6-12)</td>
<td>Provision of schooling. Provision of weekly excursions to fishing, or school excursions. Provision of after school activities such as sports, arts and crafts.</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Youths (13-18)</td>
<td>Provision of school programs specific for age. Provision of excursions and after school sports.</td>
<td>2</td>
</tr>
<tr>
<td>WOOMERA IRPC</td>
<td>Unaccompanied Minors (all)</td>
<td>There is one detached minor at WIRPC at present and daily education is available. The UAM has attended a party and some sports sessions in the compounds.</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Infants &amp; Young Children (0-5)</td>
<td>Kindy is provided to four year olds at St Michael’s School whilst mothers are in education. Kindy sessions have been offered to infants and young children but there has been minimal take up for it this month.</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>Older Children (6-12)</td>
<td>All children between the ages of five and 16 years of age have the opportunity to attend St Michael’s School on a daily excursion. Education is provided for three hours per day from Monday to Friday. There are activities in the Centre in the afternoons, eg sports, movie screenings, art, computers and parties.</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Youths (13-18)</td>
<td>There are few teenagers at the Centre, however they participate in almost all activities and have their own representative committee. Older teenagers are identified for meaningful vocational activities.</td>
<td>5</td>
</tr>
<tr>
<td>Centre</td>
<td>Special Care Groups</td>
<td>Program</td>
<td>Average Participation per day</td>
</tr>
<tr>
<td>---------------------</td>
<td>--------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>MARIBYRNONG IDC</td>
<td>Unaccompanied Minors (all)</td>
<td>Nil unaccompanied minors at MIDC</td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Infants &amp; Young Children (0-5)</td>
<td>Weekly pre-school excursions to the local playground. Male and female child under 5 years of age enrolled in and attending local kindergarten three times per week. Weekly play session with counsellor and outings, arts and crafts and sports with activities worker.</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Older Children (6-12)</td>
<td>5 children in this age group arranging to enrol in school. Weekly session with counsellor and outings, arts and crafts and sports with activities worker. Seen by teacher three times per week.</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Youths (13-18)</td>
<td>1 child in this age group arranging to be enrolled in school and is currently in-patient at hospital but has attended one outing.</td>
<td>1</td>
</tr>
<tr>
<td>PERTH IDC</td>
<td>Unaccompanied Minors (all)</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Infants &amp; Young Children (0-5)</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Older Children (6-12)</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Youths (13-18)</td>
<td>UAM was just received, is celebrating his adult birthday this month. Joins adults for English lessons, plays video games and watches TV.</td>
<td>1</td>
</tr>
<tr>
<td>VILLAWOOD IDC</td>
<td>Unaccompanied Minors (all)</td>
<td>Directly monitored by the VIDC Child Management Care Plan Committee, Individual Management Plans have been developed for each UAM and critical case reviews are conducted Monthly.</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Infants &amp; Young Children (0-5)</td>
<td>Directly monitored by the VIDC Child Management Care Plan Committee, Individual Management Plans have been developed for each infant and young Child and critical case reviews are conducted Monthly. Excludes 3 children that are too young for programs.</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Older Children (6-12)</td>
<td>Directly monitored by the VIDC Child Management Care Plan Committee, Individual Management Plans have been developed for each Child and critical case reviews are conducted Monthly.</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Youths (13-18)</td>
<td>Directly monitored by the VIDC Child Management Care Plan Committee, Individual Management Plans have been developed for each Teenage/Adolescent Child and critical case reviews are conducted Monthly.</td>
<td>8</td>
</tr>
<tr>
<td>Centre</td>
<td>Special Care Groups</td>
<td>Program</td>
<td>Average Participation per day</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>WOOMERA RESIDENTIAL HOUSING PROGRAM</td>
<td>Unaccompanied Minors (all)</td>
<td>There is one detached minor at the Residential Housing Project, a child that has been fostered to another family as his mother has signed authority for him over to another family whilst she remains in hospital in the long term. The child is thriving at the RHP and attends school and as many programs activities as possible</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Infants &amp; Young Children (0-5)</td>
<td>There are three young children at the Residential Housing Project. All children enjoy attending programs with their mothers such as the weekly grocery shopping and visits to the Woomera Area Library. All children have appropriate development toys in their houses and all are thriving</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Older Children (6-12)</td>
<td>All children within this age range attend school at St Michael’s with other children from the Centre from 9.00am to 12.00 am. This increases their socialisation with their peer group. All children attend regular excursions such as outings to Breen Park and a weekly trip to the library. The addition of a Play Station two in the computer room has been very popular.</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Youths (13-18)</td>
<td>There is one teenage resident at the Residential Housing Project. This resident will not participate in any activities although she uses the computers regularly and has attended local church services.</td>
<td>2</td>
</tr>
<tr>
<td>CHRISTMAS ISLAND</td>
<td>Unaccompanied Minors (all)</td>
<td>Beginners English class and coconut carving provided. Excursions to—beaches, cricket, volleyball, fishing, nature walks also provided</td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Infants &amp; Young Children (0-5)</td>
<td>Family outings Mother and child classes to promote family activities Children’s education classes—colouring in etc. 3 year old child attending kindy. 1 child too young for activities</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Older Children (6-12)</td>
<td>Family outings External full time school</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Youths (13-18)</td>
<td>Not applicable</td>
<td>Nil</td>
</tr>
</tbody>
</table>
### ENTERTAINMENT FACILITIES

Please separate privately owned entertainment facilities from those facilities provided by ACM.

<table>
<thead>
<tr>
<th>Centre</th>
<th>Televisions</th>
<th>Videos</th>
<th>Radios</th>
<th>Computer Games</th>
<th>etc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Curtain IRPC</td>
<td>10</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>TV/Videos, Nintendo with 7 games, Education: 3 TV/Videos, Nintendo: 1 with 7 games, Recreation: 1 TV/Videos, Welfare: 1 TV, Women’s room: 1 TV/Videos, Men’s room: 1 TV/Videos, Hotel Compound: 1 TV/Videos, Foxtrot Compound: 1 TV/Videos, One Spare</td>
</tr>
<tr>
<td>Port Headland</td>
<td>11</td>
<td>4</td>
<td>2</td>
<td>3</td>
<td>Centre Totals: TV’s - 11, Radios - 4, Computer Games - 2, Sewing machines - 3, Breakdown between Compounds: TV’s/Videos - 1 per floor, Radios - 4, Computer Games - 2 Nintendo sets.</td>
</tr>
<tr>
<td>Woomera IRPC</td>
<td>39</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Centre Totals: 39 - TV/Videos, 2 - Play stations, Breakdown between Compounds: Each accommodation block in Mike and November Compound has televisions and videos installed, Oscar compound has two televisions and videos, Each accommodation block in Mike and November Compound has cassette players, Music facilities are played daily over the PA system, Musical instruments are available for resident’s use, Each compound has on Play Station; November compound has six games and Mike Compound have been given two games</td>
</tr>
</tbody>
</table>

### Entertainment Equipment Owned By Detainees

<table>
<thead>
<tr>
<th>Centre</th>
<th>TV/videos</th>
<th>Radios</th>
<th>Computer Games</th>
</tr>
</thead>
<tbody>
<tr>
<td>Curtain IRPC</td>
<td>3</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Port Headland</td>
<td>18</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Woomera IRPC</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

### Breakdown between Compounds:

Each accommodation block in Mike and November Compound has televisions and videos installed. Oscar compound has two televisions and videos. Each accommodation block in Mike and November Compound has cassette players. Music facilities are played daily over the PA system. Musical instruments are available for resident’s use. Each compound has on Play Station; November compound has six games and Mike Compound have been given two games.

---

### Centre Totals:

- **5 TVs**
- **1 Video Machine**
- **3 Computers**
- **4 Video game machines**
- **2 Computers**
- **3 Stereo HIFI**

**Breakdown between Compounds:**

- **18 Televisions**
- **17 VCR’s/DVD’s**
- **18 Computers**
- **4 Computer Game Consoles**

**Breakdown between Compounds:**
The document contains a table with information about the distribution of TVs, videos, radios, and computer games across different areas of a building. The table is divided into three sections, each heading with "Entertainment TVs Videos Radios Computer Games etc". The table entries include:

- **2 TV - male common room**
- **1 TV - female common room**
- **4 TV - in family rooms**
- **Foxtel available on all sets**
- **2 video machines**
- **Computers**
  - **3 PCs - male area**
  - **1 PC - female area**
  - **1 sewing machine**

### Breakdown between Compounds:

<table>
<thead>
<tr>
<th>Televisions</th>
<th>Video Machines</th>
<th>Computers</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Televisions</td>
<td>3 Video Machines</td>
<td>2 Computers</td>
</tr>
<tr>
<td>1 - Recreation Room 1</td>
<td>1 per Recreation Room</td>
<td>Computer in Recreation Room, Recreation Room 2</td>
</tr>
<tr>
<td>1 - Recreation Room 2</td>
<td>1 x Sony Play Station (Video Game)</td>
<td>3 Stereo HIFI</td>
</tr>
<tr>
<td>1 - Resident Dining Room</td>
<td>1 x Nintendo (Video Game)</td>
<td></td>
</tr>
</tbody>
</table>

Breakdown of VCR/DVDs:

<table>
<thead>
<tr>
<th>Televisions</th>
<th>Video Machines</th>
<th>Computers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 5 TV's</td>
<td>1 - 8 VCR/DVD</td>
<td>1 - 16 Computers</td>
</tr>
<tr>
<td>1 Dormitory 1 x 2; Dormitory 2; Television room; Dormitory 3</td>
<td>Rec. room 1 (VCR); Rec. room 1 (DVD); Rec. room 2 (DVD); Nepean building (VCR)</td>
<td></td>
</tr>
<tr>
<td>Stage 2 - 9 TV's</td>
<td>Stage 3 - 4 VCR/DVD</td>
<td></td>
</tr>
<tr>
<td>Recreation room; Women’s Centre; Primary School; Pre-School; Adult Education; Manning building; LIMA Female dormitory; Namoi building; Hunter building;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stage 1 - 5 VCR’s/DVD’s</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dormitory 1 (VCR) x 2; Dormitory 2 (VCR); Dormitory 3 (VCR); Television room (DVD)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stage 2 - 8 VCR/DVD</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Breakdown of Game Consoles:

<table>
<thead>
<tr>
<th>Televisions</th>
<th>Video Machines</th>
<th>Computers</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Computer Game Consoles</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stage 2 - 4 Computer Game Consoles</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Entertainment</td>
<td>Entertainment</td>
<td>Entertainment</td>
</tr>
<tr>
<td>---------------</td>
<td>---------------</td>
<td>---------------</td>
</tr>
<tr>
<td>TVs Videos Radios Computer Games etc</td>
<td>TVs Videos Radios Computer Games etc</td>
<td>TVs Videos Radios Computer Games etc</td>
</tr>
<tr>
<td>Rec. room; LIMA Female dormitory; Women’s Centre; Primary School; Musical Equipment Stage 2 - 8 Musical Equipment items Keyboard; bongoes; harmonica; flute; tambourines; shakers; triangle and guitar. (Available from the rec. room) Stereo Hi-Fi Music Systems Stage 2 - 2 Hi-Fi Music Systems Women’s Centre; Recreation room</td>
<td>Entertainment Equipment Owned By Detainees</td>
<td>Entertainment Equipment Owned By Detainees</td>
</tr>
<tr>
<td>Centre Totals:</td>
<td>Centre Totals:</td>
<td>Centre Totals:</td>
</tr>
<tr>
<td>Nil Breakdown between Compounds:</td>
<td>Nil Breakdown between Compounds:</td>
<td>Nil Breakdown between Compounds:</td>
</tr>
<tr>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Breakdown between Compounds:</td>
<td>Breakdown between Compounds:</td>
<td>Breakdown between Compounds:</td>
</tr>
<tr>
<td>Televisions x 14 VCR’s/DVD’s x 7 Keyboard x 1 Computer x 1 Computer Game consols x 2 Keyboard x 1</td>
<td>Stage 2 14 x TVs 1 Computer 2 Computer Game consols (Nintendo, Play Station)</td>
<td>1 x Keyboard</td>
</tr>
</tbody>
</table>
### WOOMERA RP

**Centre Totals:**
- 1 TV and Video per house = total of 3
- 3 Computers in the computer room with approximately 10 CD programs to use.
- 1 Play Station in the computer room.
- 2 Play station games
- 1 Radio cassette player in each house - total of 3

Adult residents can access computers in Charlie compound between 9am-5pm.

The computer room closes over the lunch period. It has educational programs for residents to use.

There is a movie room in Charlie compound that has a large television for groups to watch films or television.

Access to video library.

All residents have access to television and video facilities.

### CHRISTMAS ISLAND

**Centre Totals:**
- 4 TV/Videos
- 1 x Play station 2 console with games
- 1 x Stereo unit
- 3 x Computers

**Breakdown between Compounds:**
- Single Males
  - 1 x TV and Video player male dorm
  - 1 x stereo unit
  - Use of Play station 2
  - Family Groups
  - 1 x TV and Video player family dorm
  - Children
  - 1 x Play station 2 console and games situated in mess.

**Breakdown between Compounds:**
- Video’s are obtained for the adults every two days usually a total of 8 weekly video’s at a time
- Special children and family videos are also obtained at the same rate as above.

### Entertainment Equipment Owned By Detainees

<table>
<thead>
<tr>
<th>TVs Videos Radios Computer Games etc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Centre Totals:</td>
</tr>
<tr>
<td>Nil</td>
</tr>
</tbody>
</table>

| Breakdown between Compounds:         |
| Nil                                  |

<table>
<thead>
<tr>
<th>TVs Videos Radios Computer Games etc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Centre Totals:</td>
</tr>
<tr>
<td>Nil</td>
</tr>
</tbody>
</table>

| Breakdown between Compounds:         |
| Nil                                  |
### NEWSPAPERS

<table>
<thead>
<tr>
<th>Newspapers</th>
<th>Newspapers</th>
<th>Newspapers</th>
<th>Newspapers</th>
</tr>
</thead>
<tbody>
<tr>
<td>eg Australian and foreign language papers</td>
<td>eg Australian and foreign language papers</td>
<td>eg Australian and foreign language papers</td>
<td>eg Australian and foreign language papers</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CURTAIN IRPC</th>
<th>PORT HEDLAND IRPC</th>
<th>WOOMERA IRPC</th>
<th>MARIBYRNONG IDC</th>
<th>PERTH IDC</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 x West Australian (M-F)</td>
<td>Curtin has a subscription to Foreign Language papers. 10 are delivered on a monthly basis.</td>
<td>Currently 36 2 Arabic and Farsi language papers. Weekly. Use foreign language sources from internet. Downloaded on a weekly basis. Resources are restricted as only one computer has Internet access.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 x The SA Advertiser (daily) 10 x The Australian (daily) 30 x Bamdad (weekly) 25 x Anhal (twice weekly) 10 x Arab Telegraph (twice weekly) They also have access to the Woomera Area Library. Magazines are also provided to residents regularly.</td>
<td></td>
<td>6 newspapers 5 x The Age (daily) 5 x Herald Sun (daily) 5 x The Australian (daily) 1 x Sri Lankan paper 1 x El Telegraf 1 x Iranian paper</td>
<td>2 x The West Australia (daily) 2 x The Sunday Times (weekly) 2 x International Express (weekly) 1 x Urdu Newspaper (weekly) Other foreign language newspapers supplied on request.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VILLAWOOD IDC</th>
<th>WOMMERA RHP</th>
<th>CHRISTMAS ISLAND</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 titles 3 x Arab World (bi-daily) 3 x Al Bairak (daily) 4 x The Australian (daily) 5 x Chie Duong (wkly) 5 x Chinese Herald (daily) 19 x Daily Telegraph 3 x El-Telegraf (bi-daily) 5 x Sing Tao (wkly) 6 x SMH (daily) 3 x India down under (wkly) 3 x Russian (wkly) 3 x Russian (monthly) 5 x Ho ju dong-allbo Korean (daily) 20 x Local “torch” newspapers</td>
<td>Newspapers in Arabic, Farsi and English is available to residents 1 x The SA Advertiser (daily) 1 x The Australian (daily) 1 x Arab Telegraph (weekly) 1 x Bamdad Weekly (weekly) 1 x Anhal (twice weekly) They also have access to the Woomera Area Library. Magazines are also provided to residents regularly.</td>
<td>Newspapers are a restricted Resource on the Island. This is because newspapers are seen as a special order item and can take up to two weeks delivery. Sri Lankan newspapers downloaded from the internet; contact has been made with supplier of Sri Lankan newspapers and have been ordered.</td>
</tr>
</tbody>
</table>

---

*7430 SENA TE Monday, 9 December 2002*
Please separate sporting programs specifically designed for children (0-12 yrs) from general sporting programs.

<table>
<thead>
<tr>
<th>CURTIN IRPC</th>
<th>PORT HEDLAND IRPC</th>
<th>WOMMERA IRPC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sports Equipment</strong></td>
<td><strong>Sports Equipment</strong></td>
<td><strong>Sports Equipment</strong></td>
</tr>
<tr>
<td>Toys to enhance fine motor skills - 0-5yrs</td>
<td>Soccer balls</td>
<td>Soccer balls</td>
</tr>
<tr>
<td>T-ball equipment</td>
<td>4 x table tennis sets</td>
<td>Volleyballs</td>
</tr>
<tr>
<td>Parachute</td>
<td>Cricket sets</td>
<td>Aussie Rules footballs</td>
</tr>
<tr>
<td>Swimming</td>
<td>Complete weights set in gym</td>
<td>Table tennis</td>
</tr>
<tr>
<td>Netball</td>
<td>Basketball</td>
<td>Gym equipment</td>
</tr>
<tr>
<td>Jewellery making</td>
<td>Volleyballs</td>
<td>Play station games</td>
</tr>
<tr>
<td>Basketball court and basketballs</td>
<td>Aussie Rules footballs</td>
<td>Board games</td>
</tr>
<tr>
<td>Tennis equipment</td>
<td>Cricket sets</td>
<td>Cricket sets</td>
</tr>
<tr>
<td>Table tennis equipment</td>
<td>Volleyball</td>
<td>Woomera World Cup Soccer</td>
</tr>
<tr>
<td>Cricket equipment</td>
<td>Volleyball set</td>
<td></td>
</tr>
<tr>
<td>Soccer balls</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tae-bo</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swimming equipment (kickboards and goggles)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor gym equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Badminton equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soccer Field</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Volleyball Court</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Play grounds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arts and Craft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Women’s Recreation Room</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Men’s Recreation Room</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CURTIN IRPC</td>
<td>PORT HEDLAND IRPC</td>
<td>WOMMERA IRPC</td>
</tr>
<tr>
<td>-------------</td>
<td>-------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Sports Equipment</td>
<td>Sports Equipment</td>
<td>Sports Equipment</td>
</tr>
<tr>
<td><strong>Activity (Please indicate if the activity is not offered daily)</strong></td>
<td><strong>Participation Numbers (Where possible please supply ave daily figures)</strong></td>
<td><strong>Activity (Please indicate if the activity is not offered daily)</strong></td>
</tr>
<tr>
<td>T-ball</td>
<td>16</td>
<td>Soccer daily</td>
</tr>
<tr>
<td>Basketball</td>
<td>20</td>
<td>Volleyball daily</td>
</tr>
<tr>
<td>Tennis</td>
<td>10</td>
<td>Table Tennis daily</td>
</tr>
<tr>
<td>Table tennis</td>
<td>20</td>
<td>Gymnasium daily</td>
</tr>
<tr>
<td>Parachute</td>
<td>10</td>
<td>Cricket</td>
</tr>
<tr>
<td>Cricket</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Soccer</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>Tae-bo</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Badminton</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Volleyball</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td><strong>Children’s Activities (Activities organised for minors only)</strong></td>
<td><strong>Participation Numbers (Where possible please supply ave daily figure)</strong></td>
<td><strong>Children’s Activities (Activities organised for minors only)</strong></td>
</tr>
<tr>
<td>Toys to enhance fine motor skills: 0-5yrs</td>
<td>3</td>
<td>Swimming pool closed for winter</td>
</tr>
<tr>
<td>T-ball equipment</td>
<td>10</td>
<td>Arts &amp; crafts</td>
</tr>
<tr>
<td>Parachute</td>
<td>11</td>
<td>Children’s videos</td>
</tr>
<tr>
<td>Netball</td>
<td>6</td>
<td>Riding For Disabled Saturdays only</td>
</tr>
<tr>
<td>Jewellery making</td>
<td>6</td>
<td>Walking of dog</td>
</tr>
<tr>
<td>Needlework</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Art/Craft/Plaster crafts</td>
<td>20</td>
<td></td>
</tr>
</tbody>
</table>
Please separate sporting programs specifically designed for children (0-12 yrs) from general sporting programs.

<table>
<thead>
<tr>
<th>MARIBYRNONG IDC</th>
<th>PERTH IDC</th>
<th>VILLAWOOD IDC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volleyballs</td>
<td>Pool table</td>
<td>Soccer balls, soccer Field and equipment</td>
</tr>
<tr>
<td>Table Tennis</td>
<td>Soccer balls and nets</td>
<td>Soccer machine &amp; mini outdoor soccer sets</td>
</tr>
<tr>
<td>Pool Table</td>
<td>Cricket balls, bat &amp; stump</td>
<td>Basketballs, basketball rings and back boards</td>
</tr>
<tr>
<td>Cricket</td>
<td>Volleyball &amp; Nets</td>
<td>Volleyballs and volleyball courts</td>
</tr>
<tr>
<td>Badminton</td>
<td>Basketball &amp; Rings</td>
<td>Rugby League balls</td>
</tr>
<tr>
<td>Treadmill</td>
<td>Bocce</td>
<td>Tennis balls and racquets</td>
</tr>
<tr>
<td>Board Games</td>
<td>Boxing bag &amp; gloves</td>
<td>Cricket bat &amp; balls</td>
</tr>
<tr>
<td>Exercise Bikes</td>
<td>Tennis</td>
<td>Badminton racquets &amp; shuttles</td>
</tr>
<tr>
<td>Tennis</td>
<td>Table Tennis</td>
<td>Children’s play equipment</td>
</tr>
<tr>
<td>Gym Equipment</td>
<td>Fitness equipment</td>
<td>Table tennis tables and Pool tables</td>
</tr>
<tr>
<td>Soccer Balls, Basketballs</td>
<td>Exercise bicycle</td>
<td>Fitness equipment: Rowing machine, Treadmill, Mini exercise trampoline, Exercise bike, Aerobics facilities, Punching bags &amp; gloves</td>
</tr>
<tr>
<td></td>
<td>Library</td>
<td>Children’s bicycles</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Recreational rooms: Reading rooms, Library, Computer rooms, Women’s Centre, Arts &amp; Crafts room</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Play equipment (visits &amp; Pre School area)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mini Swimming Pool for Children</td>
</tr>
<tr>
<td>Activity</td>
<td>Participation Numbers</td>
<td>Activity</td>
</tr>
<tr>
<td>---------------------------</td>
<td>-----------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>Volleyball</td>
<td>20 per session</td>
<td>Volleyball</td>
</tr>
<tr>
<td>Table Tennis</td>
<td>30 per session</td>
<td>Tennis</td>
</tr>
<tr>
<td>Soccer</td>
<td>20 per session</td>
<td>Soccer</td>
</tr>
<tr>
<td>4-10 weekly</td>
<td>40 daily</td>
<td>Basketball</td>
</tr>
<tr>
<td>40 daily</td>
<td>5-10 session</td>
<td>Cricket</td>
</tr>
<tr>
<td>Billiards</td>
<td>20 Daily</td>
<td>Table Tennis</td>
</tr>
<tr>
<td>40 daily</td>
<td></td>
<td>Billiards</td>
</tr>
<tr>
<td>5-10 session</td>
<td></td>
<td>Gyms</td>
</tr>
<tr>
<td>Weight Training</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>MARIBYRNONG IDC</th>
<th>PERTH IDC</th>
<th>VILLAWOOD IDC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Children’s Activities</strong> (Activities organised for minors only)</td>
<td><strong>Participation Numbers</strong> (Where possible please supply ave daily figures)</td>
<td><strong>Participation Numbers</strong> (Where possible please supply ave daily figures)</td>
</tr>
<tr>
<td>Excursions to local playground Reading with teacher</td>
<td>2-3 per session.</td>
<td>Nil</td>
</tr>
</tbody>
</table>
Please separate sporting programs specifically designed for children (0-12 yrs) from general sporting programs.

<table>
<thead>
<tr>
<th>WOOMERA RHP Sports Equipment</th>
<th>CHRISTMAS ISLAND Sports Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hockey set</td>
<td>Volleyballs</td>
</tr>
<tr>
<td>Volleyball set</td>
<td>Footballs</td>
</tr>
<tr>
<td>Tennis set</td>
<td>Cricket equipment</td>
</tr>
<tr>
<td>Footballs</td>
<td>Badminton</td>
</tr>
<tr>
<td>Soccer balls</td>
<td>Soccer</td>
</tr>
<tr>
<td>Basket balls</td>
<td>Rugby</td>
</tr>
<tr>
<td>Soccer net</td>
<td>Basketball</td>
</tr>
<tr>
<td>Cricket set</td>
<td>Fishing rods</td>
</tr>
<tr>
<td>Tricycle</td>
<td>Table tennis.</td>
</tr>
<tr>
<td>Baseball set</td>
<td>Toys (0-12)</td>
</tr>
<tr>
<td>The above are all supplied for the residents permanent use.</td>
<td>Snorkelling gear</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Activity (Please indicate if the activity is not offered daily)</th>
<th>Participation Numbers (Where possible please supply ave daily figures)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gym (not daily)</td>
<td>5 Women 6 Children</td>
</tr>
<tr>
<td>Swimming (not daily)</td>
<td></td>
</tr>
<tr>
<td>Cinema (not daily)</td>
<td></td>
</tr>
<tr>
<td>Volleyball</td>
<td>25-40 Adults per day</td>
</tr>
<tr>
<td>Football</td>
<td></td>
</tr>
<tr>
<td>Coconut Carving</td>
<td></td>
</tr>
<tr>
<td>Cricket</td>
<td></td>
</tr>
<tr>
<td>Badminton</td>
<td></td>
</tr>
<tr>
<td>Soccer</td>
<td></td>
</tr>
<tr>
<td>Rugby</td>
<td></td>
</tr>
<tr>
<td>Basketball and Table Tennis</td>
<td></td>
</tr>
<tr>
<td>Swimming/Snorkelling (occasionally)</td>
<td></td>
</tr>
<tr>
<td>Bushwalking (occasionally)</td>
<td></td>
</tr>
<tr>
<td>WOOMERA RHP</td>
<td>CHRISTMAS ISLAND</td>
</tr>
<tr>
<td>------------</td>
<td>------------------</td>
</tr>
<tr>
<td><strong>Children’s Activities (Activities organised for minors only)</strong></td>
<td><strong>Children’s Activities (Activities organised for minors only)</strong></td>
</tr>
<tr>
<td>Participation Numbers (Where possible please supply ave daily figures)</td>
<td>Participation Numbers (Where possible please supply ave daily figures)</td>
</tr>
<tr>
<td><strong>School at St. Michaels for children aged between 5-16</strong></td>
<td><strong>Swimming/Beach excursions (occasionally)</strong></td>
</tr>
<tr>
<td>Play sport 1 x week with children from the Woomera Area School</td>
<td>Play station 2, Ball games Colouring in.</td>
</tr>
<tr>
<td>Additional sports may be played in the garden. Kindy children have gross motor skills activities in the garden on occasions and Kindy children also have access to computer when requested</td>
<td></td>
</tr>
<tr>
<td>3 x 5 days per week</td>
<td>8 Children per day</td>
</tr>
<tr>
<td>6 x 1 per week</td>
<td></td>
</tr>
<tr>
<td>6 - Children</td>
<td></td>
</tr>
<tr>
<td>3 - Children</td>
<td></td>
</tr>
</tbody>
</table>
### CURTIN IRPC

<table>
<thead>
<tr>
<th>Staff</th>
<th>Number</th>
<th>Hours of Attendance</th>
<th>Appointments for month</th>
<th>Regular On Site Health Services</th>
<th>Special Care Services Available (eg. Child Health Clinic, Postnatal &amp; Antenatal, Women’s Health clinic)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Practitioner</td>
<td>1</td>
<td>30 hrs per week</td>
<td>215</td>
<td>Primary Health Care</td>
<td>Health Education</td>
</tr>
<tr>
<td>Psychiatrist</td>
<td>1</td>
<td>12 hrs 7 days per week</td>
<td>188</td>
<td>Counselling Psychological Services</td>
<td>Psychiatric Nurse</td>
</tr>
<tr>
<td>Nurse</td>
<td>5</td>
<td>24 hr coverage</td>
<td>1107</td>
<td>Women’s Health Care</td>
<td>Child Health Care</td>
</tr>
<tr>
<td>Referral/ Specialist</td>
<td></td>
<td>20 hrs per month</td>
<td>39</td>
<td>2 RN/Patient Carer Assistant for disabled minor</td>
<td>Visiting Dentist attends the centre 3 Monthly</td>
</tr>
<tr>
<td>Dental</td>
<td></td>
<td></td>
<td>17 per visit</td>
<td>Postnatal Care</td>
<td>Antenatal Care</td>
</tr>
<tr>
<td>Optometrist</td>
<td></td>
<td>Optometrist visits the centre 3 Monthly 1.5 Hrs</td>
<td>3 Per Visit</td>
<td>Dental - 3 monthly</td>
<td>Optometrist visits the centre 3 Monthly 1.5 Hrs</td>
</tr>
<tr>
<td>Carer</td>
<td>3</td>
<td>24 hrs 7 days a week</td>
<td>24 hrs 7 days a week</td>
<td>Postnatal Care</td>
<td>Antenatal Care</td>
</tr>
</tbody>
</table>

### PORT HEDLAND IRPC

<table>
<thead>
<tr>
<th>Staff</th>
<th>Number</th>
<th>Hours of Attendance</th>
<th>Appointments for month</th>
<th>Regular On Site Health Services</th>
<th>Special Care Services Available (eg. Child Health Clinic, Postnatal &amp; Antenatal, Women’s Health clinic)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Practitioner</td>
<td>1</td>
<td>32hrs per week</td>
<td>129</td>
<td>Primary health care</td>
<td>Emergency First Aid</td>
</tr>
<tr>
<td>Psychiatrist</td>
<td></td>
<td>outside service</td>
<td></td>
<td>Referral assessments</td>
<td>Psychologists assessment</td>
</tr>
<tr>
<td>Psychologist</td>
<td>1</td>
<td>40hrs per week</td>
<td>358</td>
<td>Mental health nursing</td>
<td>Dispensing of medications - twice daily</td>
</tr>
<tr>
<td>Nurse</td>
<td>4</td>
<td>42hrs per week</td>
<td>151</td>
<td>Doctor’s clinic</td>
<td>Immunisation</td>
</tr>
<tr>
<td>Counsellor</td>
<td>1</td>
<td>40hrs per week</td>
<td>151</td>
<td>Doctor’s clinic</td>
<td>Immunisation</td>
</tr>
<tr>
<td>Dental</td>
<td></td>
<td>outside service</td>
<td>15</td>
<td>Doctor’s clinic</td>
<td>Immunisation</td>
</tr>
<tr>
<td>Optometrist</td>
<td></td>
<td>outside service</td>
<td>1</td>
<td>Doctor’s clinic</td>
<td>Immunisation</td>
</tr>
</tbody>
</table>
### WOOMERA IRPC

<table>
<thead>
<tr>
<th>Staff</th>
<th>Number</th>
<th>Hours of Attendance</th>
<th>Appointments for month</th>
<th>Regular On Site Health Services</th>
<th>Special Care Services Available (eg. Child Health Clinic, Postnatal &amp; Ante-natal, Women’s Health clinic)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Practitioner</td>
<td>1</td>
<td>24 Hour cover 7 days per week</td>
<td>179</td>
<td>Primary Health Care</td>
<td>Women’s Health Screening</td>
</tr>
<tr>
<td>Male Doctor 0.4 FTE</td>
<td></td>
<td></td>
<td></td>
<td>First Aid</td>
<td>Men’s Health Screening</td>
</tr>
<tr>
<td>Female Doctor 17.6.02 21.06.02</td>
<td></td>
<td></td>
<td></td>
<td>Mental Health Services</td>
<td>Weekly Ante Natal Clinic</td>
</tr>
<tr>
<td>Psychiatrist/Counsellor</td>
<td>1</td>
<td>0830-1700 x 5 days a week (present when mental Health Nurse is absent)</td>
<td>77</td>
<td>Doctors Clinics</td>
<td>Weekly Post Natal Clinic</td>
</tr>
<tr>
<td>Nurse</td>
<td>7</td>
<td>0630-1830;1830-0630 0900-2100 x 5 days a week (present when Psychologist is absent)</td>
<td>3129</td>
<td>Nurses Clinics</td>
<td>Weekly Child Health Clinic</td>
</tr>
<tr>
<td>Company Coordinator (MN)</td>
<td>1</td>
<td></td>
<td></td>
<td>Ante Natal Care</td>
<td>Weekly Immunisation Clinic</td>
</tr>
<tr>
<td>General Nurse</td>
<td>4</td>
<td></td>
<td></td>
<td>Post Natal Care</td>
<td></td>
</tr>
<tr>
<td>Midwife Psychiatric Nurse</td>
<td>1</td>
<td></td>
<td></td>
<td>Woman’s Health Care</td>
<td></td>
</tr>
<tr>
<td>Dental Private Practitioner at Roxby Downs</td>
<td>outside service</td>
<td>Outside service on a needs basis</td>
<td>7</td>
<td>Child Health Care</td>
<td></td>
</tr>
<tr>
<td>Optometrist Private Practitioner from Adelaide</td>
<td>outside service</td>
<td>Outside service on a needs basis</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Referral/Specialist</td>
<td>outside service</td>
<td>Outside Service on a needs basis</td>
<td>65</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Psychologist</td>
<td>1</td>
<td>0830-1700 x 5 days a week (present when Mental Health Nurse is absent)</td>
<td>77</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### MARIBRYNONG IDC

<table>
<thead>
<tr>
<th>Staff</th>
<th>Number</th>
<th>Hours of Attendance</th>
<th>Appointments for month</th>
<th>Regular On Site Health Services</th>
<th>Special Care Services Available (eg. Child Health Clinic, Postnatal &amp; Ante-natal, Women’s Health clinic)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Practitioner</td>
<td>1</td>
<td>4 hours per week</td>
<td>50</td>
<td>Primary health care</td>
<td>Antenatal care</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>First Aid</td>
<td>Child Health Nurse to see 5 month old baby</td>
</tr>
<tr>
<td>Psychiatrist</td>
<td>1</td>
<td>Full time Counsellor</td>
<td>95 Psych Nurse 210 hours counsellor</td>
<td>Health Education</td>
<td>24 hour locum doctor service</td>
</tr>
<tr>
<td>Psychologists</td>
<td>2</td>
<td>1 full time/1 casual</td>
<td>535</td>
<td>Psychiatric Nurse</td>
<td>Dental - when required</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Optical - when required</td>
</tr>
<tr>
<td>Nurse</td>
<td>outside service</td>
<td>Referred to outside Dentist</td>
<td>5</td>
<td>Forensic Nursing Services (External Health Services) are a locally based nursing agency. They attend the centre each evening to dispense medication and attend twice a day over the weekend to dispense medication and provide an on call Mental Health service.</td>
<td>Available if required</td>
</tr>
<tr>
<td>Counsellor</td>
<td>outside service</td>
<td>Referred to outside Optometrist</td>
<td>1</td>
<td>Primary Health Care</td>
<td>24 hour locum doctor service</td>
</tr>
<tr>
<td>Dental</td>
<td>outside service</td>
<td>Outside Service on a needs basis</td>
<td>11</td>
<td>First Aid Health Education</td>
<td>Dental - when required</td>
</tr>
<tr>
<td>Optometrist</td>
<td>outside service</td>
<td>Outside Service on a needs basis</td>
<td>NIL</td>
<td></td>
<td>Optical - when required</td>
</tr>
</tbody>
</table>

### PERTH IDC

<table>
<thead>
<tr>
<th>Staff</th>
<th>Number</th>
<th>Hours of Attendance</th>
<th>Appointments for month</th>
<th>Regular On Site Health Services</th>
<th>Special Care Services Available (eg. Child Health Clinic, Postnatal &amp; Ante-natal, Women’s Health clinic)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Practitioner</td>
<td>2</td>
<td>2 Hours per week</td>
<td>32</td>
<td>Forensic Nursing Services (External Health Services) are a locally based nursing agency. They attend the centre each evening to dispense medication and attend twice a day over the weekend to dispense medication and provide an on call Mental Health service.</td>
<td>Available if required</td>
</tr>
<tr>
<td>Psychiatrist</td>
<td>outside service</td>
<td>Referred to outside psychiatrist</td>
<td>0</td>
<td>Primary Health Care</td>
<td>24 hour locum doctor service</td>
</tr>
<tr>
<td>Psychologist</td>
<td>1</td>
<td>8 Hours Per Day/5 days per week</td>
<td>75</td>
<td>First Aid Health Education</td>
<td>Dental - when required</td>
</tr>
<tr>
<td>Nurse</td>
<td>outside service</td>
<td>Referred to outside Dentist</td>
<td>3</td>
<td></td>
<td>Optical - when required</td>
</tr>
<tr>
<td>Counsellor</td>
<td>outside service</td>
<td>Referred to outside Optometrist</td>
<td>NIL</td>
<td>Forensic Nursing Services (External Health Services) are a locally based nursing agency. They attend the centre each evening to dispense medication and attend twice a day over the weekend to dispense medication and provide an on call Mental Health service.</td>
<td>Available if required</td>
</tr>
<tr>
<td>Dental</td>
<td>outside service</td>
<td>Referred to appropriate outpatients hospital specialist</td>
<td>NIL</td>
<td>Primary Health Care</td>
<td>24 hour locum doctor service</td>
</tr>
<tr>
<td>Optometrist</td>
<td>1</td>
<td>Visiting Psychologist as required</td>
<td>8</td>
<td>First Aid Health Education</td>
<td>Dental - when required</td>
</tr>
</tbody>
</table>
### VILLAWOOD IDC

<table>
<thead>
<tr>
<th>Staff</th>
<th>Number</th>
<th>Hours of Attendance</th>
<th>Appointments for month</th>
<th>Regular On Site Health Services</th>
<th>Special Care Services Available (eg. Child Health Clinic, Postnatal &amp; Antenatal, Women’s Health clinic)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Practitioner</td>
<td>1</td>
<td>30hrs week</td>
<td>296</td>
<td>Primary health care</td>
<td>In area health service hospitals and community: Psychiatry</td>
</tr>
<tr>
<td>Psychiatrist</td>
<td>outside service</td>
<td>Outside referrals on as needs basis</td>
<td>1</td>
<td>First Aid</td>
<td>Chest clinic</td>
</tr>
<tr>
<td>Psychologist</td>
<td>1</td>
<td>40hrs week</td>
<td>222</td>
<td>Health education</td>
<td>Antenatal</td>
</tr>
<tr>
<td>Nurses</td>
<td>14 incl. F/T, P/T, Casual 2</td>
<td>420hrs week = 10.0 FTE 34hrs week</td>
<td>816 178</td>
<td>Psychology assessment</td>
<td>Dental</td>
</tr>
<tr>
<td>Counsellors</td>
<td>1 (Programs Staff, not medical)</td>
<td>40hrs week</td>
<td>33 (reported in Programs)</td>
<td>Mental health nursing</td>
<td>Physiotherapy, off site</td>
</tr>
<tr>
<td>Dental</td>
<td>outside service</td>
<td>Outside referrals on as needs basis</td>
<td>16</td>
<td>Child &amp; Family health</td>
<td>Tertiary referral hospital</td>
</tr>
<tr>
<td>Optometrist</td>
<td>attends at clinic on appointment basis</td>
<td></td>
<td>8</td>
<td>Antenatal shared care Immunisation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Every 4-6 weeks on as needs basis</td>
<td></td>
<td></td>
<td>Health screening</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Optometry 24hour on call LMO</td>
<td></td>
<td></td>
<td>Physiotherapy, on site</td>
<td></td>
</tr>
</tbody>
</table>

### WOOMERA RESIDENTIAL HOUSING PROJECT

<table>
<thead>
<tr>
<th>Staff</th>
<th>Number</th>
<th>Hours of Attendance</th>
<th>Appointments for month</th>
<th>Regular On Site Health Services</th>
<th>Special Care Services Available (eg. Child Health Clinic, Postnatal &amp; Antenatal, Women’s Health clinic)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Practitioner</td>
<td>outside service</td>
<td>Taken to WIRPC when in need of medical attention</td>
<td></td>
<td>Psychologist and Mental Health Nurse in attendance Medication provisions and supervision</td>
<td>Attend appointments at WIRPC</td>
</tr>
<tr>
<td>Psychiatrist/Counsellor</td>
<td>0.1</td>
<td>1300-1400</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nurse</td>
<td>0.2</td>
<td>0800-1000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dental</td>
<td>outside service</td>
<td>Escort to Roxby Downs when in need of a Dentist</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Optometrist</td>
<td>outside service</td>
<td>Escort to Adelaide when in need of a Optometrist</td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Referral/Specialist</td>
<td>Nil</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>Nil</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## CHRISTMAS ISLAND

<table>
<thead>
<tr>
<th>Staff</th>
<th>Number</th>
<th>Hours of Attendance</th>
<th>Appointments for month</th>
<th>Regular On Site Health Services</th>
<th>Special Care Services Available (eg. Child Health Clinic, Postnatal &amp; Antenatal, Women’s Health clinic)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Practitioner</td>
<td>2 available at hospital</td>
<td>Outside service on a needs basis</td>
<td>23</td>
<td>Medication Clinic’s General Health Clinic’s Nurse Appointments Immunisations</td>
<td>Child health Clinic Women’s Health Clinic Special Needs Children’s Clinic UAM’s Health Clinics Immunizations Psych Referrals/RV Dental Stress management Education Podiatrist</td>
</tr>
<tr>
<td>Psychologist</td>
<td>outside service</td>
<td>Outside service on a needs basis</td>
<td>Nil</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nurse</td>
<td>2 0700-2000 + on call</td>
<td>1156</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Counsellor</td>
<td>outside service</td>
<td>Outside service on a needs basis</td>
<td>Nil</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dental</td>
<td>outside service</td>
<td>Outside service on a needs basis</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Optometrist</td>
<td>outside service</td>
<td>Outside service on a needs basis</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Specialist</td>
<td>outside service</td>
<td>Outside service on a needs basis</td>
<td>7</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### EDUCATION

<table>
<thead>
<tr>
<th>CURTIN IRPC</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th>PORT HEDLAND IRPC</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th>WOOMERA IRPC</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject (Add any Subjects not listed)</td>
<td>Hours/day</td>
<td>Average Attendance</td>
<td>Subject (Add any Subjects not listed)</td>
<td>Hours/day</td>
<td>Average Attendance</td>
<td>Subject (Add any Subjects not listed)</td>
<td>Hours/day</td>
<td>Average Attendance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Creche/Preschool</td>
<td>1 hr 20 min</td>
<td>11</td>
<td>2</td>
<td>Creche/Preschool</td>
<td>2</td>
<td>2</td>
<td>Creche/Preschool</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Language</td>
<td>1 hr 10 min</td>
<td>13</td>
<td>7</td>
<td>Language</td>
<td>1</td>
<td>1</td>
<td>Language</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Craft</td>
<td>1 hr 20 min</td>
<td>11</td>
<td>15</td>
<td>Craft</td>
<td>2</td>
<td>2</td>
<td>Craft</td>
<td>1</td>
<td>1</td>
<td>30</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary Level</td>
<td>2 hr</td>
<td>40</td>
<td>120</td>
<td>Primary Level</td>
<td>2</td>
<td>2</td>
<td>Primary Level</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Computer</td>
<td>1 hr</td>
<td>1</td>
<td>120</td>
<td>Computer</td>
<td>1</td>
<td>1</td>
<td>Computer</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>English</td>
<td>1 hr 20 min</td>
<td>1</td>
<td>120</td>
<td>English</td>
<td>2</td>
<td>2</td>
<td>English</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mathematics</td>
<td>1 hr</td>
<td>1</td>
<td>120</td>
<td>Mathematics</td>
<td>2</td>
<td>2</td>
<td>Mathematics</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Art/Craft</td>
<td>1 hr 20 min</td>
<td>1</td>
<td>120</td>
<td>Art/Craft</td>
<td>1</td>
<td>1</td>
<td>Art/Craft</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Secondary Level</td>
<td>1 hr</td>
<td>1</td>
<td>120</td>
<td>Secondary Level</td>
<td>1</td>
<td>1</td>
<td>Secondary Level</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>English</td>
<td>1 hr</td>
<td>1</td>
<td>120</td>
<td>English</td>
<td>1</td>
<td>1</td>
<td>English</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mathematics</td>
<td>1 hr 30 min</td>
<td>30</td>
<td>120</td>
<td>Mathematics</td>
<td>2</td>
<td>2</td>
<td>Mathematics</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Science</td>
<td>1 hr 30 min</td>
<td>30</td>
<td>120</td>
<td>Science</td>
<td>1</td>
<td>1</td>
<td>Science</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Computing</td>
<td>1 hr 20 min</td>
<td>11</td>
<td>120</td>
<td>Computing</td>
<td>1</td>
<td>1</td>
<td>Computing</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult</td>
<td>1 hr 30 min</td>
<td>30</td>
<td>120</td>
<td>Adult</td>
<td>2</td>
<td>4</td>
<td>Adult</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>English</td>
<td>1 hr 20 min</td>
<td>11</td>
<td>120</td>
<td>English</td>
<td>1</td>
<td>1</td>
<td>English</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Numeracy</td>
<td>1 hr 30 min</td>
<td>30</td>
<td>120</td>
<td>Numeracy</td>
<td>1</td>
<td>1</td>
<td>Numeracy</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Training</td>
<td>1 hr 30 min</td>
<td>30</td>
<td>120</td>
<td>Vocational Training</td>
<td>1</td>
<td>1</td>
<td>Vocational Training</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Computing</td>
<td>1 hr 30 min</td>
<td>30</td>
<td>120</td>
<td>Computing</td>
<td>1</td>
<td>1</td>
<td>Computing</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>1 hr 30 min</td>
<td>30</td>
<td>120</td>
<td>Other</td>
<td>1</td>
<td>1</td>
<td>Other</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General/Life Education</td>
<td>40 min</td>
<td>1</td>
<td>120</td>
<td>General/Life Education</td>
<td>1</td>
<td>1</td>
<td>General/Life Education</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Life Skills</td>
<td>40 min</td>
<td>1</td>
<td>120</td>
<td>Life Skills</td>
<td>1</td>
<td>1</td>
<td>Life Skills</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conversational English.</td>
<td>40 min</td>
<td>1</td>
<td>120</td>
<td>Conversational English.</td>
<td>1</td>
<td>1</td>
<td>Conversational English.</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Teacher (Please provide numbers and Qualifications)**

- 1 female teacher: B/Ed, BA/Hons, TESL
- 1 male teacher: BA, Dip ED, MA, TESL

**Teacher (Please provide numbers and Qualifications)**

- 1 male B/Ed, TESL
- 1 Female B/Ed
- St. Cecilia School teachers provide for the children and are all qualified to W.A. standard

**Teacher (Please provide numbers and Qualifications)**

- Four Teachers: Two for the Centre, One for the Residential Housing Project and Education Coordinator. All Teachers attend St Michaels providing education to women & children
- 2 Primary trained, w primary & secondary trained, all with previous ESL experience, 1 teacher having IT specialty.
<table>
<thead>
<tr>
<th>Subject (Add any Subjects not listed)</th>
<th>Hours/day</th>
<th>Average Attendance</th>
<th>Subject (Add any Subjects not listed)</th>
<th>Hours/day</th>
<th>Average Attendance</th>
<th>Subject (Add any Subjects not listed)</th>
<th>Hours/day</th>
<th>Average Attendance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Creche/Preschool</td>
<td>5 hours</td>
<td></td>
<td>Creche/Preschool</td>
<td></td>
<td>21</td>
<td>Creche/Preschool</td>
<td></td>
<td>1-2</td>
</tr>
<tr>
<td>Primary Level</td>
<td></td>
<td></td>
<td>Primary Level</td>
<td></td>
<td>2 days per week</td>
<td>Primary Level</td>
<td></td>
<td>Approx 5</td>
</tr>
<tr>
<td>English</td>
<td></td>
<td></td>
<td>English</td>
<td></td>
<td>5 hrs/day</td>
<td>English</td>
<td></td>
<td>8-12</td>
</tr>
<tr>
<td>Mathematics</td>
<td></td>
<td></td>
<td>Mathematics</td>
<td></td>
<td>5 hrs/day</td>
<td>Mathematics</td>
<td></td>
<td>2-4</td>
</tr>
<tr>
<td>Art and Craft</td>
<td></td>
<td></td>
<td>Science</td>
<td></td>
<td>4 hrs/day</td>
<td>Science</td>
<td></td>
<td>20-30</td>
</tr>
<tr>
<td>Secondary Level</td>
<td></td>
<td></td>
<td>Computing</td>
<td></td>
<td>2 hrs/wk</td>
<td>Computing</td>
<td></td>
<td>15-20</td>
</tr>
<tr>
<td>English</td>
<td></td>
<td></td>
<td>Adult</td>
<td></td>
<td>2 hrs/day</td>
<td>Adult</td>
<td></td>
<td>15-20</td>
</tr>
<tr>
<td>Numeracy</td>
<td></td>
<td></td>
<td>Numeracy</td>
<td></td>
<td>1 hr/day</td>
<td>Numeracy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Training</td>
<td></td>
<td></td>
<td>Vocational Training</td>
<td></td>
<td></td>
<td>Vocational Training</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Computing</td>
<td></td>
<td></td>
<td>Other (Religious)</td>
<td></td>
<td></td>
<td>Other (Religious)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td>General/Life Education</td>
<td></td>
<td></td>
<td>General/Life Education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Life Skills</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Creche/Preschool</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education, Pre-School age; 2 days per week; Education, General Education; Computer classes (beginners); Women’s Life skills development;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult English</td>
<td></td>
<td></td>
<td>English</td>
<td></td>
<td></td>
<td>English</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Numeracy</td>
<td></td>
<td></td>
<td>Mathematics</td>
<td></td>
<td></td>
<td>Mathematics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Training</td>
<td></td>
<td></td>
<td>Science</td>
<td></td>
<td></td>
<td>Science</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Computing</td>
<td></td>
<td></td>
<td>Adult</td>
<td></td>
<td></td>
<td>Adult</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Numeracy</td>
<td></td>
<td></td>
<td>Numeracy</td>
<td></td>
<td></td>
<td>Numeracy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Training</td>
<td></td>
<td></td>
<td>Vocational Training</td>
<td></td>
<td></td>
<td>Vocational Training</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Computing</td>
<td></td>
<td></td>
<td>Other</td>
<td></td>
<td></td>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General/Life Education</td>
<td></td>
<td></td>
<td>General/Life Education</td>
<td></td>
<td></td>
<td>General/Life Education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Life Skills</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Creche/Preschool</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education, Pre-School age; 2 days per week; Education, General Education; Computer classes (beginners); Women’s Life skills development;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult English</td>
<td></td>
<td></td>
<td>English</td>
<td></td>
<td></td>
<td>English</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Numeracy</td>
<td></td>
<td></td>
<td>Mathematics</td>
<td></td>
<td></td>
<td>Mathematics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Training</td>
<td></td>
<td></td>
<td>Science</td>
<td></td>
<td></td>
<td>Science</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Computing</td>
<td></td>
<td></td>
<td>Adult</td>
<td></td>
<td></td>
<td>Adult</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Numeracy</td>
<td></td>
<td></td>
<td>Numeracy</td>
<td></td>
<td></td>
<td>Numeracy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Training</td>
<td></td>
<td></td>
<td>Vocational Training</td>
<td></td>
<td></td>
<td>Vocational Training</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Computing</td>
<td></td>
<td></td>
<td>Other</td>
<td></td>
<td></td>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General/Life Education</td>
<td></td>
<td></td>
<td>General/Life Education</td>
<td></td>
<td></td>
<td>General/Life Education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Life Skills</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Creche/Preschool</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education, Pre-School age; 2 days per week; Education, General Education; Computer classes (beginners); Women’s Life skills development;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult English</td>
<td></td>
<td></td>
<td>English</td>
<td></td>
<td></td>
<td>English</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Numeracy</td>
<td></td>
<td></td>
<td>Mathematics</td>
<td></td>
<td></td>
<td>Mathematics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Training</td>
<td></td>
<td></td>
<td>Science</td>
<td></td>
<td></td>
<td>Science</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Computing</td>
<td></td>
<td></td>
<td>Adult</td>
<td></td>
<td></td>
<td>Adult</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Numeracy</td>
<td></td>
<td></td>
<td>Numeracy</td>
<td></td>
<td></td>
<td>Numeracy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Training</td>
<td></td>
<td></td>
<td>Vocational Training</td>
<td></td>
<td></td>
<td>Vocational Training</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Computing</td>
<td></td>
<td></td>
<td>Other</td>
<td></td>
<td></td>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General/Life Education</td>
<td></td>
<td></td>
<td>General/Life Education</td>
<td></td>
<td></td>
<td>General/Life Education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Life Skills</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Creche/Preschool</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education, Pre-School age; 2 days per week; Education, General Education; Computer classes (beginners); Women’s Life skills development;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult English</td>
<td></td>
<td></td>
<td>English</td>
<td></td>
<td></td>
<td>English</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Numeracy</td>
<td></td>
<td></td>
<td>Mathematics</td>
<td></td>
<td></td>
<td>Mathematics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Training</td>
<td></td>
<td></td>
<td>Science</td>
<td></td>
<td></td>
<td>Science</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Computing</td>
<td></td>
<td></td>
<td>Adult</td>
<td></td>
<td></td>
<td>Adult</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Numeracy</td>
<td></td>
<td></td>
<td>Numeracy</td>
<td></td>
<td></td>
<td>Numeracy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Training</td>
<td></td>
<td></td>
<td>Vocational Training</td>
<td></td>
<td></td>
<td>Vocational Training</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Computing</td>
<td></td>
<td></td>
<td>Other</td>
<td></td>
<td></td>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General/Life Education</td>
<td></td>
<td></td>
<td>General/Life Education</td>
<td></td>
<td></td>
<td>General/Life Education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Life Skills</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Creche/Preschool</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education, Pre-School age; 2 days per week; Education, General Education; Computer classes (beginners); Women’s Life skills development;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult English</td>
<td></td>
<td></td>
<td>English</td>
<td></td>
<td></td>
<td>English</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Numeracy</td>
<td></td>
<td></td>
<td>Mathematics</td>
<td></td>
<td></td>
<td>Mathematics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Training</td>
<td></td>
<td></td>
<td>Science</td>
<td></td>
<td></td>
<td>Science</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Computing</td>
<td></td>
<td></td>
<td>Adult</td>
<td></td>
<td></td>
<td>Adult</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Numeracy</td>
<td></td>
<td></td>
<td>Numeracy</td>
<td></td>
<td></td>
<td>Numeracy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Training</td>
<td></td>
<td></td>
<td>Vocational Training</td>
<td></td>
<td></td>
<td>Vocational Training</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Computing</td>
<td></td>
<td></td>
<td>Other</td>
<td></td>
<td></td>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General/Life Education</td>
<td></td>
<td></td>
<td>General/Life Education</td>
<td></td>
<td></td>
<td>General/Life Education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Life Skills</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Creche/Preschool</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education, Pre-School age; 2 days per week; Education, General Education; Computer classes (beginners); Women’s Life skills development;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult English</td>
<td></td>
<td></td>
<td>English</td>
<td></td>
<td></td>
<td>English</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Numeracy</td>
<td></td>
<td></td>
<td>Mathematics</td>
<td></td>
<td></td>
<td>Mathematics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Training</td>
<td></td>
<td></td>
<td>Science</td>
<td></td>
<td></td>
<td>Science</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Computing</td>
<td></td>
<td></td>
<td>Adult</td>
<td></td>
<td></td>
<td>Adult</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Numeracy</td>
<td></td>
<td></td>
<td>Numeracy</td>
<td></td>
<td></td>
<td>Numeracy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Training</td>
<td></td>
<td></td>
<td>Vocational Training</td>
<td></td>
<td></td>
<td>Vocational Training</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Computing</td>
<td></td>
<td></td>
<td>Other</td>
<td></td>
<td></td>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General/Life Education</td>
<td></td>
<td></td>
<td>General/Life Education</td>
<td></td>
<td></td>
<td>General/Life Education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Life Skills</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Teacher (Please provide numbers and Qualifications)

1 Teacher - qualified in English Language training (BA DipEd, A, TESL)

Teacher (Please provide numbers and Qualifications)

One Voluntary English Teacher (Fully Qualified & recognized by Department Of Education W/A)

Teacher’s Certificate

Diploma of Teaching

Cert in Teaching of English to Speaker of Other Languages TESOL

Diploma of Religious Education

Teacher (Please provide numbers and Qualifications)

Qualified Teacher(s)

ie: Diploma in Education; Primary & Secondary Educational qualifications; 3 X Teachers: Adult Educator (part time); Primary School teacher (part time); Pre-School teacher (part time);
<table>
<thead>
<tr>
<th>Subject (Add any Subjects not listed)</th>
<th>Hours/day</th>
<th>Average Attendance</th>
<th>Subject (Add any Subjects not listed)</th>
<th>Hours/day</th>
<th>Average Attendance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Creche/Preschool</td>
<td>1.0</td>
<td>4</td>
<td>Crèche/Preschool</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Primary Level</td>
<td>1.0</td>
<td>2</td>
<td>Story book reading</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>English</td>
<td>0.5</td>
<td>1</td>
<td>Show and tell</td>
<td>1</td>
<td>25</td>
</tr>
<tr>
<td>Mathematics</td>
<td>0.5</td>
<td>1</td>
<td>Primary Level</td>
<td>External</td>
<td></td>
</tr>
<tr>
<td>Art and Craft</td>
<td>3.0</td>
<td></td>
<td>English</td>
<td>Schooling</td>
<td>35</td>
</tr>
<tr>
<td>Physical Education</td>
<td>1.0</td>
<td></td>
<td>Mathematics</td>
<td>6.5 hrs</td>
<td></td>
</tr>
<tr>
<td>Computing</td>
<td>1.0</td>
<td></td>
<td>Art and Craft</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Secondary Level</td>
<td>0.5</td>
<td></td>
<td>Secondary Level</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>English</td>
<td></td>
<td></td>
<td>English</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>Mathematics</td>
<td></td>
<td></td>
<td>Mathematics</td>
<td>Commencing soon</td>
<td></td>
</tr>
<tr>
<td>Science</td>
<td>0.5</td>
<td></td>
<td>Science</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Computing</td>
<td></td>
<td></td>
<td>Computing</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>Art and Craft</td>
<td></td>
<td></td>
<td>Adult</td>
<td>By request</td>
<td></td>
</tr>
<tr>
<td>Computing</td>
<td>0.0</td>
<td></td>
<td>English</td>
<td>Commencing soon</td>
<td></td>
</tr>
<tr>
<td>Adult</td>
<td>0.5</td>
<td></td>
<td>Numeracy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>English</td>
<td></td>
<td>All day access</td>
<td>Vocational Training</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Numeracy</td>
<td>1.0</td>
<td></td>
<td>Computing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Training</td>
<td></td>
<td></td>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Computing</td>
<td></td>
<td></td>
<td>General/Life Education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td>Life Skills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General/Life Education</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Life Skills</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Teacher (Please provide numbers and Qualifications)

Four Teachers: Two for the Centre, One for the Residential Housing Project and Education Coordinator. All Teachers attend St Michaels providing education to women & children

1 Primary trained, w primary & secondary trained, all with previous ESL experience, 1 teacher having IT specialty.

1 female teacher: B/Ed, BA/Hons, TESL
1 male teacher: BA LLB, TESL
1 male teacher: BA, Dip ED, MA, TESL
INDUCTION/MANAGEMENT COURSES
Provide details of all induction and management courses offered to detainees.

<table>
<thead>
<tr>
<th>CURTIN IRPC</th>
<th>PORT HEDLAND IRPC</th>
<th>WOOMERA IRPC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Induction/Management</td>
<td>Induction/Management</td>
<td>Induction/Management</td>
</tr>
<tr>
<td>Induction to all aspects of the Centre</td>
<td>Centre Routine</td>
<td>Induction to all aspects of the Centre</td>
</tr>
<tr>
<td>Medical Screening including Health and Hygiene</td>
<td>Health &amp; Hygiene</td>
<td>Community Awareness:</td>
</tr>
<tr>
<td>Hand-out in community languages</td>
<td>Parenting Skills and Australian Law</td>
<td>Australian History</td>
</tr>
<tr>
<td>Interpreters assist in the induction process</td>
<td>Detainee Handbook available</td>
<td>Drivers Education</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pre-release Information</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Living in Harmony</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Child behaviour &amp; behaviour management</td>
</tr>
<tr>
<td></td>
<td></td>
<td>All residents receive a programs induction booklet detailing the programs facilities at the project upon arrival</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MARIBYRNONG IDC</th>
<th>PERTH IDC</th>
<th>VILLAWOOD IDC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Induction/Management</td>
<td>Induction/Management</td>
<td>Induction/Management</td>
</tr>
<tr>
<td>Induction to all aspects of the Centre</td>
<td>Induction to all aspects of the Centre</td>
<td>Induction to all aspects of the Centre</td>
</tr>
<tr>
<td>Induction booklets in community languages distributed to all detainees on induction</td>
<td>Induction booklets in community languages distributed to all detainees on induction</td>
<td>Detainee Handbook available in 12 Major detainee language groups.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The Detainee handbook has been finalised and minor amendments are being made prior to it being translated by DIMIA.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WOOMERA RHP</th>
<th>CHRISTMAS ISLAND</th>
</tr>
</thead>
<tbody>
<tr>
<td>Induction/Management</td>
<td>Induction/Management</td>
</tr>
<tr>
<td>All residents receive a Programs Induction Booklet detailing the programs facilities at the project upon arrival.</td>
<td>Induction to all aspects of the Centre</td>
</tr>
<tr>
<td>Medical Screening including Health and Hygiene</td>
<td>Medical Screening including Health and Hygiene</td>
</tr>
<tr>
<td>Hand-out in community languages</td>
<td>Hand-out in community languages</td>
</tr>
<tr>
<td>Interpreters assist in the induction process</td>
<td>Interpreters assist in the induction process</td>
</tr>
</tbody>
</table>

PROPOSED FUTURE ENHANCEMENTS (NOT BINDING)

<table>
<thead>
<tr>
<th>Centre</th>
<th>Proposed Future Enhancements Dot point list of any proposed future enhancements that you are planning. Listing an item here does not bind you to completing that project (eg. Negotiations with local scout group taking place for excursions, Investigation commenced into new play equipment.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CURTIN IRPC</td>
<td>• Weekly shopping excursions to local shops for male and females.</td>
</tr>
<tr>
<td>Centre</td>
<td>Proposed Future Enhancements Dot point list of any proposed future enhancements that you are planning. Listing an item here does not bind you to completing that project (eg. Negotiations with local scout group taking place for excursions, Investigation commenced into new play equipment.)</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>
| PORT HEDLAND IRPC | • Proposed integration of resident primary and high school children into community schools has been successful  
• Continued improvement to facilities.  
• Women’s area established  
• Soccer coaching classes for the children  
• Cricket for adults  
• Soccer for adults |
| WOOMERA IRPC | • Provision of monthly Psychiatric consultations by visiting Psychiatrist(s)  
• Mike Food Mess will be refurbished including repainting  
• Investigating providing Arabic and Iranian TV programs through TARBS World TV  
• Negotiations with the local school for increased use of facilities including: school gym, home economics room and art and craft room in conjunction with Woomera Area School Children.  
• Negotiations with local school for education  
• Having residents participate in TAFE or other accredited education. This can be through external courses or through a service provider (eg. TAFE at Woomera Area School)  
• Accessing school of the air  
• Negotiations with Woomera Area Board to take adults to public cinema screenings  
• Home Economics classes for women at RHP to occur in Home Science building at Woomera Area School.  
• Volunteer work for women in the local community of Woomera  
• Work experience for the women at RHP in employment in Woomera  
• Extend education for children to full day at St. Michael’s |
| MARIBRYNONG IDC | • A donated aquarium has been placed in the visitor’s reception area along with indoor plants.  
• Preparations are being made for drawings and paintings by the detainees to be utilised in this area also.  
• Continuation of painting in detainee areas by detainees  
• External signage being replaced-tidied. |
| PERTH IDC | • Proposed Another Resident “Family Day” in End May  
• Introducing Basic First Aid Training  
• Introduction of Church visit  
• Established a connection with the local library. |
| WOOMERA RESIDENTIAL HOUSING PROJECT | • Home Economics classes for women at RHP to occur in Home Science building at Woomera Area School.  
• Volunteer work for women in the local community of Woomera.  
• Work experience for the women at RHP in employment in Woomera |
| CHRISTMAS ISLAND | • Permanent outdoor covered sitting area for UNC’s to be constructed  
• Area beautification and gardening programs  
• Sewing co-op for females to be initiated  
• Teddy bear making - certificate course for females taught by instructor from Indian Oceans Training Group  
• Internal cricket practice pitch/net put in place  
• Library for residents  
• Removable volley ball hoop and back board |
### Centre

Proposed Future Enhancements Dot point list of any proposed future enhancements that you are planning. Listing an item here does not bind you to completing that project (eg. Negotiations with local scout group taking place for excursions, Investigation commenced into new play equipment.)

<table>
<thead>
<tr>
<th>VILLAWOOD IDC</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Further development of the Unaccompanied Minors process;</td>
</tr>
<tr>
<td>• Further development of the children’s Management care Plans;</td>
</tr>
<tr>
<td>• Establishment of a cultural and religious calendar of events &amp; functions;</td>
</tr>
<tr>
<td>• Streamline the VIDC Detainee Newsletter and make it more simplified;</td>
</tr>
<tr>
<td>• Initiate Dept of NSW School Education registration for the VIDC internal school;</td>
</tr>
<tr>
<td>• Conduct a feasibility study into the ‘VIDC Community Housing Scheme’ and provide recommendations;</td>
</tr>
<tr>
<td>• Development of Case management Initiatives (Integrated approach);</td>
</tr>
<tr>
<td>• Further discussions with NSW TAFE to take place, regarding the establishment of a ‘transition educational process’ for Detainees in the areas of accredited ESL &amp; TESOL qualifications;</td>
</tr>
<tr>
<td>• Establish a regular programmes Department staff ‘Communicative’ Newsletter;</td>
</tr>
<tr>
<td>• Further develop Cultural networks;</td>
</tr>
<tr>
<td>• Further develop Religious networks;</td>
</tr>
<tr>
<td>• Liaise with DIMIA in Parramatta regarding the MOU with the NSW Department of Community Services;</td>
</tr>
</tbody>
</table>

### GOVERNMENT RESPONSE REPORT OF THE REVIEW OF MIGRATION REGULATION 4.31B BY THE JOINT STANDING COMMITTEE ON MIGRATION

#### GOVERNMENT RESPONSE TO THE REVIEW OF MIGRATION REGULATION 4.31B BY THE JOINT STANDING COMMITTEE ON MIGRATION

1. Government Objectives

1.1 The Government remains strongly committed to meeting Australia’s international obligations under the Refugees Convention.

1.2 The Government also remains committed to fulfilling its non-refoulement obligations to persons who are not found to be refugees under the Convention, but who are found to have humanitarian reasons to remain in Australia under the Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (CAT), or the International Covenant on Civil and Political Rights (ICCPR).

1.3 The Government meets these international obligations through the grant of protection visas to those persons who are found to be refugees under the definition in the Refugees Convention, and through the exercise of the Minister’s discretion to grant visas to persons who fall under the provisions of the CAT or ICCPR.

2. Background

2.1 In 1997 the Government, concerned that increasing numbers people who did not possess genuine refugee or humanitarian reasons for remaining in Australia were making unmeritorious applications for protection visas (PVs), introduced a package of measures designed to reduce the scope for abuse of the PV process. One of these measures was the introduction of a $1,000 fee for protection visa applicants who were unsuccessful at the Refugee Review Tribunal (RRT).

2.2 The fee is payable only after an adverse decision is handed down by the RRT. Successful review applicants do not become liable for the fee. Further, the fee is refunded or waived for applicants who are unsuccessful at the RRT but who are subsequently granted visas through the exercise of the Minister’s discretionary public interest powers under s417 of the Migration Act 1958. The effect of this arrangement is that genuine applicants are not deterred from seeking review at the RRT by the operation of the fee.

2.3 The regulations (Migration Regulations 4.31B and 4.31C) establishing the fee were subject to a two year sunset clause to take effect from 1 July 1999. Following a review in
1999 of the operation of the fee by the Joint Standing Committee on Migration (JSCM) the sunset clause was extended to 30 June 2001.

2.4 In August 2000, the JSCM was again requested to review the impact of the fee and to report to the Parliament. The Report of the JSCM “2001 Review of Migration Regulation 4.31B” was tabled in the Parliament on 18 June 2001 with a majority of the Committee recommending an extension of the sunset clause to 30 June 2003. A dissenting report was made by Senator Andrew Bartlett.

3. Majority Report

3.1 The majority report accepted that:

• there is significant deliberate abuse of the PV process (paragraph 2.15);

• a decline in the take-up rate for ‘low refugee producing’ nationalities indicated that there was a deterrent effect for mala fide applicants (paragraph 2.37);

• the available statistical information indicated that bona fide applicants were not being discouraged from applying for review (paragraph 2.51); and

• that many suggested proposals for administrative change were not appropriate (paragraphs 3.6, 3.10, 3.13, 3.16, 3.22 and 3.25).

3.2 The Committee consequently recommended that:

• DIMIA systematically examine the full range of existing migration processing and review arrangements with a view to further streamlining them (Recommendation 1—paragraph 2.16);

• the activities of migration agents be brought under closer scrutiny by DIMIA and the Migration Agents Registration Authority (Recommendation 2—paragraph 3.47); and

• that Migration Regulation 4.31B be retained, subject to a two-year sunset clause commencing on 1 July 2001, and that its operation be reviewed by the Committee early in 2003 (Recommendation 3—paragraph 4.59).

3.3 The Government accepts the Committee’s findings contained in the majority report.

4 Majority Recommendations

Recommendation 1

The Committee recommends that DIMIA systematically examine the full range of existing migration processing and review arrangements with a view to further streamlining them.

4.1 The Department of Immigration and Multicultural and Indigenous Affairs Client Service Charter commits the Department to striving to improve its services. This includes continuous process improvement.

4.2 The Department, in collaboration with the Migration Review Tribunal and the RRT, examines existing processes and procedures continuously to improve administrative efficiency without negatively affecting the quality of decision-making. This work will continue into the future.

Recommendation 2

The Committee recommends that the activities of migration agents be brought under closer continuing scrutiny by DIMA and the Migration Agents Registration Authority.

4.3 Both the Migration Agents Regulation Authority and the Department are continually seeking to improve the operation of the regulatory framework and professional standards within the industry.

4.4 A full review of the migration advice industry has commenced and will be completed towards the end of the year. The review will report on the effectiveness of the current system of statutory self-regulation, including the nature and level of scrutiny of migration agents.

Recommendation 3

The Committee recommends that Migration Regulation 4.31B be retained, subject to a two-year sunset clause commencing on 1 July 2001, and that its operation be reviewed by the Committee early in 2003.

4.5 The Government has decided to implement Recommendation 3 in full. Regulations extending the sunset clause for a further two years were made with effect from 1 July 2001.

4.6 Further the Government intends that another review of Regulation 4.31B be undertaken by the JSCM prior to the expiry of the sunset clause on 30 June 2003.

5. Dissenting Report

5.1 A dissenting report was tabled by Senator Andrew Bartlett. Senator Bartlett recommended that Regulation 4.31B cease to operate after 1 July 2001.

5.2 This report commented that:

• nearly two thirds of submissions to the review opposed the fee; and
many submissions raised the issue of hardship caused to applicants by the fee and cited an example given by Kingsford Legal Centre to show the effect of the fee on an asylum seeker.

5.3 The dissenting report concluded:
- that it is not obvious that there is significant abuse (of the PV system);
- that the positive effects of the fee which were expected have not occurred; and
- the fee has a negative effect on applicants.

5.4 The Government acknowledges the contribution of Senator Bartlett and accepts that his intentions are similar to those of the Government, in seeking to ensure that Australia continues to fulfil its international refugee and humanitarian obligations to a high standard, and to reduce the levels of abuse of the system.

5.5 However, the Government considers that the dissenting report’s recommendation would have a significant negative effect on the outcomes for the protection visa system.

5.6 The review has clearly shown that there is still substantial abuse of the PV process. Evidence was given by the RRT and Migration Institute of Australia to that effect. An indicator of the level of abuse is that 34% of all RRT decisions are affirmed without the applicant availing themselves of an opportunity to attend a hearing to present their case. While the Department’s submission to the Committee advanced reasons for this, no other submissions or evidence to the Committee were able to provide a plausible alternative explanation why this occurs.

5.7 The Government does not accept the conclusion in the dissenting report that the expected positive effects of the fee have not occurred. Evidence submitted to the Committee clearly showed the fee has been a deterrent to prospective RRT applicants of ‘low refugee producing’ nationalities, the group in which more non-genuine applications are found.

5.8 While some submissions argued that the fee had a negative effect on some applicants, the Government does not accept that any perceived adverse effect outweighs the positive effect the fee has as a deterrent and a partial cost recovery measure. The research on review applications and success rates indicates that the disincentive effect of the fee focussed on those applicants who are not refugees. The Government also notes that no concrete evidence was supplied to the Committee to show that the fee dissuaded any genuine applicant from applying to the RRT for review of their primary decision.

DELEGATION REPORTS
Parliamentary Delegation to the 48th Commonwealth Parliamentary Conference

The DEPUTY PRESIDENT (3.54 p.m.)—On behalf of the President, I present the report of the delegation from the Commonwealth of Australia branch of the 48th Commonwealth Parliamentary Association, which took place in Namibia in September 2002.

DOCUMENTS
Resolution of the Northern Territory Legislative Assembly

The DEPUTY PRESIDENT (3.54 p.m.)—On behalf of the President, I present a resolution agreed to by the Northern Territory Legislative Assembly relating to the plight of the East Timorese asylum seekers, together with copies of members’ speeches, sent to me by the Speaker of the Northern Territory Legislative Assembly, the Hon. Loraine Braham.

Senator CROSSIN (Northern Territory) (3.55 p.m.)—I move:
That the Senate take note of the document.

I would like the Senate to take note of and accept the resolution that was agreed to by the Northern Territory Legislative Assembly. This motion relates to the current plight of the East Timorese asylum seekers based in Darwin in the Northern Territory who are seeking to stay in Australia. I want to reiterate some of the comments that were made during this debate in the Northern Territory when this motion was endorsed. As the Chief Minister said at the time, the Territory leads Australia in many respects. Of course, the most important among those is the cultural diversity of our society in the Top End—that is, the way in which people from many parts of the world and from many parts of Australia live together in peace and harmony with a sense of complete cooperation in Darwin.

We often hear people pay lip service to multiculturalism in other parts of our country but in the Territory it actually does work. It is
readily seen in the schools, on the sporting fields and in our workplaces. We are a small community and a very tight-knit one, so we rely on this peace and harmony and the integration of our multicultural groups to a very large extent. What happens to one family affects all of us in the Top End. That is why the plight of the 80 or more East Timorese who have made the Northern Territory their home and are now probably facing, at the end of the day, deportation back to East Timor has raised many concerns within our community. That is why there are so many people working to ensure that this is not the case.

Many of these people are known to us. Some have spent up to 10 years or more living in the Top End and many have had children there. They have opened businesses. Many are studying or working. They are good neighbours, good friends and, in fact, they have been good immigrants. They are part of the Territory. As the Leader of the Opposition, Denis Burke, said in his contribution to this motion last week, everyone refers to them as Territorians. We feel they are a part of our community and they are Territorians.

These are people who once faced very grave fears for their safety in East Timor, some fleeing for their lives and losing family and friends in the outbreaks of violence leading up to and following the independence vote. They have found peace in Australia. They have found a home in Darwin and a haven in which they can bring up their children. That is why I think—and I agree with the Chief Minister—that it is devastating to hear that the federal government has given them a short deadline before planning to send them back to East Timor forcibly. Many of these people will lose everything if they leave now, and they will return to nothing. They face a very difficult time of dislocation, language problems for their children and unemployment. The small Territory population needs building up through good immigrants like the East Timorese, not the loss of families such as these.

We note that the federal government does not consider these people to be refugees following Australia’s involvement in restoring peace in East Timor, but, of course, those of us who are fighting to ensure that these people stay in this country do not accept the federal government’s ruling. There was a belief in, and a commitment to, ensuring that they would be considered a special case because of their great contribution to the Darwin community and the widespread support and respect they have won. Unfortunately, our attempts to date to get the federal government to agree to a special purpose category visa have failed.

I believe it would be so easy for Minister Ruddock to decide to grant resident status to the 1,700 or so East Timorese refugees who came to this country having fled East Timor many years ago prior to the start of that country’s campaign and crusade to become an independent nation. It is unfortunate that this government has seemed to actually put a fence around these people and designate them as having a special case for refugee status as was the case in the 1980s when the Labor government recognised that needed to occur for people from China who were here during the Tiananmen Square massacre. Seventeen hundred people is not a lot of people for this country to welcome with open arms and to have as residents of this country forever without having to put them again through the trauma and dislocation that they will experience if they are sent back home.

We have 80 or more East Timorese people in the Northern Territory. Many of them, of course, have relatives amongst those 1,700 East Timorese who are in Melbourne. As I have said before in this chamber, they have played a significant role in contributing to our community. It is a role that should be acknowledged and these people should be accepted as part of our population in this country. It is within the minister’s powers to do that. It is unfortunate, I must say, that Minister Ruddock was in the Northern Territory over the weekend. I came across him out at Jabiru on Saturday night. I realise that he had been in the Territory to take part in a land hand back at Kybrook Farm and he had flown on to Darwin on Sunday.

Senator Ferguson—It was not unfortunate.
Senator CROSSIN—It is unfortunate that he did not make himself available to meet these people or their representatives or to perhaps give them some acknowledgment that he knows there is a path that they are endeavouring to take. It is unfortunate that he did not make himself available to meet with representatives of this community while he was in the Northern Territory.

However, the community has been working long and hard on this. I noticed in the Sunday Territorian last Sunday week that some schoolchildren from Karama Primary School were raising funds to assist these people to gather together the $1,000 that they will need to appeal the initial decision. Last night at the Italian Club in Darwin there was a fundraising concert, again to gather together the funds that these people are going to need to appeal the decision to send them back to East Timor. That is exactly the nature of multiculturalism in Darwin when you have the Italian community offering their venue and their services to assist the plight of the East Timorese families. The work of St Vincent de Paul has been significant in that, and Mick Fox has been crucial in coordinating this campaign.

The Northern Territory government has pledged assistance through the Office of Ethnic Affairs, which will be supporting the Northern Territory Legal Aid Commission to provide assistance to these people so that they get the best sound advice and strong legal representation to be able to mount a case to stay. I understand that the Chief Minister had a conversation with Minister Ruddock in which he gave an undertaking that each case will be looked at individually under section 417 of the act, which is where the minister has the discretion. I hope that the minister would find that he has the discretion, at the end of the day, to grant these people residency in Australia based on humanitarian reasons. I hope that is the path these people go down and that they are entitled to stay, and are welcome to stay, in this country.

This motion passed by the Northern Territory Legislative Assembly is an important one. It continues the campaign to ensure that the East Timorese people are recognised as being strong contributors to the community, to support those who are living in Darwin and to support the affected families. Of course, it also recognises the many contributions of individuals, businesses and community organisations that are supporting the East Timorese people. One of those would be the Hakka Association. In the speeches that have been tabled that accompany this resolution there is recognition of the role that the Chinese Timorese association has played and the role that significant Chinese Timorese leaders in Darwin are playing in an effort to try to ensure that this federal government recognises that they can be in a win-win situation here. The win-win situation is that they could grant people a visa under particular humanitarian reasons or for whatever reason the minister chooses. This would acknowledge the substantial contribution of these members to our community and ensure that they can stay forever in Darwin, and in Australia—a place they have made their home and want to continue to make their home for themselves and for their children.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (4.05 p.m.)—I speak on behalf of the Australian Democrat Party in noting the motion relating to the proposed deportation of East Timorese asylum seekers that was passed by the Northern Territory Legislative Assembly last week. My understanding is that the motion was passed unanimously—that is, with the support of Country Liberal party members. If I am wrong, I am sure someone will tell me otherwise. The assembly certainly passed it and it is a motion that the Democrats wholeheartedly endorse. Indeed, it should be one that the Senate endorses because it expands upon a view already expressed by way of a motion agreed to by the Senate a few weeks back in relation to the situation faced by people of East Timorese background who are now well and truly part of the Australian community.

It is particularly relevant for people in Darwin and for the Territory community, which is no doubt why the Northern Territory assembly has taken this issue so seriously. It is also particularly relevant for people in Melbourne, where there is another
large East Timorese community made up of many of these people who have been made to suffer for such a long period of time and who have been left in limbo because of the consistent policy of this and the previous Labor government when people first arrived while the Indonesian occupation of East Timor was, of course, still well and truly a reality.

The resolution of the assembly rightly acknowledges the substantial contribution which members of the East Timorese community have made to the Northern Territory community over many years. That applies to those who are in other parts of the country as well, but it is probably more noticeable in Darwin because it is a smaller community than somewhere like Melbourne—the proportion of East Timorese there is more noticeable—and because Darwin has stronger historical links with the region, obviously, being a lot closer geographically.

The Democrats are pleased that the Northern Territory parliament has expressed its support for the East Timorese asylum seekers and is extending support, including funding for legal aid. It is a crucial issue and it is one that the Democrats have raised many times over many years. It is very unfortunate that it has got to a situation now where, finally, the government is starting to process these people’s claims when the situation is such that they are unlikely to meet the very strict refugee criteria that apply in Australia. It is probably the case that many people do not fit the very tight criteria for refugee status, although it is undoubtedly the case that most or all of them did fit the criteria when they arrived in Australia and when they put in their initial applications many years ago.

The opinion of the Northern Territory government and parliament is that the East Timorese should remain in the communities that they are now well and truly a part of. Certainly I and, I expect, many others in this chamber—particularly the Northern Territory representatives, Senator Crossin and Senator Scullion—have received many representations from individuals wanting assistance to ensure that they can remain in Australia, in some cases permanently and in others at least until they can finish their studies. Surely it would be in Australia’s interests, let alone those people’s individual interests and in the interests of the East Timorese nation, that people who are partway through higher education should be enabled to finish that education, which they could then use much more effectively to assist their former nation of East Timor. There is no doubt that Australia still owes a significant debt to East Timor, in terms of not just the actions and occurrences during the Second World War but also, as a government, our insistence on turning a blind eye to their plight for around 25 years.

Clearly, East Timor is now amongst the most impoverished nations in our region. The East Timorese are clearly in a situation of significant instability and they need our support. They do not need a government that dumps 1,000 or so people back into the middle of that fledgling nation, many of them without homes to go to, without support and, for the younger people, without even the ability to speak a language other than English and with no real direct experience of or connection with the land that they are now being sent back to other than their historical connection to it.

The Democrats note and endorse the statement seeking support for the resolution and for the deportees’ applications to the minister for immigration. It is another sign of how the stringent, very hardline approach to migration law which this government takes is not only harsh and cruel for the individuals involved but also counterproductive for Australia. Here we have a group of people—it is not particularly large; 1,500 to 1,700—all of whom are desperate to stay in Australia. Certainly all those whom I have met, which would probably be about 30 individuals with different histories and backgrounds in Australia for many years, desperately want to contribute. There is no doubt that, on average, they would contribute to this nation far more, far more passionately and in a far more committed way than many others in the country.

In addition to that, we have a process where, rather than simply apply a blanket approach to all of them, which has been done in the past, the minister, for what seem to be policy purity reasons—or perhaps it is be-
cause he is not allowed to do so by the government more broadly—is insisting that each case be dealt with individually. Each of them has to go through the departmental assessment. Over 700 have been assessed already, every single one of whom has failed. Each of them will have to go to the Refugee Review Tribunal, which could certainly do without the extra workload. Each of them would then almost certainly also fail. Then, and only then, are they able to apply for discretion from the minister. Rather than circumventing all that process and simply having ministerial intervention at the start and, even better, rather than having ministerial intervention looking at each case individually, which would also take an enormous amount of time, it will tie up not just the department and the minister, who have to make these decisions, but all the advocates, supporters in the community, legal aid and legal services staff who will help to prepare their cases and people such as ourselves who will assist in advocating on behalf of these people. Huge amounts of effort will be put in just to get the minister to exercise his discretion to allow those people to apply for some other visa. It will take a long time and it will lead to ongoing suffering for these people, who will have an uncertain future. They will not know what is going to happen.

One of the worst things about ministerial discretion, as the Democrats have pointed out time and again, including in the Senate committee report on our onshore refugee determination process—it was clearly a unanimous recommendation by all those who participated—is that it is totally arbitrary. You cannot compel the minister to use it and you cannot appeal against it. Whilst there are guidelines that he is required to use, you have no idea what it is that led him to accept one person or to agree to exercise his discretion with one person and not to agree with another. Nobody knows and nobody can ever know. It is almost a massive global lucky dip as to whose future is positive and whose future is negative. Those people and all the people helping them are in the middle of that ridiculous environment and they will suffer it for many months to come.

It is worth noting that it has been done before. There is the well-known case of the Chinese students in the Tiananmen Square massacre. A blanket exemption for all those people ended up allowing 42,717 visas to be granted. You say that that is a special case, and it was. I argue that the East Timorese people have a better case than even the Chinese had, not that I opposed that case. It was also applied back in 1997, when the present immigration minister, Minister Ruddock, announced decisions to resolve the status of certain groups of people who had been in Australia as long-term residents. That clearly applies here. Those groups included people who had come from Kuwait, Iraq, Lebanon, China, Sri Lanka and the former Yugoslavia.

I argue that this case is more compelling than any of those cases. They are people who, as we all know, are part of our community, are effective and will contribute well. Let us save ourselves all the trouble and expense; let us save these people the extra suffering. Let us add our support to the Northern Territory parliament. Let us get state parliaments around the country, particularly Victoria, which has a large East Timorese community, to build the pressure on the immigration minister and the federal government to change their minds, to do the right thing by these people and by Australia and to show a bit of common sense as well as compassion.

Senator BROWN (Tasmania) (4.15 p.m.)—I support the previous two speakers and note that it is not without precedent, nor is it common, for us to receive such messages from state or territory administrations or governments. It should be given special credence and supported. I have given notice in writing to convert that motion into one that the Senate can support and I foreshadow that I will be asking Senator Crossin and Senator Bartlett to add their names to that motion when it comes before the Senate on Wednesday.

Senator Bartlett has just referred to the special exemption given in the case of the Tianan men Square students from China, and there have been other cases. But it is quite extraordinary that the suffering of the East Timorese has been ignored by the Minister
for Immigration and Multicultural and Indigenous Affairs and the Prime Minister in the case of those who came to Australia and who have never been given a home here in the sense of security, in the sense of knowing that they could get jobs in the long term or that their kids could go to school here, and in the sense of recognising that Australia was, in effect, their home. Ordinary immigration processes should have allowed them to be granted citizenship long ago. But they have been denied that and they have been held in limbo. Now the minister is saying that they have to pack their bags and go back to East Timor. Just last week we saw the eruption of troubles in East Timor—the death of two people and widespread looting and destruction. As an Australian, I feel partly responsible for that. There is no doubt that underlying the troubles that East Timor has at the moment is insufficient support coming from the Australian government, private enterprise and insufficient backup from the rest of the world. It has fallen far short of what it should be.

Instead, we are seeing the Australian government, in conjunction with a number of big oil and gas companies, trying to defraud the East Timorese people of their greatest potential source of revenue—that is, the Timor Gap oilfields—under the so-called Timor Gap Treaty. This is a total travesty by a big, rich neighbour like Australia on a poor country like East Timor that needs so much to get revenue and income for its future. Talk about good neighbour policy! It is anything but that. If there is one thing that East Timor needs it is foreign investment. One de facto way of getting that investment is from the thousands of East Timorese who are gainfully employed in Australia and who are repatriating money—and that is what they do.

Just last week in parliament, we had a delegation of such folk here under the auspices of the Catholic sisters. In speaking to those East Timorese, they said they want to finish their school here and they want to develop their skills here. We know that if they go home that will stop. What use is that to the future of their country? What use is it if the income earners here who are sending dollars home to their folks in East Timor are suddenly going to be sent home where they will have no income at all? They will become extra mouths to feed and they will have people to support in a country whose economy is in great trouble. What an alien attitude it is for the minister, the Prime Minister and this government to be taking to these poor neighbours of ours who have suffered so much. They have been bypassed or left on the wayside for a quarter of a century. Finally, after gaining their initial freedom, they have a different wayside to deal with—that is, the direct statement, implicit in the processes that Minister Ruddock is going through, that they are foreigners, they are not wanted here and they should get out.

Where is the heart of this great country of ours? It is missing from the pronouncements of the minister for immigration to these East Timorese friends of ours—these lovely people who are in our cities, particularly in Melbourne but in all other cities around the country, including this great community in Darwin. The Territory administration is right: they deserve our support. I ask all members to think about that in converting this motion, which went through the assembly, into one that we can support in the coming days.

Question agreed to.

Responses to Senate Resolutions

The ACTING DEPUTY PRESIDENT

(Senator Chapman) (4.21 p.m.)—I present a response from the Chairman of the Australian Competition and Consumer Commission, Professor Fels, to a resolution of the Senate of 12 November 2002 concerning an order for the production of a report relating to tobacco.

COMMITTEES

Foreign Affairs, Defence and Trade Committee: Joint Report

Senator FERGUSON (South Australia) (4.21 p.m.)—On behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I wish to make an oral presentation by way of a report entitled Annual review of Australia's relations with the United Nations and present the Hansard record of the proceedings and submissions received by the committee. I rise to make a statement on be-
half of the Joint Standing Committee on Foreign Affairs, Defence and Trade about the committee’s ongoing review of Australia’s relations with the United Nations. The review has its origins in a report presented by the committee in the last parliament entitled Australia’s role in United Nations reform.

Senator Brown—Mr Acting Deputy President, on a point of order: would the senator tell us if this oral presentation will convert into a written presentation to the Senate? Is this annual report simply going to be an oral presentation to the Senate?

The ACTING DEPUTY PRESIDENT (Senator Chapman)—Senator Brown, as with all remarks in this chamber, it will be in Hansard.

Senator FERGUSON—In that report, the former committee concluded:
The ideals of the United Nations, as expressed in the [United Nations] charter, are as important today as they were when they were first written.
The report did acknowledge, however, that the United Nations is in clear need of reform if it is to contribute effectively to peace, security and improved human rights. Many of the former committee’s recommendations focused on the need for greater and more stable funding of the United Nations and called on the Australian government to actively support reforms directed at promoting efficiency, transparency and accountability in the UN’s administration and financial management and encouraging more representative structures in various UN institutions, including the Security Council. The former committee also expressed the view that more active involvement by parliament in discussing and debating Australia’s activities at the United Nations might help improve community awareness and understanding of the role of the United Nations. To help promote greater parliamentary debate, the report proposed that an annual program of public hearings be conducted on the subject of Australia’s participation in United Nations activities.

I can report to the Senate that earlier this year the committee resolved to convene an annual program of review hearings, as recommended by the former committee. The first of these annual hearings was held on 2 July this year and involved an examination of officials from the government agencies most closely involved in facilitating Australia’s activities at the United Nations—namely, the Department of Foreign Affairs and Trade, the Attorney-General’s Department, the Department of Defence, the Australian Agency for International Development and the Department of the Prime Minister and Cabinet. The hearing focused on a series of issues identified by the former committee as warranting continuing attention: the status of Australia’s treaty obligations; Australia’s involvement in UN peacekeeping operations; Australia’s involvement in UN programs, funds and specialised agencies; the work of Australia’s permanent missions to the United Nations; the progress of structural and financial reform in the United Nations; and the overall costs and benefits of Australia’s participation in the UN.

We also invited those organisations and individuals who had contributed to the former committee’s inquiry to provide additional or updated information. A number of witnesses chose to do so and we received 20 written submissions. I would like to present to the Senate the transcript of evidence taken at the review hearing in July and copies of the written submissions received. Copies of all these documents are also available on the committee’s Internet site. We found the hearing to be a valuable opportunity to be briefed on and to discuss the nature of Australia’s current activities at the United Nations. We were pleased to note, for example, that Australia’s initiative to promote reforms in the way that the UN treaty review bodies conduct their work is making good progress, despite initial reservations being expressed in some quarters; that reforms to the management of UN peacekeeping operations are being implemented; that Australia is developing strategic partnerships with United Nations agencies, including the United Nations Development Program and the United Nations High Commissioner for Refugees, to increase the engagement and effectiveness of these agencies in the Asia-Pacific region; and that the leading role taken by successive Australian governments in developing the
statute for the International Criminal Court has come to fruition, with Australia’s ratification of the statute and the creation of the court on 1 July 2002.

There is also some evidence that the Secretary-General’s second term reform agenda, which includes a focus on improving internal financial and administrative processes, is being implemented effectively, although much remains to be done. It seems, however, that little progress has been made or is expected on the bigger issues of institutional reform. Proposals to expand both the permanent and the non-permanent membership of the Security Council and to remove the veto power held by the existing five permanent members, which Australia and others have advocated for many years, are deadlocked. The reality seems to be that in the absence of dramatic shifts of geopolitical opinion, particularly on the part of the existing five permanent members, the prospects for Security Council reform are slim at best.

While there is growing agreement that the United Nation’s informal system of voting blocks, or electoral groups, is out of date and does not accurately reflect current membership, there is little agreement on alternative models. Unless there is widespread acceptance that a credible alternative would work more effectively than the current blocks, there seems little prospect of change. Despite these and other limitations, we have seen in the last 12 months that the United Nations can play a central role in giving voice to and helping bring together world opinion. It has been an influential forum for the coordination of responses to the threat of terrorism and the debate about crises such as Iraq’s development of weapons of mass destruction. We remain firmly of the view that it is in Australia’s interests to be fully committed to the United Nations.

This is not to say that we should be uncritical of our engagement with the United Nations. As a large organisation driven by international political will and with a complex agenda, the United Nations does have many failings. For example, sometimes the agenda of its conferences is hijacked by special interest groups, sometimes its programs or initiatives are poorly focused or managed and sometimes individuals working on UN sponsored activities act in an unethical or illegal manner. In our view, the appropriate response is not to withdraw but to build coalitions with other member nations and the organisation itself to challenge resistance to reform and to ensure that when mistakes are made remedial action is taken. As noted by the former committee:

... remaining fully committed to the United Nations is the only choice ... the United Nations has the potential to provide a more ordered and just international community, in which smaller powers have some influence in the world and serves to promote our national interests.

As I have already remarked, this annual review has been a valuable opportunity to continue the process of parliamentary consideration of Australia’s relations with the United Nations. Given the dramatic changes in world affairs over the past 12 months, particularly the new and unpredictable threat posed by terrorism, I have little doubt that the committee will continue to review Australia’s relations with the United Nations on an annual basis.

**Foreign Affairs, Defence and Trade Committee: Joint Report**

**Senator COOK (Western Australia) (4.30 p.m.)—**On behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I wish to make an oral presentation by way of a report entitled *Annual review of Australia and the World Trade Organisation* and present the *Hansard* record of proceedings and a list of exhibits presented to the committee. I rise to make a statement on behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade about the committee’s ongoing scrutiny of the World Trade Organisation. In the last parliament the joint committee resolved that in the context of the examination of the annual report of the Department of Foreign Affairs and Trade, and in order to allow for continuous and cumulative parliamentary scrutiny of the WTO, the Trade Subcommittee should institute an annual one-day public hearing on the WTO with specific reference to its progress towards trade liberalisation and the implications of its activities for Australia.
The committee was of the view that the parliament should take an active role in reviewing the manner in which Australia engages with the multilateral trading system managed by the WTO. Moreover, with the international desire to reach agreement on a new negotiating round at the Doha ministerial meeting in November last year, and given the scuttled 1999 Seattle ministerial, an annual parliamentary review of the WTO had an added significance. The former Director-General of the WTO, the Hon. Mike Moore, in the lead-up to Doha, stressed that openness, fairness and predictability are at the heart of the multilateral trading system. He emphasised the vital role that parliamentarians have to play in bringing international organisations and people closer together and holding the WTO and governments accountable. He said:

Parliamentarians need to engage in the critical global issues and be perceived by the public to be doing so.

Two broad categories define Australia’s interest in the WTO—namely, market access and the system of rules and disciplines that is provided by WTO agreements. As a nation we are dependent on international trade, and strong and enforceable international trade rules are of vital importance to us. The World Trade Organisation is the only organisation that sets enforceable international trade rules and provides the best available mechanism for us to gain real improvements across the board in market access for Australian goods and services. In its first annual review hearing, which was held on 23 August 2002, the Trade Subcommittee decided to focus on the prospects of the Doha Round negotiations. The discussions covered market access issues in the key negotiating areas of agriculture, services and industrials, and the issues of intellectual property, trade and environment, and special and differential treatment of developing countries. This last issue is especially important as it allows for capacity building to enable active participation by all member states, particularly developing country member states.

The public hearing was conducted in three sessions. Session 1 provided an overview of the WTO and the Doha Round negotiations; session 2 looked at market access and the negotiations for agriculture, services and industrial products; and session 3 examined the issues of intellectual property, trade and environment, and trade and development. We invited organisations and individuals to give evidence on the issues within the three sessions and received 10 exhibits to the scrutiny process. I would like to present to the Senate the transcript of evidence taken at the review hearing in August and the list of exhibits we received. The Hansard transcript of the hearing can be viewed on our web site: www.aph.gov.au/house/committee/jfadt.

At this point I would like to place on record the Trade Subcommittee’s appreciation of the time the witnesses gave to appear and give evidence at the hearing. The hearing provided a valuable opportunity to review progress on negotiations and to raise and canvass issues of critical importance to Australia in the Doha Development Round. The difficulties facing our agricultural products, particularly dairy and sugar, in the multilateral trade negotiations were discussed. Market access is the No. 1 issue not only for our agriculture but for our services and industrial products as well. Australian agricultural producers also face barriers in the form of export subsidies and trade-distorting domestic supports. The transcript clearly sets out the difficulties we face, notwithstanding the commitment contained in the ministerial declaration launching the Doha Round last November to correct and prevent restrictions in world agricultural markets.

We were told that progress in agriculture is important, not just because agriculture contributes vitally to Australia’s export performance and remains the most distorted of all international markets but because progress in agriculture is necessary to ensure progress across the entire round. Unless Australia actively drives the case for change along with our fellow Cairns Group members there will be little fundamental reform. Furthermore, there was discussion on the significant gains in services that are up for GATS negotiations, particularly in the areas of market access and the domestic regulations that support it. The complexity of the area was highlighted by its diverse mix of policies and
impediments as well as the need for managing change and the significance of the sequencing of reform for Australia. It was pointed out that, although there are gains at the end, ‘there are some real tricky dangers in how you get there’.

Evidence presented at the hearing showed the interlocking nature of what is up for negotiation in the Doha Round. Besides the well-scrutinised issue of trade and development linkages, the importance of intersectoral effects was stressed. For instance, the success of the agricultural sector depends on having an efficient service sector in place, and the export of education services online depends on an efficient telecommunications sector being in place. Moreover, the Department of Foreign Affairs and Trade pointed out that the negotiating dynamics in the WTO dictate that without a big outcome in agriculture there will not be a big outcome in financial services or in telecommunications and other areas.

Parliamentary scrutiny of the WTO and the trade liberalisation negotiations by the Trade Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade are an ongoing process, with another public hearing planned for mid-2003. In this short statement to the Senate, it is not possible to touch on all the issues discussed with the witnesses at the hearing. The committee’s transcript of evidence does, however, contain the full details of the issues we covered and the comment and analysis provided by the witnesses in response to our questions. Moreover, the evidence provides for a better understanding of the dynamics and complexity of the World Trade Organisation negotiations, which are due for conclusion by 1 January 2005, and their importance for Australia’s future. This importance has been reconfirmed, with Australia having hosted the mini-ministerial meeting of 25 WTO trade ministers in Sydney from 14 to 15 November 2002 to inject political momentum into the Doha Round of trade negotiations.

In conclusion, we have been pleased to provide some parliamentary scrutiny of these important negotiations. Openness and transparency are vital ingredients of our democracy, and for that reason we urge the government to be mindful of the need to keep the parliament, through the Joint Standing Committee on Foreign Affairs, Defence and Trade, fully informed of progress in negotiations across all sectors and, if necessary, on a confidential basis.

Senator NETTLE (New South Wales) (4.39 p.m.)—by leave—I move:

That the Senate take note of the statement.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DELEGATION REPORTS

Parliamentary Delegation to the 171st Inter-Parliamentary Union Council

Senator CHAPMAN (South Australia) (4.39 p.m.)—by leave—I present the report of the Australian parliamentary delegation to the 171st Inter-Parliamentary Union Council held in Geneva, Switzerland, from 23 to 27 September 2002. I seek leave to move a motion in relation to the report.

Leave granted.

Senator CHAPMAN—I move:

That the Senate take note of the document.

Honourable senators will know that the Inter-Parliamentary Union usually holds two conferences a year, at which delegations from over 140 countries debate a range of topical issues and adopt resolutions on them. Over the last couple of years the IPU has been debating reform of its own practices and procedures, and as part of this process a second conference was not held in 2002. Instead a council meeting of the IPU—the 171st—was convened in Geneva to advance this reform process. Mr Con Sciacca and I, as the permanent delegates to the IPU Council, attended these meetings from 23 to 27 September.

The report I have just tabled documents in detail the debates and decisions taken in Geneva, and I would like to review a number of these. Senators should note that Senator Sergio Paez of Chile was elected as the new president of the council of the IPU. Mr Sciacca and I met informally with Senator Paez on several occasions, as we were staying in the same hotel, and we are confident that he will enhance the work of the IPU during his presidency. We congratulate him
and look forward to working closely with him.

In the past, successive Australian delegations have taken a keen interest in the budget of the IPU and in a constructive way have argued for comprehensive reforms, including financial discipline and clarity in reporting. In Geneva, the IPU council noted that the draft budget proposal called for a 10 per cent increase in member fees—a situation that Australian delegations argued could be alleviated by more comprehensive cost cutting. It was particularly pleasing when the council was told that the executive committee had reviewed the spending estimates carefully and that, as a result, assessed contributions would be increased by seven per cent and that further cost-saving mechanisms would be explored. Reference was made to the influence Australian delegates had exerted in achieving this spending discipline and greater budget transparency.

The meeting in Geneva also included a special session to debate the topic ‘financing for development’. I welcomed this debate at the IPU, having participated in a similar debate at the parliamentary meeting arranged under the auspices of the IPU at the World Summit on Sustainable Development, which was held in Johannesburg. At this meeting, I had highlighted the need to reduce trade barriers as a prerequisite for sustainable development in poorer countries, and I consequently secured amendments to paragraphs relating to trade issues in the final declaration. At the Geneva meeting of the IPU, I drew the attention of delegates to the Australian draft memorandum and draft resolution and indicated that the Monterey Consensus represented a significant step towards increasing understanding of what is needed to promote economic growth and reduce poverty in today’s globalised world. Combating global poverty and providing a stable and secure future for all requires an integrated approach, including pursuing dividends from meaningful trade liberalisation; enhancing aid effectiveness; governance reform; capacity building; harmonisation of aid delivery; and integrating all streams of finance, including foreign direct investment, available to developing countries for their sustainable development.

I again emphasised the need to reduce trade barriers as a prerequisite for sustainable development in poor countries. In this regard I advised that, according to the Australian Bureau of Agricultural and Resource Economics, complete liberalisation of global agricultural trade, including removal of agricultural subsidies, could generate benefits to developing countries of $A28 billion per year through improved market access, higher export prices and economic efficiency gains. The IPU adopted a resolution on this issue and this appears in full in the delegation’s report, along with the IPU budget, member contributions and details of other meetings and decisions made at the council meeting. I thank the Hon. Con Sciacca MP, one of my colleagues from the opposition side, for his contribution to the success of the Australian effort at the IPU Council meeting in Geneva, and I also thank the delegation secretary, Mr Neil Bessell, for his assistance and efficiency in ensuring that the trip went smoothly. I commend the report to the Senate.

Question agreed to.

COMMITTEES

Environment, Communications, Information Technology and the Arts References Committee

Membership

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

Senator ALSTON (Victoria—Deputy Leader of the Government in the Senate) (4.45 p.m.)—by leave—I move:

That Senator Moore replace Senator Wong on the Environment, Communications, Information Technology and the Arts References Committee for the committee’s inquiry into the Australian telecommunications network.

Question agreed to.

ASSENT

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

Workplace Relations Amendment (Registration and Accountability of Organisations) Act 2002 (Act No. 104, 2002)

MEDICAL INDEMNITY BILL 2002
MEDICAL INDEMNITY (CONSEQUENTIAL AMENDMENTS) BILL 2002
MEDICAL INDEMNITY (ENHANCED UMP INDEMNITY) CONTRIBUTION BILL 2002
MEDICAL INDEMNITY (IBNR INDEMNITY) CONTRIBUTION BILL 2002

First Reading

Bills received from the House of Representatives.

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (4.47 p.m.)—I move:
That these bills may proceed without formalities, may be taken together and be now read a first time.
Question agreed to.
Bills read a first time.

Second Reading

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (4.47 p.m.)—I table a revised explanatory memorandum relating to the bills and move:
That these bills be now read a second time.
I seek leave to have the second reading speeches incorporated in Hansard.
Leave granted.

The speeches read as follows—

This package of bills will enact key elements of the government’s new framework for medical indemnity insurance announced by the Prime Minister on 23 October 2002. These bills contain measures designed to make the medical indemnity market more sustainable and provide affordable medical indemnity coverage for doctors. They will ensure key private medical services, including in rural and regional areas, are maintained by giving doctors the certainty they require.

For the last eight months this government has been working actively to find a solution to the problems in the medical indemnity market. These problems are not of the Commonwealth’s making. Nonetheless, we have put every effort into finding appropriate and affordable solutions to ensure doctors can keep practising with confidence and that they will have access to affordable medical indemnity insurance into the future.

Together, the bills I am introducing today provide for:

• a scheme to fund the incurred but not reported liabilities of medical defence organisations where they do not have adequate reserves to cover these liabilities, as well as a levy on members to fund this scheme;
• a High Cost Claims Scheme to enable the Commonwealth to fund 50 per cent of the cost of payouts by medical indemnity insurers greater than $2 million, up to the limit of a practitioner’s indemnity cover; and
• direct premium subsidies for doctors with especially high medical indemnity premiums.

The government’s policy on medical indemnity was put together following widespread consultation with doctors, other health professionals, insurers, state and territory governments and other stakeholders in the health sector.

We have worked cooperatively and constructively with all parties and as a result those groups most affected by rising medical indemnity insurance premiums as well as those providing such insurance have welcomed the government’s policy. The Australian Medical Association, the Royal Australian College of General Practitioners, the Rural Doctors’ Association of Australia, the Neurosurgical Society of Australasia and the provisional liquidator of UMP/AMIL have all welcomed the broad ranging initiatives contained in our policy as reflected in the bills before you today.

While these bills will go a long way towards putting a cap on rising medical indemnity insurance premiums for doctors, they need to be backed by significant tort and legal system reforms at the State and Territory level.
Effective tort and legal system reforms will provide greater certainty to insurers in determining the number and size of likely claims while at the same time having due regard to ensuring fair and reasonable compensation for victims.

These law reforms will have flow-on effects in terms of the availability and affordability of medical indemnity cover in the longer term.

This government has taken a leadership role on the issue through the appointment of the high-level panel headed by Justice Ipp to review the laws of negligence. We will continue to urge State and Territory governments to implement the recommendations of the Ipp review to ensure that these law reforms are carried out in a nationally consistent manner where possible.

**MEDICAL INDEMNITY BILL 2002**

This bill provides for the IBNR indemnity scheme.

The reality is that some MDOs just don’t have adequate funds to meet these claims for which they are liable but that haven’t yet been reported. These MDOs have not been charging high enough premiums.

Without the IBNR scheme proposed by the government, these MDOs with unfunded IBNRs would have had to fund them either by raising premiums further or by making compulsory ‘calls’ on their members.

This scheme will give affected MDOs such as UMP/AMIL the chance for a fresh start unencumbered by past claims incurred liabilities.

Under the scheme, the government will assume responsibility for the unfunded IBNRs of any MDO that has them. The scheme will allow members of MDOs with unfunded IBNRs to fund these liabilities over time, through an affordable tax deductible levy.

The High Cost Claims Scheme is also provided for in this bill. Under this scheme, the government will assist with the cost of large claims, ensuring medical defence organisations pay out less on big claims and enabling them to reduce the amount of reinsurance they have to purchase.

In this way, the scheme should have a direct impact on premiums.

Insurance markets currently have little appetite for taking on large and uncertain risks. This is especially the case in the medical indemnity insurance market where it is difficult to assess risk and to price premiums appropriately.

By paying half of the amount of any insurance payout greater than $2 million, up to the limit of an individual practitioner’s insurance coverage, the government will reduce this uncertainty and help ensure that adequate cover is available where incidents result in catastrophic injuries for patients.

Finally, the bill provides for the introduction of premium subsidies for doctors.

Whilst premiums have been rising generally for doctors over recent years, for some doctor groups these increases have been particularly large. This government will introduce arrangements to help these doctors afford their premiums while the broader reforms take effect.

We propose to provide subsidies to practitioners who face the most serious premium affordability problems relative to their peers—obstetricians, neurosurgeons and procedural GPs.

These subsidies will bring the premiums these doctors pay closer to those paid by other doctors in a comparable professional group. The subsidies will assist these doctors to continue to provide valuable services to the community.

This is of particular importance in the case of GPs providing anaesthetic, obstetric and surgical services in rural and remote areas.

**Earlier Government initiatives**

These bills follow a range of other initiatives taken by the government this year aimed at addressing issues in the medical indemnity sector. Earlier initiatives included:

- an initial guarantee, and an extension of that guarantee, to the provisional liquidator of UMP/AMIL;
- a medical indemnity forum and ministerial meeting on public liability hosted by the Commonwealth;
- the commissioning of the Ipp review of the law of negligence; and
- legislation to allow structured settlements to be treated in the same way as lump sum payments for taxation purposes.

**Market Reforms**

Regulatory reform for medical indemnity insurance providers and the introduction of consumer safeguards also form a key part of the government’s policy on medical indemnity. These reforms will be enacted through legislation that will be introduced separately.

Essentially these reforms are about ensuring that MDOs remain solvent so that claims can be met, and doctors have access to adequate cover that meets their needs so that they can continue to provide vital medical services to the Australian community.
MEDICAL INDEMNITY (CONSEQUENTIAL AMENDMENTS) BILL 2002

The Medical Indemnity (Consequential Amendments) Bill 2002 makes consequential amendments to other health legislation to assist in the administration and the operation of the legislation. I commend this bill to the Senate.

MEDICAL INDEMNITY (ENHANCED UMP INDEMNITY) CONTRIBUTION BILL 2002

The Medical Indemnity (Enhanced UMP Indemnity) Contribution Bill 2002 provides for the government to recover the cost of the guarantee to the provisional liquidator of UMP-AMIL. The Commonwealth is yet to make any payment under this guarantee and may indeed make no payments at all if UMP-AMIL is able to trade its way out of its present difficulties.

MEDICAL INDEMNITY (IBNR INDEMNITY) CONTRIBUTION BILL 2002

In the Medical Indemnity Bill 2002, the government has put in place a scheme to fund the incurred but not reported liabilities of medical defence organisations where they do not have adequate reserves to cover these liabilities. The Medical Indemnity (IBNR Indemnity) Contribution Bill 2002 requires a contribution from members of medical defence organisations with unfunded IBNRs to cover the cost of Commonwealth assistance in meeting those liabilities.

The government is aware of the need to make the contribution affordable for doctors and other allied health professionals. This is why it will be spread over a number of years. There should therefore be no justification for doctors increasing their charges significantly or ceasing to bulk-bill due to medical indemnity costs.

Debate (on motion by Senator Buckland) adjourned.

Ordered that the resumption of the debate be made an order of the day for a later hour.

TAXATION LAWS AMENDMENT (VENTURE CAPITAL) BILL 2002

This bill, together with the Venture Capital Bill 2002, will establish an internationally competitive framework for venture capital investments. Establishing this framework will fulfil the Government’s election commitment to provide Australia with a world’s best practice investment vehicle for venture capital. These measures form a crucial part of the Government’s program to encourage new foreign investment into the Australian venture capital market and to further develop the venture capital industry.

The Australian venture capital market plays a significant role in providing patient equity capital to start-up and expanding companies. It also supports the rejuvenation of more mature companies through managed and leveraged buy-outs.

This market has experienced significant growth over the past decade, including through foreign investment. By unlocking the potential for more rapid growth of Australia’s venture capital market the measures in this bill will assist in realising Australia’s innovation potential which this Government has recognised as a key element to Australia’s future prosperity.

In recognition of this potential, this bill, together with the Venture Capital Bill 2002, contains measures to encourage additional foreign investment into the Australian venture capital market and to facilitate the development of the venture capital industry by encouraging leading international venture capital managers to locate in Australia.

The bill will amend the existing tax treatment of two types of limited partnership used to invest in Australian venture capital companies: venture capital limited partnerships and Australian venture capital funds of funds. These limited partner-
ships will be taxed as flow-through entities in accordance with internationally recognised best practice for venture capital.

The bill also provides a tax exemption to eligible non-resident partners of these limited partnerships on the share of the profit or gain made when the partnership sells its interest in an eligible venture capital investment company. This tax exemption extends that currently available to certain foreign pension funds in similar circumstances.

Eligible non-residents that may qualify for the tax exemption are tax-exempt residents of Canada, France, Germany, Japan, the United Kingdom and the United States; venture capital funds of funds established and managed in Canada, France, Germany, Japan, the United Kingdom and the United States; and taxable residents of Canada, Finland, France, Germany, Italy, Japan, the Netherlands (excluding the Netherlands Antilles), New Zealand, Norway, Sweden, Taiwan, the United Kingdom or the United States of America who hold less than 10% of the committed capital in a venture capital limited partnership or an Australian venture capital fund of funds.

The bill further provides that other countries may be added to this list by Regulation.

The bill also provides for the general partner’s share of gains made on eligible venture capital investments by the venture capital limited partnerships and Australian venture capital fund of funds they manage to be taxed as a capital gain to the individual fund managers. Unlike managers in the passive funds management industry, venture capital managers are actively involved in the management of the companies in which the funds invest and typically share in capital gains on investments made by the fund after all the investors’ committed capital has been returned. This is referred to as the carried interest and is designed to strongly align the interests of the fund manager and investors. To ensure the capital gain treatment of such gains flows through to the individual fund managers, if the general partner is a limited partnership, it will also be treated as a flow-through entity for tax purposes.

The measures recognise that venture capital limited partnerships with flow through taxation treatment are the preferred investment vehicles internationally and that countries competing with Australia for capital offer exemption from taxation on gains from the sale of those investments. Taxing the carried interest of venture capital managers as capital is also consistent with the internationally consistent tax treatment of these gains. An internationally consistent tax treatment is critical in attracting highly skilled international venture capital managers to Australia. Such managers will contribute to the expertise and competitiveness of Australia’s venture capital industry which, in turn, will attract venture capital funds by offshore investors.

These measures will therefore bring Australia into line with what is currently recognised as ‘best practice’ within the international market. As a result, it is anticipated that there will be a strong increase in venture capital by non-residents over the medium term and that these measures will lay the foundations for greater participation by experienced venture capital funds managers in the Australian venture capital market.

I commend the bill.

VENTURE CAPITAL BILL 2002

This bill, together with the Taxation Laws Amendment (Venture Capital) Bill 2002, will establish an internationally competitive framework for venture capital investments. This framework is designed to encourage new foreign investment into the Australian venture capital market, particularly through increased support of tax-exempt foreign investors. The measures will fulfil the Government’s election commitment to provide Australia with a world’s best practice investment vehicle for venture capital.

The Venture Capital Bill 2002 establishes a registration and reporting process for venture capital limited partnerships, Australian venture capital funds of funds and eligible venture capital investors. The registration and reporting rules represent an important integrity aspect of the measures and ensure that compliance with the tax concession may be monitored. In addition, these integrity measures facilitate an assessment of the impact of the tax concession.

The PDF Registration Board (the Board), which is established under the Pooled Development Funds Act 1992, will administer the registration of these limited partnerships and investors. The Board will provide the public face and a first point of contact for the measure and will be supported by AusIndustry and the Australian Taxation Office.

The Board will also have power to de-register venture capital limited partnerships and Australian venture capital funds of funds for failing to comply with eligibility requirements and not meeting registration or reporting requirements. However, a partnership’s registration will not be revoked until the general partner has been informed of the concern and allowed a set period to remedy the matter. The registration of a tax-exempt non-resident investor may be revoked if it fails to lodge an annual return, but the Board will
allow the investor time to make submissions about the failure to lodge the return.
To qualify for registration, venture capital limited partnerships will need to be limited partnerships established under Australian law or the law in force in their respective jurisdictions. They will also need to remain in existence for between 5 years and 15 years and have committed capital of at least $20 million.
Australian venture capital funds of funds will need to be limited partnerships established under Australian law and to remain in existence for between 5 and 20 years. Their general partner must be resident in Australia.
Venture capital limited partnerships, Australian venture capital funds of funds and tax-exempt non-resident investors will be able to invest in a wide range of eligible companies although some limitations will be placed on the nature of the investment and the types of companies in which they can invest. The investee companies must be valued at no more than $250 million, immediately before the investment is made. Also, for the first 12 months of the investment the investee company must be located in Australia unless the Board determines a shorter period.
There are a number of activities that these companies cannot engage in as their principal activity. These include property development and land ownership, finance (to the extent that it is backing, providing capital to others, leasing, factoring or securitisation), insurance, construction or acquisition of certain infrastructure facilities or investments that directly derive income in the nature of interest, rents, dividends, royalties or lease payments. In addition, eligible investments may only be made in unlisted companies or in listed companies that will be de-listed within 12 months of the investment being made.
Venture capital limited partnerships and Australian venture capital funds of funds will be able to invest through shares or non-transferable options including warrants. Australian venture capital funds of funds will only be able to invest in venture capital limited partnerships and in companies in which a venture capital limited partnership, in which it is a partner, holds one or more investments.
Both venture capital limited partnerships and Australian venture capital funds of funds may also make loans (including convertible notes) to eligible companies in which they hold at least 10% of the equity and certain debt interests. If they don’t hold this minimum interest, any loans will have to be repaid within 6 months.
I commend the bill.

Debate (on motion by Senator Buckland) adjourned.

BILLS RETURNED FROM THE HOUSE OF REPRESENTATIVES

Message received from the House of Representatives returning the following bill without amendment:

Broadcasting Legislation Amendment Bill (No. 1) 2002

COMMITTEES

Membership
Message received from the House of Representatives notifying the Senate that Ms Ley has been appointed to the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund in place of Ms Panopoulos and Ms Panopoulos has been appointed to the Joint Standing Committee on Electoral Matters in place of Ms Ley.

TELECOMMUNICATIONS COMPETITION BILL 2002

In Committee

Consideration resumed.

(Quorum formed)

Senator CHERRY (Queensland) (4.52 p.m.)—I move Democrat amendment (1) on sheet 2760:

(1) Schedule 2, page 14 (after line 4), after Part 1, insert:

Part 1A—Merit selection of Chair and members of Commission

4A At the end of subsection 7(3)
Add:

; and (d) be satisfied in accordance with section 7A that selection for appointment is made on merit.

4B After section 7
Insert:

7A Procedures for merit selection of Chair and members of Commission

(1) The Minister must by writing determine a code of practice for nominations and appointments to the Commission that, in addition to the matters contained in section 7:

(a) sets out general principles on which nominations and appointments of
members to the Commission, including the Chair, are to be made, including but not limited to:

(i) merit; and
(ii) independent scrutiny of appointments; and
(iii) probity; and
(iv) openness and transparency; and
(b) sets out how these principles are to be applied to the selection of the Chair and members of the Commission.

(2) After determining a code of practice under subsection (1), the Minister must publish the code in the Gazette.

(3) Not later than every fifth anniversary after a code of practice has been determined, the Minister must review the code.

(4) In reviewing a code of practice, the Minister must invite the public to comment on the code.

(5) A code of practice determined under subsection (1) is a disallowable instrument for the purposes of section 46A of the Acts Interpretation Act 1901.

7B Independence of Commission

Before the Chair or a member of the Commission is appointed, the Minister must ensure that the balance of interests on the Commission is such that no one interest may dominate the Commission or derogate from its independence.

The Democrats have moved similar amendments to this in the chamber on many occasions in the past. They seek to ensure that appointments, such as those of ACCC commissioners, are done using a merit based process. The Democrats were delighted to hear the comments made by ALP frontbencher Mark Latham on the ABC program Insiders on 24 November 2002, which appeared to suggest that, after many years, we can finally look forward to the support of the ALP on merit based appointments. Mr Latham’s comments attacked what he called ‘the establishment figures who’ve had power concentrated in their hands’. His comments about political appointments of mates to the ABC board were particularly strong.

Every Democrat senator has at one time or another called for an end to jobs for the boys. Wherever appointments are made to the governing organs of public authorities—whether they be institutions set up by legislation, independent statutory authorities or quasi-government agencies—the process by which these appointments are made should be transparent, accountable, open and honest. One of the main failings of the present system is that there is no empirical evidence to determine whether the public perception of jobs for the boys is correct, as these appointments are not open to sufficient public scrutiny or analysis. It is still the case that appointments to statutory authorities are left largely to the discretion of the minister with the relevant portfolio responsibility. There is no umbrella legislation that sets out a standard procedure regulating the procedures for the making of appointments. Perhaps more importantly, there is no external scrutiny of the process and merits of appointments by an independent body.

The Democrats have put up amendments designed to compel ministers to make appointments on merit on 17 occasions in this place over the last few years, and this will be occasion No. 18. Every single time, Labor and the coalition have combined to block them. Thus the trend of parachuting mates into lucrative positions on various boards and authorities at the expense of the taxpayer continues. Perhaps Mr Latham’s remarks indicate that Labor is at last in the process of changing its mind. Another encouraging sign was the ALP’s recent support for Senator Murray’s notice of motion which noted the rejection of Graeme Samuel by a majority of the states and territories as nominee deputy chairman of the ACCC. In that motion the Senate asked the federal government:

(i) to ensure that it consults fully with the state and territory governments regarding Professor Fels’ replacement, and
(ii) to establish criteria for the selection and appointment process that include not just selection on merit, but that any candidate should be demonstrably independent, and have a strong interest in consumer and small business needs.

Even the British eventually accepted appointments on merit. Lord Nolan, head of the
1995 Nolan commission, managed to persuade the UK government to accept that appointments should be based on merit. He set out key principles to guide and inform the making of such appointments. They were:

(1) a minister should not be involved in an appointment where he or she has a financial or personal interest; (2) a minister must act within the law, including the safeguards against discrimination on the grounds of gender or race; (3) all public appointments should be governed by the overriding principle of appointment on merit; (4) except in limited circumstances, political affiliation should not be a criterion for appointment; (5) selection on merit should take account of the need to appoint boards which include a balance of skills and backgrounds; (6) the basis on which members are appointed and how they are expected to fulfil their role should be explicit; and (7) the range of skills and backgrounds which are sought should be clearly specified. The UK government fully accepted the committee’s recommendations.

The office of the Commissioner for Public Appointments was subsequently created, with a similar level of independence from government as the Auditor-General, to provide an effective avenue of external scrutiny.

I go back to Mr Latham’s comments on 24 November, when he finally recognised the importance of appointments on merit, which the Democrats have been advocating so strenuously. In particular, we have referred to and used those Nolan committee recommendations in our amendments. Mr Latham argued, ‘Labor should be pro-market but not necessarily pro-business, in the sense that, wherever power and privilege is concentrated, Labor needs to be anti-establishment, to give them hell.’ He also commented:

Insiders look after themselves.

You’ve only got to look at some of the appointments and actions of the Howard Government to see this is an administration that governs for just a small clique of Australians.

They’re into preferment, they’re into appointments for their mates and this is a real problem.

... ... ...

We need to break up the insiders and disperse power as widely as possible, particularly to the outer suburbs and the great regions of this nation.

It is hypocrisy for Labor to criticise the Howard government’s insider recruitment program and the moralities of corporate responsibility when it is a well-known fact that Labor indulged in the same practice for years. Here are some recent examples. The Bracks government in Victoria has the worst track record on jobs for the boys, and the adequacy of its methods of appointment has been exposed and heavily criticised. In Queensland, the factional heavyweight Jack Camp was appointed to a $72,000 a year, four-day-a-week state government job without the position being advertised and without proper procedure. A former Labor Kirner government minister was paid almost $10,000 over a two-month period for a report that has never been published. Freedom of information documents have revealed that former police minister Mal Sandon was paid $320 a day for at least 28 days work on a VicRoads road safety strategy. And, of course, there was the appointment of disgraced former Senator Mal Colston to a water board. There are dozens and dozens of other ‘mates’ examples.

Meritorious appointments are the essence of accountability. Until the notion of jobs for the boys is nipped in the bud, there will not be that much moral difference between the political patronage of Suharto’s Indonesia, Marcos’s Philippines or Mahathir’s Malaysia, where nepotism and favouritism have run rife, and our own system of political patronage.

The amendment I have moved today would insert into the bill a section requiring that a code of practice be determined for the nomination or appointment of ACCC members. It is recommended that the process of appointment be based on merit, be subject to independent scrutiny and have transparency, openness and probity. The bill in its current form has no provision at all for this process, which in my opinion would be negligent to ignore—especially for a body as important and powerful as the ACCC.

We need to establish a workable system to ensure that appointments on merit occur. This amendment does that. The public needs to be reassured that there is an adequate system of transparency and independence where
favours are not exploited and mates are not rewarded. Political patronage is corrupt and corrupting. It should be reined in, particularly for a body as important as the ACCC, where its role in the competition regime that we have been discussing is fundamental and where its powers are so overriding in ensuring that the public interest is protected. We need to ensure that the ACCC is independent and fair and that the best possible brains are brought to bear on the task, which is why merit based appointments are so important and why I commend this amendment to the chamber.

Senator LUNDY (Australian Capital Territory) (5.00 p.m.)—Although there is merit in striving for a balanced range of views on the Australian Competition and Consumer Commission, Labor do not believe the Democrat amendment is an appropriate way of achieving that goal. Parliament, to which the ACCC is accountable and to which the government is accountable for appointments, is the proper forum to achieve this. We are of the view that the procedures proposed in the amendment put forward by the Democrats are unnecessarily prescriptive. They are particularly inappropriate in a context where appointments are made or are supposed to be made through a federal process, after consultation between the federal, state and territory governments—a view expressed by Senator Murray.

Under this arrangement, any competent Treasurer would engage in a round of dialogue with the states about nominations to the positions of chair, deputy chair, members or associate members of the commission. This requirement for consultation, preferably extensive consultation, makes the kinds of procedures proposed in this amendment particularly problematic. It may be difficult to meet both the requirements for consulting with the states over the appointment of the ACCC chair and the procedures proposed in the amendment.

In response to Senator Cherry’s ruminations on Labor’s position and the views of various Labor members, particularly in relation to the ABC, we have said that we are looking at some different approaches that could enhance the merit selection process. However, our view on this matter is clear and it is not our intention to support the Democrat amendment in this case.

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (5.02 p.m.)—I will put it on the record that the Democrat amendment presumes that appointments to the ACCC are supposed to represent particular sectional interests. Such an assumption is incorrect and misunderstands the legislation and the role of the commission, which is to administer and enforce the legislation in the interests of all Australians, not in the interests of particular groups.

It is redundant to amend the bill to provide for merit as a requirement for appointment to the ACCC. The nine elected governments in Australia involved in the process of ACCC appointments will of course ensure that any ACCC appointment is meritorious. I am not aware, for example, of anyone criticising the ACCC on those grounds, let alone identifying any particular appointee that they would regard—

Senator Cherry—You mustn’t have read many papers lately.

Senator ALSTON—Concerning the ACCC? I profess ignorance. If there has been someone appointed to the ACCC whose process of appointment you say has been criticised then I would be interested to know who that might be. I hope it is not Professor Fels. What might happen in the future is an entirely different matter, but I am not aware of anyone having been appointed on that basis.

Appointments to the ACCC are already subject to a high level of scrutiny under the existing requirements of the Trade Practices Act and the 1995 intergovernmental Conduct Code Agreement. Nominees for appointment to the ACCC are subject to a cabinet selection process to ensure that only suitable and qualified persons are put forward. A nominee for appointment must have knowledge of or experience in industry, commerce, economics, law, public administration or consumer protection. Each nominee must then be supported by a majority of state and territory governments. The amendment is therefore
unnecessary because there are already in place perfectly adequate mechanisms to ensure scrutiny of ACCC appointments by nine elected and fully accountable bodies.

Senator Harris (Queensland) (5.04 p.m.)—I rise to speak in support of Senator Cherry’s amendment, much to his amusement. But I think I can explain to him very clearly why it should be supported. To a degree, we need not only an open, public process in the selection of the chair of the ACCC but a fundamental change in the operation of the ACCC.

I believe that one of the best ways of explaining why the operation of the ACCC should be changed is to put on record fairly clearly how the commission at times operates. Imagine that you have attended a conference that has been organised to implement some regulation that the ACCC is involved with. As a member of the public, you go along to gain a better understanding of how this regulation should be followed. You find yourself sitting next to a member of the ACCC’s staff. You get into conversation and basically ask them what is the purpose of them being there. To your astonishment, you find that the ACCC employee is at the conference to ensure that a member of a corporate entity, who has been directed by the ACCC to attend that conference, publicly sets out where they have been in breach of an ACCC ruling.

So what we actually have is the ACCC being the administrator, the judge, the jury and also the body who ensures that the sentence is carried out. Imagine you are that person that the ACCC has ordered to attend the conference and, in front of the public, set out where your corporation has breached those rules. How humiliating! It is the closest thing to corporate schoolboy bully tactics that I have ever heard of.

Senator McGauran—Did they breach the rules or not?

Senator Harris—Irrespective of whether a corporation has breached the rules or not, there is no way that any department can substantiate putting a company through the humiliation of admitting that breach in front of their peers for no other purpose than to ensure that all the other corporate entities come into line—such is the power of the ACCC.

Senator McGauran—Humility hurts no-one.

Senator Harris—Senators may question the validity of this but, believe me, it does happen. Senator Cherry has moved an amendment that there should be merit in the appointment of the chair of the ACCC, but I do not believe that it goes anywhere near what should actually happen. The powers of the ACCC should be reined in to a greater degree because, as I said earlier, at present they are the administrator, they are the judge and they are the jury, and they also have the ability to ensure that the sentences are carried out. I believe that is way beyond the power that should be given to any individual agency. Senator Cherry, you may be amused that One Nation are supporting you, but we believe very clearly that this should be only the first step in the process of bringing accountability to the ACCC.

Senator Cherry (Queensland) (5.09 p.m.)—I am delighted that One Nation is supporting my amendment; it is a pity that we did not get a bit more support around the chamber. I want to put on the record that I am pleased that Senator Lundy in her comments noted that the ALP has been looking at the issue of appointments to the ABC board. We will ensure you get a chance to vote on that some time early next year. So we will have that debate then.

I want to talk about whether the issue of consultation with the states is an adequate substitute for merit based appointments. I do not believe it is, because the notion of state ministers and a federal minister negotiating over an appointment—while that is better than a federal minister making that appointment on their own—still does not get to the fundamental issue of who is the best person for the job. In that circumstance you are considering the appointment put up by the federal minister. There has not been a merit based process to come up with the name that the federal minister puts forward to the state ministers. We saw that difficulty with the
recent nomination of Graeme Samuel as the deputy chair of the ACCC, which apparently the minister has not seen reported in the media.

Senator Alston—I did not say that. You were talking about appointments that had been made.

Senator Cherry—I was talking about the appointment process.

Senator Alston—You are now talking about appointments that mightn’t be made.

Senator Cherry—It was not made, and probably will not be made. The key point is that, if there had been a merit based process in place before that name was put forward by the federal minister to the state ministers, the government would not have got into so much trouble. So, with this amendment, we are trying to save the government from trouble by ensuring that the names that go forward are the best possible names in a transparent process. It is a pity that the government is not prepared to accept our bit of help on this matter.

Question negatived.

The TEMPORARY CHAIRMAN (Senator Cook)—The question now is that the bill, as amended, be agreed to.

Senator Lundy (Australian Capital Territory) (5.12 p.m.)—I have a question for the minister about the definition of core services under the bill. This issue was subject to some discussion during the inquiry. I want to hear the minister’s explanation as to why the definition of core services is limited in the way that it is, particularly in relation to a service like ISDN, which provides for a slightly faster Internet connection rate. My question is: why was that not included in the core services definition for the purposes of model access undertakings?

A general criticism of this bill not being strong enough is that many of the provisions deal with fixing or trying to fix some of the problems with the access regime and with disputes and arbitration that have been held in the past. While many of the provisions are designed with that intent, two issues stand out that I think are worthy of clarification. The core services issue concerns those model undertakings and exemptions related to technologies that are of the past, not so much of the future. So in that respect the bill does not extend itself into the types of services that will be used and in demand in the future—such as ISDN, which is a faster connection service but which is not captured by the model undertakings. I think it would be quite helpful in preparing new infrastructure providers and existing infrastructure providers to provide those types of services. I would like a response from the minister in relation to that.

The other issue, on which I think it is important to hear the minister’s explanation, is his assurance that the removal of merits review from arbitrations will not result in further interplay or regulatory gaming between the merits review process for access undertakings and exemptions and the arbitration process, which now has no merits review. Witnesses at the inquiry expressed a lot of concern that the changes would just lead to regulatory gaming in another forum or in another way, despite the efforts outlined in this bill to prevent further regulatory gaming and to put a stop to some of the existing regulatory gaming, which I think everyone acknowledges has occurred.

Senator Alston (Victoria—Minister for Communications, Information Technology and the Arts) (5.15 p.m.)—On the first point, core services were essentially identified as those where there has been continuing disputation in industry. In practice, those services are always where there is the greatest difficulty in getting access to the existing network, particularly where you have bottleneck services and where you are beholden to the incumbent—those are classic opportunities for gaming. As a result, you want some cut-through arrangement. But you ought to proceed sparingly in the sense that it is not the job of the government or the regulator to try to resolve every dispute ahead of giving the parties commercial opportunities to sort matters out for themselves. It is a last resort situation where the minister is persuaded that there are ongoing difficulties which warrant the declaration of core services. The three that we did nominate are the ones where there have consistently been problems. That does not for a moment mean...
that you cannot add new services, and the bill specifically allows for that. But your example of ISDN is really an example of what many people would regard as yesterday’s service, not tomorrow’s service.

Senator Lundy—Telstra are saying it’s tomorrow’s service. They are trying to roll it out.

Senator ALSTON—I can remember being there in 1989 or 1990 when Ros Kelly was the minister and Telstra’s ISDN service was launched with great fanfare. I do not think it has ever been taken up to the extent that it should have been, and I think that is because—

Senator Lundy—Because it was too expensive for Telstra.

Senator ALSTON—Yes, I think that is right. That is why the new regime does allow people to have disputes resolved more quickly. I think Optus might have complained about ISDN. If people were to come along and argue that this is the next classic example of bottleneck and that there is gaming going on, obviously we would give it serious consideration. But we thought we would nominate those three main areas where there have been a number of disputes to date.

As far as gaming is concerned, the whole rationale for eliminating the right of merits review to the ACT was to avoid the prospect of gaming. It has always been my view, despite Telstra’s vigorous protestations to the contrary, that to have a situation where PSTN disputes could still not be finally resolved by way of a definitive judgment after five or more years—and, even if a decision had been forthcoming from the ACT, in theory it still could have been taken to about another three levels of courts—lends itself classically to gaming. We do not eliminate gaming by removing that merits review appeal right. All we do is truncate the appeals process to a limited extent. The idea of being able to go back and start all over again and to introduce new material, which is what led to our identification of this as a problem area, is quite unacceptable. The problem with future gaming is that you do not really ever know about it until people find ways of stalling the system or stringing things out. Gaming does not arise because someone says, ‘You’ve got a right to game.’ It arises because what seems to be reasonable on the surface is misused. And people can misuse the courts. The classic example of that, if you remember, was in the early nineties when there was a licence hearing for a third free-to-air commercial television licence in Western Australia. It was in the interests of the incumbent to make life as difficult and expensive as possible for potential new entrants. As a result, there were something like 18 appeals at all levels—AAT, Federal Court, High Court and back again.

That is gaming. Do you therefore take away people’s appeal rights? You cannot do that. But if you found, for example—and there is some evidence to support this, and again the Federal Court judges would not like it—that the Australian Competition Tribunal were taking forever to make a decision (the Sydney airports matter, which went to the ACT, took nearly two years) and that comes about because judges are getting around to it when they are ready or because they have a lot of other things on their plate and they do not regard this as having any particular priority and someone takes advantage of that knowing that it is likely to slow things down quite dramatically, then you may well say, ‘Enough is enough, we will have a new streamlined body.’ So I am quite happy to say, here and now, for the benefit of the industry that if we see evidence of those sorts of practices we would look very seriously at some sort of cut-through to ensure that the system was not just dragging on and on.

I probably said to you before, Senator Lundy, that the best book to read on this is the Deal of the century which describes how MCI spent the first 10 years of its existence in court trying to get access to AT&T’s network. That was a classic example of using the courts. Fortunately, MCI had the stomach and the pockets to be able to survive the exercise, but lesser players could not have done that. The American system seems to be almost unable to come to grips with that sort of gaming. We do not want that to happen here. I think we have been remarkably free of it. It
is not a litigation industry at the present time, and it should not be. We have made three sets of changes over the last four or five years designed to speed up the process in various ways—finetuning, getting information out earlier, making sure that people have access to the system as quickly as possible and then speeding up the process. They are all anti-gaming measures, if you like, but you cannot say in advance where gaming is likely to surface. But when it does the trick is to ensure that you do not let it go on for too long.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (5.22 p.m.)—I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

BANKRUPTCY LEGISLATION AMENDMENT BILL 2002

Consideration of House of Representatives Message

Consideration resumed from 3 December.

Senator ABETZ (Tasmania—Special Minister of State) (5.24 p.m.)—I move:
That the committee does not insist on its amendments to which the House of Representatives has disagreed.

Senator LUDWIG (Queensland) (5.24 p.m.)—I echo the comments of the shadow Attorney-General in the other place that, while the opposition supports many of the measures in the Bankruptcy Legislation Amendment Bill 2002, it is disappointing that the government has not heeded the opposition’s criticism of it. The amendments moved by the opposition were intended to alleviate the harsher consequences of the bill for low-income bankrupts and to address abuse of the Bankruptcy Act by high-income individuals intent on avoiding tax. In this instance, it is worth reminding the House that Labor’s amendments would have retained the early discharge provisions in the Bankruptcy Act and enabled an application for early discharge to be made after two years. They would have also ensured that a person could not be prosecuted under section 265(8) for incurring reasonable or necessary personal or household expenses, such as utility bills, rent payments and so on.

One of the amendments which Labor supported was the repeal of section 271 of the Bankruptcy Act. This had the potential to retrospectively criminalise problem gamblers. We left that amendment for the Democrats to move, and I will comment on that shortly. We also supported and sought to have strengthened provisions in part X of the Bankruptcy Act for protection against abuse by high-income individuals intent on defrauding the Taxation Office. I will not go back over the speech I made then in relation to part X; I understand the government has a review of that provision under way. We welcome the fact that, in response to the opposition’s concerns, the Attorney-General has asked Insolvency and Trustee Service Australia to undertake that review. The opposition of course welcomes the opportunity to make a contribution to that.

It is regrettable that the government has failed to acknowledge the inequities in its approach to reforming the bankruptcy law. As I have indicated previously, there are measures in this bill that the opposition do support. For that reason, we will not oppose the passage of this bill now. However, we will monitor—to the best of our ability, and with the assistance of community organisations—the impact of these changes on persons on low to middle incomes who struggle the most under the Howard government. We will revisit these issues where it seems appropriate to do so.

Senator MURRAY (Western Australia) (5.27 p.m.)—The Attorney-General in the House of Representatives is a thoroughly nice man, but I think he has one terrible flaw. I think in his education he was trained in the school of Russian negotiation, which consists of just one word: no. I have had dealings with the Attorney-General for different bills over a number of years and I have never seen a proposition go down to the House, to the Attorney-General, to which he has found the ability to say yes. Only numbers are ever
able to beat the Attorney-General. Despite being an astonishingly nice fellow, I do think he has a flaw in his character and I hope that at some time he will take some therapy to try to address it.

Here we are again. We have eight good opposition amendments and two good Democrat amendments and, essentially, the House of Representatives has sent back a message which is longspeak for the Attorney-General’s no. There are some inconsistencies in the arguments. For instance, some good points were made in the attempts by Senator Ludwig and his party to address part X, and that is why we supported them. But if you read through the summary of the House’s views the logic is quite strange. Reverting to Senate amendments (2), (3), (4), (5), (6) and (7), sheet No. 6 says:

The Government has announced a comprehensive review of Part X which is currently under way. It is appropriate to wait for the findings of that review...

That is quite a reasonable approach. You would expect them to say: ‘We think you may have a point but we really need to look into this a little more deeply. We’d rather put it aside and address it again later on.’ Instead they say, ‘The amendments will add to the cost and complexity of Part X arrangements,’ and, ‘There is no evidence that these amendments are needed,’ et cetera. They are going to look awfully silly if the review of Part X agrees with the opposition. Frankly, whatever the House of Representatives may think of senators or their parties, the fact is that neither Labor nor we—and I am quite sure it is true of all other parties and Independents—will make amendments for the fun of it. The amendment reflects a concern expressed to us from the constituencies whereby it is believed that the legislation needs to be changed. I remind the chamber that Senate amendment (10) comes from the 1988 Harmer Law Reform Commission recommendation. It is well grounded in a review process. I would hope that the rejection of our amendments has a little more substance in the future.

Turning to Senate amendment (9), the House of Representatives message stated—and it summarised the amendment—that the intention of the Senate was to repeal section 271 of the Bankruptcy Act. Section 271 is the criminal offence provision, whereby gambling or speculations are regarded as criminal in nature. We argued, and the opposition agreed with us, that where gambling or speculation derives from an addiction it is absolutely inappropriate—probably to use that word inappropriately—to jail somebody or to have the potential of a criminal conviction arising from it. Addictions are things people cannot help. Lo and behold, when I looked at the wording of the House of Representatives message I was quite excited, because they actually accepted the proposition. They said:
The offence—

that is, the existing offence in section 271—is not directed at gambling which results from addiction and removing the offence will not address problems relating to such addiction. The existence of the offence also assists some trustees in the administration of estates. Trustees and creditors report that some mischievous bankrupts will often claim that they have incurred losses ‘at the races’ or ‘at the casino’ when they are questioned about what has happened to money they have borrowed. When trustees mention the offence, the bankrupt will often come up with a more truthful answer which helps locate assets.

We do not disagree with the government—you do want to nab the crooks, the fraudulent
and the people who abuse the offences—but we were merely trying to address the issue of addiction.

We have decided to say, ‘We’ll accept your rejection of our amendment and simply produce an amendment which acknowledges in legislation the very argument that the House of Representatives accept and that is that the offence is not directed at gambling which results from an addiction.’ So we propose an amendment which very narrowly and succinctly confines and reflects our concern. Since the House of Representatives, in their remarks on Senate amendment (9), accept that that is the policy purpose of the act, we see no reason why the government should not support it. Although the remarks in the message from the House of Representatives confirm what government policy is, neither the act nor the new bill does. We therefore propose putting into law a clear intention which they acknowledge and which is not yet in the legislation. Accordingly, I move Democrat amendment (1) on sheet 2766:

Add, “but agrees to the following amendment:

(1) Schedule 1, page 42 (after line 3), after item 182, insert:

182A At the end of section 271

Add:

(2) It is a defence to the offence in subsection (1) if the person became bankrupt as a direct consequence of a genuine addiction to gambling or hazardous speculation.

I seek the support of the opposition for this amendment. I advise the government that, despite our passionate concern about the Attorney-General’s saying no, we will not insist on the remainder of the amendments.

Senator Abetz—Mr Temporary Chairman, on a point of order: if the three of us are agreeable, can we debate both the motion and the amendment at once so as to save time and avoid canvassing the issues again?

The TEMPORARY CHAIRMAN (Senator Cook)—I see nodding heads around the chamber, and I am guided by the chamber.

Senator LUDWIG (Queensland) (5.37 p.m.)—Now that we have the Democrats’ proposed amendment to the Bankruptcy Legislation Amendment Bill 2002 before us, the opposition will take the opportunity to comment on it. We understand Senator Murray’s passion in relation to this. We also understand his view that, by the look of it, the Attorney-General is playing a game of Russian answers to questions. But we have come to a conclusion, having had a long look at the amendment moved by Senator Murray. Ultimately, we were not persuaded to support the proposal; however, it is worth setting out some of the reasoning we went through to get there.

The Democrat amendment to section 271 of the Bankruptcy Act was moved by Senator Murray at the committee stage. Although this amendment is not one that we will finally accede to in this debate, it is one that we saw particular merit in. When you unpack the argument put by the government you find that the amendment would make it a defence under section 271 if a person became a bankrupt as a direct consequence of a genuine addiction to gambling or hazardous speculation. In essence, the government has argued that prosecutions are only brought under section 271 where there has been a blatant attempt to defeat creditors by a person who patently does not have a gambling addiction. The government has stated that in the majority of cases it only takes a reference under section 271 by a bankruptcy trustee to prompt debtors to remember where they really disposed of their money. That is the shallow argument that was put.

That may be. But the government still fails to acknowledge the advice of the financial counselling community, which fears prosecution under section 271. In the opposition’s view, in this instance it could act as a disincentive to problem gamblers facing insolvency to admit their problem and turn their lives around. Looking at section 271, this amendment does not appear to us to add anything to the offence or the evidentiary burden of the prosecution. The government’s view is that it would undermine the effectiveness of section 271. To our mind, this amendment would place a not-insubstantial burden on a defendant to prove on the balance of probabilities not only that they had a
genuine addiction to gambling but also that this was a direct cause of their bankruptcy.

Therefore, save from the conclusion we finally came to, although it sounds an argument in support—we think the original motion is very good and the amended one is also good—in the end, the difficulty we have is that we accept there should be a period of consultation on the motion and the proposed amendments, which would allow the matter to be fully aired and be in a better position to be able to become effective. We then find that, in response, the government has accepted the task of doing a review, and we understand that Senator Abetz will outline that at the committee stage of the debate. We accept that the review will include this option. We then say, perhaps both to the government and as encouragement to Senator Murray, that we will reserve our right to revisit all of these issues, including the ones that we have not insisted on today, such as the proposed amendment to section 271, and to take another look at it the next time these matters are before the chamber.

Senator ABETZ (Tasmania—Special Minister of State) (5.41 p.m.)—The government has previously explained why it does not support the amendments made by the Senate when it considered the Bankruptcy Legislation Amendment Bill 2002. Those reasons have been confirmed by the House of Representatives. As the reasons for disagreeing with the amendments are set out in the statement from the House of Representatives, I will not repeat them; however, I urge the committee to pass the bill today. From the contributions of honourable senators, I understand that that is what will happen. The measures have broad support amongst stakeholders in the bankruptcy industry. The bill was first introduced in 2001 and industry has been waiting for these changes since then.

I will turn to the Democrat amendment. Can I say to Senator Murray that I thought he was unusually grumpy in his contribution. Something that may cheer him up is that, on the news on Sydney radio this morning, Mr Barns indicated that he is going to allow his membership of the Democrats to lapse. That will undoubtedly come as very good news and cheer Senator Murray up. The government does not support the Democrats’ amendment to section 271. As we have said previously, in practice very few people are prosecuted for this offence. The reasons for our wanting that section to remain in its current form have been indicated in previous contributions. More thought needs to be given to the amendment.

The application of the Criminal Code may in fact make the amendment quite unnecessary—I refer to section 7.3 of the Criminal Code. The Criminal Code generally provides a range of generic defences, including the defence of mental impairment. These defences may apply to these circumstances. I am not sure as to whether they do or not, but they may apply—it would depend whether an addiction is seen as a mental impairment or not. But that also raises the issue of whether an addiction should, of itself, provide a full excuse in relation to other matters that excite the attention of the criminal law. But that is undoubtedly a debate for another day.

I am happy to indicate to the committee that the Attorney-General will ask his department and Insolvency and Trustee Service Australia, ITSA, to examine section 271 of the Bankruptcy Act and determine whether an amendment to address the issues raised by financial counsellors is required. The Attorney will ask ITSA to consult with relevant stakeholders, including financial counsellors and the Director of Public Prosecutions, in its examination of the issue. In light of this, I suggest to the chamber that the amendment proposed by the Democrats is not required at this stage. Should the examination determine that an amendment is required, this can be considered in the context of future legislation that amends the Bankruptcy Act.

Senator MURRAY (Western Australia) (5.45 p.m.)—I thank the two senators for their reaction to our amendment. Because they are both lawyers, I will recount a bit of legal trivia. You are fully acquainted with the issues of extenuating or mitigating circumstances. I was quite interested some years ago to see that in South Africa they were going to suggest that drunkenness should in fact be an aggravating circumstance in law. I
never did find out what happened, but it seemed to me quite an interesting new direction to take with aberrant behaviour, shall we say.

Question negatived.

Original question agreed to.

Resolution reported; report adopted.

MIGRATION LEGISLATION AMENDMENT (FURTHER BORDER PROTECTION MEASURES) BILL 2002

Second Reading

Debate resumed from 24 June, on motion by Senator Ellison:

That this bill be now read a second time.

Senator SHERRY (Tasmania) (5.47 p.m.)—The Migration Legislation Amendment (Further Border Protection Measures) Bill 2002 deals with the central issue of the excision, or exclusion, or removal, of thousands of islands from the Australian political jurisdiction with respect to the landing of refugees on those islands. The Senate has already considered this issue in the context of regulations that were rightly and very firmly rejected by the Senate some months ago. The Liberal government has repackaged the excision, removal, exclusion, of these thousands of islands around Australia’s shore into the bill that we are now dealing with.

This bill is a political opportunity for the government to rerun the 2001 election campaign, which, as we all know, was conducted on the themes of exploiting the intersection between race and fear. The Liberal government knows this is fertile ground politically—but exploiting it, and exploiting it continuously, inevitably leads to self-destruction, a loss of national confidence and a nation that turns inwards and is paralysed by the issues that confront us. There is no lofty motivation for this bill. There is no assertion of principle in relation to it. It is just another piece of opportunistic politics by the Liberal government that has proven time and time again that it is willing to do anything and say anything for political advantage. The words ‘children overboard’ summarise that approach.

It is a blatant and incorrect attempt to characterise the Labor Party as soft on border security. Nothing could be further from the truth. When Australia faced a border security threat in World War II, when it truly faced the threat of invasion, it turned to the Labor Party to lead, and it was the Labor Party that delivered. It repudiated Mr Menzies, who was the creator of the party that currently holds the government benches and was the mentor of the current Prime Minister, Mr Howard.

I will now go to the ineffectiveness of this piece of legislation. The Liberal government is somehow pretending that excision, exclusion, removal, of these islands would stop people-smuggling. It is trying to create this image that excision is somehow a stop sign. How on earth does it follow that you can exclude thousands of islands from the Australian political jurisdiction? Determined people will still come. If a part of the nation is removed and if they think they would be advantaged by landing at some other point in the country, particularly on the mainland coast of Australia, that is simply where those people attempting to land will head for.

If we excise all of these islands, Australia will be sending a signal that people should go to the mainland. How does it help with border security if we send the signal ‘Go to the mainland’? We will have unauthorised arrivals on the mainland of Australia, with all of the associated disease, security risks and humanitarian issues that follow, as people will pull up on very remote stretches of the Australian coastline. It cannot be logically contended that excising islands that you can see from the coastline, that you can swim to—and you can actually walk back and forth to some of these islands at low tide—is going to effectively prevent people-smuggling. It is a nonsense claim.

If we look at the other side of the coin and assume that the Liberal government gets this bill through the Senate and these islands are excised, is that a stop sign? No, it is not. People come to excised places now. What happens when they go to these excised places is that they are taken to Papua New Guinea and Nauru for processing. Excision is not a stop sign: it is a different processing regime in a different place. As these people who enter Australia, refugees, are processed
they are sorted into refugees and non-refugees. What happens in the longer term? We take the genuine refugees. But what else happens over the longer term? We have all of the return problems with the non-refugees that we have with those who are processed on mainland Australia. It is a fantasy world of getting this wider excision in place.

Labor support fast processing arrangements. If the Liberal government had a credible plan to make Australia’s arrangements faster, we would support it. The Labor Party came up with a faster processing regime in their policy announcement last week. The Liberal government knows that it is not going to be able to operate the so-called Pacific solution forever, no matter how many excisions it can obtain. We have to confront the real problem. The Labor Party will support genuine attempts to deal with the real problem. A comprehensive and long-term solution is necessary. Activities that have been undertaken overseas by the Federal Police and by Immigration Compliance have made a difference. They have made a difference to people-smuggling and the opportunity for people smugglers to go about their evil trade.

What we have is a Liberal government that is adopting a political strategy rather than a credible strategy for dealing with the refugee issue. It is very important that refugees are processed in their source countries. Fixing the issues which cause them to flee, engaging in processing and care and protection in countries of first asylum, and engaging in agreements with those transit countries are all important aspects of finding a long-term solution to this issue. What has stopped boats coming, so far, is the effective work of the Australian Federal Police and Compliance personnel. The Labor Party supports that. If there is anything additional that can reasonably be done—and the Labor Party has outlined a number of additional initiatives in its policy launch of last week—the Labor Party is prepared to support it, consistent with the policy it announced last week. But the Labor Party does not support this irrational political agenda which calls for the removal of thousands of islands from the Australian political jurisdiction.

We have had a number of so-called border protection strategies from the Liberal government. This bill represents its fifth strategy. The first was the pre-Tampa strategy, when 213 boats came into Australian waters carrying thousands of refugees and, of course, nothing happened. Then the government adopted its second strategy, which was the post-Tampa strategy—the so-called Pacific solution. It is no coincidence that that was adopted shortly before the election was called. In April we had the third strategy—the long-term detention strategy for Australia. Then in May this year we had a fourth strategy put forward in the context of the May budget. The fourth strategy was different from the April strategy announced only some 34 days before. Now we have the fifth strategy from this Liberal government, which is to remove from Australian jurisdiction thousands of islands around the coastline of Australia.

What sort of defence of Australia as a nation does removing thousands of islands from our political jurisdiction represent? It represents a capitulation, a surrender. Removing bits and pieces of Australia represents an admission that we cannot defend the longstanding borders of Australia. What will be next? Presumably, if this fifth strategy does not work, the government will go on and remove places like Fraser Island—or King Island or Flinders Island located in Bass Strait—or perhaps go even further and remove the island on which I live, Tasmania. Where does all this stop? To cut out bits of Australia is not an effective strategy for dealing with refugees.

Since one of my colleagues spoke on this matter in the other place, the legislation has been before the Senate committee for a comprehensive examination. I understand that Senator Bolkus and other colleagues of mine in this place carried out a thorough examination of this legislation. Looking at the transcript of the Senate Legal and Constitutional References Committee to which this bill was referred, there are a couple of very interesting pieces of evidence. The first that I refer to is that of the Acting Secretary of the Department of Immigration and Multicultural and Indigenous Affairs, Mr Ed Killesteyn.
He told the Senate committee that the effect of the bill would be to encourage people smugglers to head for the Australian coast. He said:

It is a simple matter of geography. If you remove the outlying islands from the capacity of smugglers to simply drop off their cargo, they are forced to look for other routes ...

Then we had another piece of very interesting evidence from the Australian Federal Police Commissioner, Mr Mick Keelty. He went even further and confirmed that with regard to refugees seeking to enter Australia they would prefer to have people arrive on shore. He said:

This is a far preferable way for us to go ...

... if they are going to commit a crime in the way they are sending people to Australia, we can at least try to get them sent to where there is ... some infrastructure support for them.

These are two statements from senior bureaucrats. They show that aiming for the mainland is not just an effect of this bill; it is the intent. The Liberal government is effectively saying that the job of defending our borders is so difficult that we will cop out of it and surrender off bits and pieces of Australia. It is an indication that this government does not care about genuinely solving this issue. It is simply playing politics and maximising votes in respect of the matter.

Over the last three or four years unauthorised boat arrivals have landed on Australia’s east coast in places such as Cairns, Townsville, Macksville—near Kempsey in New South Wales—and even as far south as Port Kembla. This government bill is fundamentally flawed. It is fundamentally stupid and counterproductive legislation. It simply lays out the welcome mat for similar landings to occur in future. It is in the national interest that the Labor Party will not be supporting this particular bill.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (6.04 p.m.)—I speak on behalf of the Australian Democrats to the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002. In short, this legislation is re-running an initial attempt to put through by regulation an excision of many thousands of islands—I think over 4,000 was the eventual advice the committee received—across all of Northern Australia. The area is basically from halfway up Western Australia, all the way over the top of Australia, then back down past a large chunk of Queensland, with the intent of having all of that area exempt from the operations of the Migration Act for the purpose of claiming protection. The Democrats opposed the attempt by the government to excise those islands by way of regulation earlier this year and we likewise oppose the attempt to do exactly the same thing now by way of legislation.

I commend to the Senate and to the public at large the report of the Senate Legal and Constitutional References Committee into the migration zone excision issue. The report put forward a number of recommendations, one of which was to oppose the legislation, and quite a good outline of the issue. From the Democrats’ point of view it is a great tragedy that before the last election the major parties in the Senate prevented the Senate committee from having the opportunity to examine the whole proposal to excise islands from the Australian migration zone. The Democrats welcome the Labor Party’s opposition to this legislation. It is impossible, however, not to comment on the Labor Party’s ongoing support for the existing excision of Christmas Island, the Cocos Islands and Ashmore Reef from the migration zone.
It is difficult to see the logic in opposing the excision of all the other islands but continuing to support the existing excision of some islands from the migration zone. Obviously we need to welcome the Labor Party’s willingness not to extend those excisions, but what is needed is a winding back of that injustice.

An interesting component of this report, which I have recommended that all people read, is the last couple of pages—appendix No. 3—which talk about the classes of visas and the merits review and judicial review rights of various people depending on how they entered Australia and which part of it they entered. The additional levels of complexity that this government, with the support of the ALP, has put into the Migration Act, creating all these different classes of people depending on that aspect, are a source of continuing amazement. If unauthorised people land on the mainland or on these other islands that the government is attempting to excise, without having contact with Christmas Island, for example, then they could get an onshore temporary protection visa. If they land on the mainland with a tourist visa or a visitor visa of some sort and then claim protection, they can get a permanent protection visa. In both cases, they can get their applications reviewed by an independent tribunal—indeed in theory—such as the Refugee Review Tribunal or the Migration Review Tribunal. In both cases, there is still scope—although it is very limited scope and it is still arguable how limited it is—for them to appeal through the courts.

On the other hand, if they land on the mainland in an unauthorised way having previously landed at an excised place such as Christmas Island, then that same person can be standing next to another person in Australia but have no right to any visa in Australia unless the minister exercises his discretion and lifts that bar on applying. Therefore, they have no right to a visa and no right to merits review by the Refugee Review Tribunal; they are called an offshore entry person.

Similarly, if people apply whilst at sea in territorial waters and with no previous contact with Christmas Island, they are eligible to make an application. As they are not in the migration zone, their protection claim would be assessed, subject to meeting criteria. But they would have no rights to review, although an Australian sponsor might have review rights to the MRT for certain classes of visa and they might still have review rights in the courts. Again, there is a different set of criteria for people who apply while at sea having previously had contact with an excised place but whose boat was not intercepted at those areas. So they land on Christmas Island, go back out to sea and then apply while at sea—there is a different set-up again. If they apply from the Christmas Island processing centre after being intercepted at sea, then again they have no rights to a visa.

What this means, and what will be continued under the Labor Party’s policy, is that people who are on excised lands in Australia have no right to apply directly for a visa under the Migration Act. Therefore, they have no right to any independent review of that visa and no access to the High Court, at least in relation to a visa decision. Ironically, they will have access to the High Court in relation to anything else that happens to them on Christmas Island under Australian law, as long as it is not to do with the actions of Commonwealth officers operating under the auspices of the Migration Act. For example, if they were robbed or anything else whilst they were on Christmas Island, they would have access to the courts for that but not in relation to a visa decision.

Similarly, people who apply from a declared country processing centre such as Nauru and who have had previous contact with an excised place such as Christmas Island do have access to a visa class—an offshore visa class called a secondary movement offshore entry (temporary) visa class. If they apply from a declared country processing centre such as Nauru after being intercepted at sea but without being in contact with Christmas Island, then there is a different visa class again—the secondary movement relocation (temporary) visa class. All of those have no right to review and usually have no right to a judicial review.

So, apart from anything else, you have this ridiculously complex visa regime ap-
plying to a whole lot of different people, all of whom are basically just seeking protection or asylum, and, depending on when they were intercepted and which piece of dirt they put their toe on first, they have a whole set of different rights. This is clearly a blatant breach of the refugee convention. Despite this, as we have heard time after time in various inquiries in this place and in government responses to opinions from the UNHCR, other UN bodies, and Australian bodies such as the Human Rights and Equal Opportunity Commission, the Australian government simply says, ‘That might be your opinion but it’s not ours; we don’t breach anything.’ It just so happens that nobody else in the world agrees with them, but that does not matter! This legislation is simply another attempt to extend that absurdity.

The report is useful because it also highlights the way the whole process works in terms of the offshore entry components of the Migration Act. In terms of what this bill seeks to do, the fundamental principle from the Democrats’ point of view is that you should not have people in different parts of Australia with different rights depending on which part of Australia they are in or, even worse, people who are side by side in Australia with different rights depending on whether they got here via the mainland or got here via Christmas Island and then were put on the mainland. That is a ridiculous principle and it should not be recognised in any context.

Once it is recognised—as it currently is, unfortunately, under the existing Migration Act—then the same sorts of principles can be extended or applied to other areas of the legislative regime. That adds an extra reason to why the Democrats so strongly oppose this whole legislative regime. It is not just because of the terrible impact it has on genuine asylum seekers but also because of the general principle, the general undermining of the rule of law and the introduction of very dangerous legal precedents that, once they are in place, are able to be pointed to by this government or future governments to say, ‘This is already operating in this area of the law. There should therefore be no objection to extending it to another area of the law.’ That is a very dangerous path to go down.

Fundamental components about equal treatment under the law are something that should not be waived, except in the most extreme circumstances. And despite all the rhetoric and all the hype about the so-called security risk and the need to protect Australia’s borders et cetera, it is quite clear that asylum seekers do not pose a significant risk to the Australian community. They certainly do not pose a security risk and they certainly do not pose a threat to our safety. As we are now so tragically aware, the real threat to our safety comes from terrorists and extremists in our region, not from asylum seekers, many of whom are trying to flee such extremists and terrorists in the areas which they came from.

Surely it is now time to revisit the entirety of the Pacific solution and to recognise that we need to refocus our attention and our resources. By that I mean refocusing not just the money but the enormous amount of defence resources and personnel, intelligence resources and personnel and bureaucratic resources away from this area, which does not present a significant threat to Australia’s security, and channelling those resources to where the real threat is.

Similarly, we can scrap the absurd legal regime that puts in place legal principles and legal precedents that fundamentally undermine our rule of law and instead once again have a legal framework that is consistent, that meets our international obligations and that enables us to have a framework for assessing refugees that we can once again market to the rest of the world, which has a much bigger issue with this matter than we do. That is where this debate needs to go. I hope the fact that the ALP are holding firm on this provides a good benchmark for us to then start winding back in some of the other areas. I recognise the political difficulties they are in, and I do not want to make massive political capital out of it, but eventually they have to decide which side they are on. I think there has been an attempt to reconcile two fundamentally contradictory positions.

I go to some of the recommendations in the Legal and Constitutional References
The committee recommended:

... initial assessments of claim for refugee status by offshore entry persons should be reviewed by an external body such as the federal magistracy or the Refugee Review Tribunal.

I agree with that, but that does not match Labor’s new policy. The abolition of declared countries should be welcomed, and I understand that Labor’s new policy does go that far whilst shifting things across to Christmas Island. The one thing you could say is a benefit of Christmas Island rather than Nauru and PNG is that at least it is in Australia, at least there is potential scope for people to try to exercise their rights under the Constitution. I have no doubt that there will be some interesting legal cases in the next year or two trying to determine exactly what those rights are and whether or not the legislation that was passed last year in a rush before the federal election is constitutional in some aspects. I certainly hope that it is not. There is no doubt that there are strong legal arguments that parts of it are not. As always, we will have to wait for the judgment of the High Court in that regard, rather than speculating about it here.

An interesting part of the report goes to section 46A of the Migration Act. This is the part of the act that allows the minister to exercise discretion to enable people to apply for a visa. The committee recommended that the government review the operation of section 46A:

... to ensure that those asylum seekers coming directly from a place of persecution are not penalised by virtue of their place of entry into Australia.

It is quite clear that the law as it currently stands means that asylum seekers can be penalised by virtue of their place of entry into Australia, and that will continue. Thankfully, with this legislation being defeated this will not be expanded, but the fact remains that an offshore entry person who comes directly from a place of persecution—and that has occurred; people have come direct from Sri Lanka, for example, across to the Cocos Islands—will be treated differently from a person who has come direct from a country and landed in some other part of Australia. That is a legal absurdity and it is an arrangement that beggars belief, particularly when you look at trying to build alliances with other countries about how best to deal with this broader problem.

I was fortunate to be able to spend two or three weeks in July visiting a number of countries in Europe, looking at how they are dealing with the issue of unauthorised movements of people. All of us here would know that the numbers of unauthorised people that European countries have to deal with are vastly greater than those which Australia has had to deal with in recent years. People may also know that a much lower percentage of those people that apply for asylum in most parts of Europe end up being accepted and recognised as refugees, although another proportion are accepted on humanitarian or family grounds.

This does not contrast at all with the sort of situation that Australia has had. Previously, Australia could have been engaging, selling internationally and highlighting the strengths of our positive system with our humanitarian program, our resettlement program and our migration program across the board, which many European countries do not have. We could be looking at greatly increasing our direct assistance to countries of first asylum. Instead of spending all of the hundreds of millions of dollars that we are spending, for example, on building the new detention centre on Christmas Island, that money could be put into countries of first asylum or countries adjoining refugee hot spots. It would make a great deal of difference in preventing secondary movements of people.

All of this would be far more effective and far more constructive in terms of the long-term solution, which will only come about through working cooperatively with other countries. Instead of that, we have put out a message and a legislative regime that says, ‘The way you deal with this is to put up a wall, take away people’s legal rights and be as nasty to them as you possibly can so that they will not come here and will go somewhere else.’ All that could possibly do—if
that works—is encourage everybody else to do the same thing and be equally as nasty. I do not think that is an effective or sustainable long-term way of dealing with the issue. The global pressures are too big to simply deal with it by having all of the developed world saying, ‘We’ll just be more nasty towards people fleeing persecution and that’ll stop them coming here.’ That is not going to work. You do not need to think about it for too long before you recognise that it is not going to work.

The government may say, and I am sure that the minister in his final statement will say, that this policy has succeeded—nobody has arrived for a year: success. They have already said that a number of times in this chamber. On a very narrow definition of ‘success’—which is, ‘Let’s not have people arriving here unauthorised in boats’—that is successful. If you are looking at a broader definition of ‘Let’s not cause immense suffering to vulnerable people, let’s not split up families, let’s not have people drown at sea, let’s not have people who are part of the Australian community suffering enormously in immense poverty for prolonged periods of time’—

Senator McGauran—Ha!

Senator BARTLETT—Senator McGauran finds that amusing, but I do not think many other people do—then let’s not call that successful. That is what we are causing directly as a result of this government’s policy.

Senator McGauran—No-one has drowned for 12 months.

Senator BARTLETT—If Senator McGauran likes the idea of having lots of impoverished refugees in the Australian community unable to settle down, unable to be reunited with their families—if you put it in that context—I do not think he is in the majority. If he is in the majority, then I can tell you that the Democrats will not rest until that view is in the minority—not just for political purposes but because it is in Australia’s interests to have a country that will treat every person equally.

Beyond all else, that is what is fundamentally abhorrent about this legislation: it does not treat people equally. That is a principle we should never adhere to. Once the principle is accepted that one group of people in the community—because of particular characteristics they have—can be treated differently under the law in the assistance they get or do not get and in whether or not we will let them be part of the community, it is a very short step to create different political dynamics to make it acceptable for another group of people to be so treated. And who knows what the next group of people to be targeted will be.

That is why it is important to resist these sorts of things. More broadly, we have already seen the targeting of Muslims in some of the rhetoric of Senator McGauran and his fellow travellers. We have seen a targeting of people who want to promote peace, rather than just blindly going to war. Once you get a divisive approach that is legitimised via a legislative framework, it could be applied in all sorts of different ways. That is why it is crucial that people stand up in the face of legislation like this. That is why the Democrats will continue to oppose this measure.

We welcome the ALP’s opposition to it as well. We will continue to encourage them—constructively, I am sure—to move their position even further so that the disgracefully negative and destructive legislative framework that was passed by this chamber in September last year can be wound back and, once again, Australia can hold its head up high as a country that defends human rights and tries to work with vulnerable people rather than punish them.

Senator SCULLION (Northern Territory) (6.23 p.m.)—I rise to speak in support of this very important bill, the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002, and I rise not only proudly as part of government but also as a senator for the Northern Territory. I have a number of constituents who reside on the islands that this bill deals with. They have comprehensively told me that they would like me to support this bill going through this place.

This bill is a very important part of the coalition’s overall strategy to combat people-smuggling. I can recall, even before I came...
to this place, as someone who was a user of the seas in the Northern Territory, that much of the discussion revolved around what appeared to be almost a tidal wave of people coming to this country. In the first three weeks of August 2001—it was almost unprecedented—we had 1,212 unauthorised arrivals in Australia. Credible intelligence suggested that another 5,000 people were already signed up to travel in the same way. Clearly, unless something was done, around 8,000 unauthorised arrivals were due in 2001-02, growing to 12,000 in 2002-03.

Not only was this tidal wave of people coming to this country in an unlawful manner and giving great concern in relation to our resources; it would also have eliminated our capacity to help the most needy in this particular regard—those forgotten refugees; those people who cannot afford to pay people smugglers to bring them to places of protection. I am talking about the people in long-term camps in Palestine who, for three generations now, have been behind the walls of refugee camps. I am talking about individuals in Somalia. You can imagine their plight. For example, there is the plight of one woman with five children in a camp in Somalia who now has to prostitute herself just to feed her children. Even if she survives AIDS, the chances of her being able to get to this country while other people interdict the process and pay people smugglers to come here are extremely unlikely. While her position—where things may seem to become better every month because one of her children dies and she has fewer mouths to feed—is not a very palatable one, it is a fact.

Australia has been particularly attractive to what is parochially referred to as queue-jumpers. They get access to a comprehensive and generous refugee determination and to medical benefits and income support, and the support of various NGOs, churches and civil libertarian groups. That is what this country is all about. It is a beautiful sun-kissed country, and no-one denies the right of people to wish to come to live here. The rest of the world probably want to come to live in Australia, but they will need to do so in a lawful way. Most importantly, people smugglers are able to offer refugees the potential to obtain lawful residence in Australia. That is well beyond what the convention on refugees gives anyone. Refugees do not have the right within the convention to determine the place under which they can seek protection. It is interesting, in terms of leadership, to hear a bit about the policy from the other side. Mr Kim Beazley, the leader at the time, said:

It is in the national interest of all Australians that our generous attitude towards refugees is not undermined by people who seek to flout that generosity by placing themselves ahead of others in the queue who are determined by an orderly process to be more deserving. These are all positions which ought to be commonly agreed in this nation and commonly agreed in this parliament.

Good advice—and no doubt some in the Labor Party would say it was good advice from a good leader.

Something had to be done at that stage to prevent the growing trend of people-smuggling. People smugglers were selling this very attractive package of Australia and what it had to offer, which would effectively have undermined the international system of protection. How were we to respond? How did the Howard government respond? There were a number of steps. This was a very comprehensive challenge which needed to be met with a comprehensive suite of processes to ensure that we could ameliorate the scourge of people-smuggling. In a legislative sense, we had the power to move people to declared countries like Nauru and Manus Island. We had the power to detain vessels and to interdict at sea. We introduced a new offshore humanitarian program that would encourage people not to take this very dangerous journey from the places which they departed to come to Australia. It was run by the United Nations High Commissioner for Refugees and the International Organisation for Migration, a very respected organisation. These were accepted processes which ensured that those people, under this Australian government funded program, who wished to have a determination made on their refugee status could be heard in those places so that they did not have to leave those very safe shores.

We introduced a maximum sentence of 20 years and a mandatory minimum sentence of
five years for people-smuggling. We introduced a $220,000 fine—certainly a disincentive to come to this place in that way. But, most importantly, we prevented visa applications from unauthorised arrivals on Christmas Island, Cocos (Keeling) Islands, Ashmore Reef and Cartier Island. They were very important parts of legislation that we changed. We went beyond that. This is not only about legislation but about policy. It is about how we act in a number of other ways. We have increased the number of speciality compliance officers in key overseas posts. We have placed departmental officers in key overseas airports where they train airline staff to ensure we do not get bogus documentation.

Sitting suspended from 6.30 p.m. to 7.30 p.m.

Senator SCULLION—Before the dinner break I was sharing with the house the very positive nature of the comprehensive strategy and policy regime laid down by the Howard government to ameliorate the worst parts of the heinous crime of people-smuggling. In terms of policy, the government have not only posted special liaison officers to key overseas posts to liaise on important issues like re-admission and resettlement but also maintained multifunction task forces, both in Australia and overseas, which coordinate investigations and, very importantly, collect intelligence. The task forces frequently update Australia’s movement alert list, which is a key tool governing the entry of non-citizens and in establishing the character and security status of those people.

The intergovernmental consultations on asylum in Europe, North America and Australia are leadership roles. We are showing the world the way in regard to these matters. The Asia-Pacific consultation on refugees concerns irregular migration and migrant traffic in East and South-East Asia. There is the Pacific rim intelligence officers conference. Another great step in leadership was taken and a real bipartisan approach—unlike what we get from the other side of the chamber—was shown by both Indonesia and Australia when they cohosted the regional ministerial conference on people-smuggling in February this year.

All the changes the government have made are quite clearly not only lawful but also consistent with our international obligations. At the moment we have credible information to indicate that people smugglers could be turning their interests away from the areas we have excised—because those very good disincentives have worked, have hit home—and looking to places further to the east, particularly islands further to the east. Most importantly, people smugglers are looking for places that are not excised offshore locations, because the product that they are selling requires a migration outcome.

This information has not come from someone we just had a yarn to in the pub; this came from the People Smuggling Task Force, which was set up to coordinate all aspects of intelligence, including from the Attorney-General’s Department—and ASIO through that department—the Australian Federal Police and Customs. The task force coordinated all the intelligence it could get together in a cooperative sense to ensure that the information we had was validated. As I said, we had credible information to indicate that people smugglers have now turned their interests to non-excised places to the east, which are clearly the islands we are intending to deal with in this legislation today. The Migration Legislation Amendment (Further Border Protection Measures) Bill proposes nothing that is too complicated—it is further border protection, which this entire house agreed to.

Mr Acting Deputy President, I have just laid out for you the credentials of the Howard government that show that we are experts in this policy. We are international leaders. I wonder why the Labor Party are resisting this border protection measure. In their recent policy announcement, they actually supported the existing legislation regarding Christmas Island, Cocos Island, Ashmore Reef and Cartier Island. In fact, they fought so hard for it that it has been reported it was a substantial plank in the decision of one of their frontbenchers to move from the front bench. Why would they have gone through all of that division in their party? It was because they knew that there is only one policy in this regard. If you look at the great moun-
tain in front of you there is only one path up it. The Labor Party should just see that we have the right path. We are internationally renowned experts in this matter, and the Labor Party should look to us for the policy.

The whole issue of trying to pander to the far left of the Labor Party is really going to put them out of step with reality and the wider community. As Kim Beazley, one of the previous leaders of the Labor Party, said at the time:

This bill is being supported because it is legal, because it is workable and because it will be effective

These are prophetic words indeed because that is exactly what this legislation was. This legislation became the most effective suite of policy measures that has been put in place to ameliorate the problem of 1,212 people coming to these shores in three weeks. I have heard people say in this place: ‘What’s that to crow about? You’ve only gone for 12 months without a boat coming here.’ This is absolute evidence that this is the only policy.

I am absolutely mystified as to why the Labor Party think walking on both sides of the street is going to somehow impress people. The current leader of the Labor Party, Simon Crean, said:

I don’t see how we strengthen our borders by surrendering them ...

He is alluding to the issue of sovereignty. A bipartisan committee looked at the issue of sovereignty and found there was no issue with sovereignty. In fact, we are talking about the sovereignty of the islands that I represent in my constituency—and that Senator Crossin represents in her constituency. Those people have said to us clearly: ‘We support the legislation. Make sure it goes through the house. It is most important to protect our borders, our culture and our environment.’ The existing excision of Christmas Island has worked comprehensively and it has been based on excellent policy. Again, I will quote Mr Sciacca, a former opposition spokesman on immigration, who stated:

I want to say on behalf of the opposition that we support these bills in the spirit of bipartisanship, because we are concerned about the effects of people-smuggling and about the integrity of our borders.

I do not see that bipartisan spirit here today. I would suggest to the opposition: do not be ashamed of following the only path up the mountain; do not be ashamed of following the only good policy that is around; do not be ashamed of perhaps admitting that, coming from a policy-free zone in this area, we actually have to go somewhere. If the Labor Party continue to pander to the Jurassic Park of the Left, they are going to continually be out of step with the wider community. I really believe that, unless the Labor Party support this legislation, the public will quite rightly see that Labor have been soft on border protection and out of step with the views and demands of the Australian people.

Senator KIRK (South Australia) (7.36 p.m.)—The Migration Legislation Amendment (Further Border Protection Measures) Bill 2002 is a self-defeating bill that, if enacted, will do much harm to Australia’s international reputation and will show the government’s defiance of international law conventions and proper practice. It will do little to achieve the government’s stated aim of border protection. With this bill, the government is attempting to excise from Australia’s migration zone approximately 4,900 islands off the western, northern and eastern coasts of Australia that are home to approximately 21,000 residents.

The bill seeks to extend the definition of ‘excised offshore place’ under the Migration Act, such that any person arriving on these excised islands would be deemed an offshore entry person. Some of these 4,900 islands are so close to the Australian mainland that, as Senator Sherry said earlier, they can actually be seen by the naked eye, and in some cases you can even walk to them. We have to ask ourselves why an asylum seeker, after a torturous and dangerous journey on a leaky boat, would land on such an island with mainland Australia in sight. In my view, this is beyond comprehension. The effect of the bill will be to establish mainland Australia as the goal for asylum seekers arriving by boat. The bill will not stop asylum seekers from coming to Australia—desperate people will do whatever they can, and there is no doubt
that asylum seekers are desperate people. An ill-conceived bill such as this will not form any part of a long-term solution for border security.

This was the conclusion reached by the Senate Legal and Constitutional References Committee, of which I am a member, which inquired into this legislation and reported to the Senate in October this year. Despite ministerial statements that the objective of this legislation is to enhance border protection by deterring people from arriving on mainland Australia, the committee heard that this will not be achieved under the terms of this bill. For example, in its submission to the committee the Australian Federal Police acknowledged that this bill will ‘draw people towards the mainland’. DIMIA also told the committee that the bill will require people smugglers to bring their vessels closer to mainland Australia. In an answer to a question on notice DIMIA acknowledged this when they said:

The Bill, by extending excised offshore places to islands off the northern coast of Australia, and therefore requiring people smugglers to bring their vessels closer to mainland Australia...

Not only will people smugglers bring their human cargo closer to the mainland if this bill is passed; they will also put those people in even graver danger than at present. The International Commission of Jurists argued before the committee:

... by forcing refugees fleeing persecution by sea to push on for the mainland in order to activate their rights under the [Refugee] Convention, Australia is placing them in a more perilous situation with further grave risk to their health and safety, particularly in areas with coral reefs.

It is because of these concerns that I have referred to, and others to which I will refer shortly, that recommendation 1 of the Senate committee’s report is that the bill not proceed. It is the self-defeating nature of this bill that has led the opposition to oppose it both here and in the other place. After hearing evidence given to the Senate inquiry into this bill, I for one was left wondering when the government would begin to excise parts of the Australian mainland from the migration zone. The Prime Minister has claimed that excising parts of the Australian mainland is an absolutely ludicrous proposition, but does that mean never, ever? Senator Scullion, from the Northern Territory, who spoke a moment ago but has now left the chamber, has said that he feels very strongly that we should excise parts of mainland Australia. While the Minister for Immigration and Multicultural and Indigenous Affairs told Senator Scullion that excision of the mainland is not the government’s current policy, Senator Scullion has since stated, ‘But I’m not so sure that that’s necessarily off the radar.’ So with that public admission from a government senator that this may be a future plan of the government, one does wonder where the excisions will stop.

The Senate and the Commonwealth parliament must not head down the legislative path of passing this bill in an unamended form. The Senate committee that I referred to earlier heard of numerous other concerns about the bill over the course of its inquiry. Many witnesses warned of the possible breaches of Australia’s international obligations that will be effected by the bill if it is enacted into law. The committee heard of significant concerns in this regard from the United Nations High Commissioner for Refugees, international law experts and legal and human rights groups, as well as many other individuals and organisations. It is clear, and it was made clear to us over the course of the committee’s hearings, that the refugee convention applies to all of sovereign Australia, based on our signing of the Vienna Convention on the Law of Treaties 1969. Article 27 of that treaty provides that a state cannot ‘invoke the provisions of its internal law as a justification for its failure to conform with the provisions of the treaty’.

Much of the evidence that the committee received concerned Australia’s international obligations, particularly the obligation of non-refoulement of refugees under the refugee convention. When Australia signed the refugee convention, it committed this country in article 33(1) to non-refoulement of refugees. This obligation prohibits Australia from returning a refugee ‘in any manner whatsoever to the frontiers of territories where his or her life or freedom would be threatened.’ This article also extends to
‘chain refoulement’, whereby Australia shall not send a refugee to a country where he or she will be returned to the place of persecution. Similar obligations are imposed under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, to which Australia is also a party. The committee heard about instances of possible refoulement—in particular, when the government turns boats around and sends them back to Indonesia. The Australian Lawyers for Human Rights submitted to the committee:

If an asylum-seeker is returned to Indonesia by Australia and subsequently refouled, Australia remains responsible for that person. Australia is the precipitator of chain refoulement.

Because Indonesia is not a party to the refugee convention, we in Australia can have little confidence that, by sending boats back to Indonesia, the asylum seekers will not be refouled. We could be creating a situation where refugees are in effect left in limbo: they find themselves in Indonesia without protection, they cannot find a resettlement location and, most certainly, they cannot return to where they were persecuted. Concerns were also raised with the committee of possible refoulement in the situation where Australia sends refugees from excised islands to declared countries such as Papua New Guinea and Nauru in accordance with the government’s so-called Pacific solution.

When this occurs, again there is no guarantee that asylum seekers would not be refouled, particularly those sent to Nauru—a country which is not a signatory to the refugee convention. As South Australian law lecturer Rebecca LaForgia told the committee:

If the non-refoulement provision is to mean anything, then it must be a substantive right that, if you are a refugee, you will not be returned. A substantive right requires a certain element of publicness, accountability and lawfulness.

This is the core of the issue. It is impossible for Australia to know whether or not these refugees sent by Australia to other nations are being refouled or not. This government will not make inquiries as to, nor will it monitor, the fate of these asylum seekers. Our international obligations are not satisfied by turning people around and sending them on their way. As I said, under this bill Australia will send offshore entry persons—the asylum seekers who land on excised islands—to countries that are declared by the minister. However, there is no requirement in the Migration Act that these countries give an undertaking of non-refoulement. Furthermore, because of the government’s well-known dislike of judicial review, the minister’s declaration under section 198A is not reviewable in any court.

The committee, of which I was a part, heard various concerns about the lack of open and accountable guidelines in processing claims of asylum seekers in these declared or third countries. Before the committee, DIMIA denied that there is any breach of Australia’s international obligations associated with the processing of asylum seeker claims in declared countries. In evidence to the committee, DIMIA said that our international obligations are met through ensuring that any asylum seeker who arrives at one of those places has his or her claims for recognition as a refugee individually assessed. Despite the assurances of DIMIA, the committee still had significant concerns about the entire process of declaration of countries for the processing of refugee claims.

Under the bill, as I said, the minister will have the power in section 198A of the Migration Act to declare a country as one for processing. This power is not reviewable. It requires no undertaking by the country concerned as to the non-refoulement of asylum seekers and it does not require the minister to revoke the declaration if he or she is no longer satisfied that the country meets appropriate human rights standards. In response to these concerns expressed to the committee, the committee in recommendation 3 of its report stated:

... that the use of declared countries for holding and assessing claims for refugee status by those who have entered Australian territory at an excised offshore place should be abandoned.

The committee further recommended in recommendation 4 that if the government does not abandon this practice then the Migration Act should be amended to incorporate re-
quirements as to the meeting of appropriate human rights standards and in recommendation 5 that there be statutory recognition of standards in processing claims.

Further concerns expressed to the committee in relation to the bill focused on the reliance on the ministerial discretion under section 46A. Under this section, the minister has a discretion to lift the prohibition on an offshore entry person applying for a visa while in Australia. However, there is no obligation on the minister to take any action in relation to offshore entry persons, nor even to consider an application. The committee heard evidence that the act does not oblige Australia to take any action but merely allows the government to detain and transfer offshore entry persons. There were also serious concerns expressed to the committee that offshore entry persons could remain on an excised island and be left, in effect, in legal limbo with no recourse to apply for a visa and no right to judicial review. Such persons may be unable to apply for a visa while still in Australia and yet be barred from initiating any legal proceedings. Under section 494AA of the act, certain legal proceedings relating to offshore entry persons are barred. These include proceedings relating to an offshore entry, to the status of an offshore entry person and to the taking of a person to a declared country. Although this provision recognises that the jurisdiction of the High Court under section 75 of the Constitution is not affected, this would be of little practical benefit to an asylum seeker. The committee was of the view that the ministerial discretion to ‘lift the bar’ is not an adequate mechanism. Recommendation 7(i) of the committee was that the government review the operation of section 46A to ensure that there is no possibility that offshore entry persons are left in a ‘legal limbo’.

The committee also heard submissions that article 31 of the refugee convention is another international obligation which is not complied with in the terms of this bill. Article 31 deals specifically with people coming directly from a country where their freedom is threatened and states that no penalties shall be placed upon them for their illegal presence. The government points to the ministerial discretion to allow a refugee application under section 46A, to which I just referred, in order to show its compliance with article 31. However, the committee was not satisfied with this for the reasons I stated earlier: the ministerial discretion does not require the minister to do anything in relation to people coming directly from persecution and it is not judicially reviewable. There is no guarantee under this legislation that such persons will not be penalised, contrary to article 31. As a consequence, the committee recommended in recommendation 7(ii) that the government review section 46A to ensure that this cannot occur.

Finally, the committee was concerned about the retrospective operation of this bill. The bill proposes retrospective excision of the islands to which I have referred, back to 19 June 2002—that is, the date the regulations were rejected by the Senate. Retrospective legislation will always require a high level of justification for it to be enacted. The committee was of the view that there is no such justification for this bill. Even if such retrospectivity may have once been justified because of concerns that boats were en route to Australia, the lapse of time has made such retrospectivity unnecessary and excessive. Recommendation 10 of the committee’s report is that if the bill does proceed its application should not be retrospective.

This bill is a short-sighted attempt at border protection. There are better, more sustainable ways to protect our borders and to ensure a fair opportunity for refugees to seek asylum in this country. I refer to Labor’s recently announced policy on asylum seekers and refugees. A Labor government would put an end to the Pacific solution, which was the subject of extensive criticism during the hearings into this bill. Labor’s policy will implement a long-term solution to the processing of asylum seeker claims. It will end processing of claims in declared countries, such as Nauru and Manus Island, thereby removing any potential for refoulement of refugees contrary to our international obligations. The committee heard many concerns about this during our inquiry. Under Labor’s policy, Christmas Island will be maintained as a processing and detention facility where
refugees will be processed in accordance with UNHCR guidelines. Such processing will deter unauthorised arrivals, because there will be no incentive to come to Australia by a leaky boat when the same processing guidelines apply on Christmas Island as in overseas refugee camps.

Unlike Labor’s long-term approach to providing a just and fair processing system for refugees while at the same time protecting Australia’s borders, this bill fails in every intended respect. It fails to achieve border protection and at the same time exposes Australia to criticism for its failure to adhere to its international obligations. The Senate should not allow this cynical, short-sighted bill to pass unamended. I urge senators to support the opposition’s amendments, which will reflect the recommendations in the report of the Senate Legal and Constitutional References Committee.

Senator TCHEN (Victoria) (7.56 p.m.)—I rise to speak on the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002. It is important to recognise that this bill does not introduce any new concept in border protection. It does not propose any new measures in migration law. And it most certainly does not affect the rights of any Australian citizen or resident. It is entirely noncontroversial, except that it exposes Australia’s national interests. Rather, this bill makes minor extensions to the definition of excised offshore place which was inserted into the Migration Act by the Migration Amendment (Excision from Migration Zone) Act 2001—an amendment that was supported by the Labor Party and, it should be noted, continues to be supported by the Labor Party. This bill is an important part of the government’s overall strategy to combat people-smuggling. We should all recognise the simple fact that this strategy has already worked. The message has gone out and it has been heeded. There has been no unauthorised boat arrival in Australia for nearly a year. Indeed, the Senate should note that the effectiveness of the government’s policy has been recognised by the Labor Party. The retention of the excision of these offshore places is a key part of Labor’s asylum seeker policy announced last week after much agonising by the ALP—and further agonising since then.

The Labor Party says it opposes this bill because of concerns about Australian sovereignty. The provisions in this bill have no effect whatsoever on the rights and wellbeing of any Australian citizen or resident in Australia on a valid visa, whether it be for permanent or temporary residency. This is an extremely important observation to make because of the type of red herring that the Labor Party constantly raises. The simple fact is that if Mr Crean, Ms Gillard and the rest of the Labor leadership were truly concerned about sovereignty then they would have—indeed, they should have—raised these concerns during the debate about the excision of Christmas Island and the Cocos (Keeling) Islands last year. They did not raise them then and, as I noted before, they do not today.

So why do the Labor Party make such a hoo-ha about the nation’s sovereignty being violated by excision? They do not want to be seen to oppose a policy that obviously works and they know that the extension of this policy would further strengthen the border protection capabilities instituted by the government, yet Mr Crean persists with the fiction that this bill means that we would be surrendering our borders. The truth is that Mr Crean is trying to walk both sides of the street, but he runs the risk of pandering to the lunatic sections in the Labor Party only to assist the people smugglers—those international criminals who are Australia’s real enemies.

This bill was referred to the Senate Legal and Constitutional References Committee when it was introduced into this chamber. That inquiry turned into a classic political stunt by the Labor opposition. While every non-existing concern about human rights received an airing, notwithstanding lack of evidence, the only submission the Inquiry received that expressed substantive and verifiable concerns, from the Indigenous communities in those places to which this bill is
applicable, received no consideration in the recommendations of the inquiry.

What the inquiry process did make clear—though this was not reflected in the inquiry’s report—was that the provisions of this bill will have no effect whatsoever on Australia’s continued observation of international treaty obligations regarding asylum seekers. We heard earlier Senator Kirk quote chapter and verse supposedly from the inquiry’s report. What Senator Kirk did not tell the Senate is that none of the witnesses she quoted would declare, when pressed, that they were certain that any breach of such obligations would result from this bill passing into law. In fact, the representative of the UNHCR, when asked this question, specifically said that he did not believe this bill would cause Australia to violate human rights under our international treaty obligations.

An important outcome of this bill is that it would reinforce Australia’s prospect of continuing to protect the people, the communities and the environment of Northern Australia from introduced pests and diseases by successfully discouraging unauthorised arrivals of people assisted by people smugglers. This was a concern repeatedly raised by the Indigenous communities of Northern Australia, who gave the bill their unqualified support. Senator Scullion—undoubtedly the one genuine representative in this chamber of Territorians and especially of the Indigenous communities in the Northern Territory—has already covered this aspect in his excellent discourse on this matter. I need only note that the ALP has once again ignored the interests—the expressed interests—of Indigenous Australians when these do not coincide with the ALP’s own agenda.

This bill is about the government’s commitment to work comprehensively in Australia’s national interest by ensuring strong border protection and that no weak messages are being sent to people smugglers overseas. The previous decisions to excise Christmas Island, Ashmore Reef, Carter Island and the Cocos (Keeling) Islands have, with a range of other initiatives, been successful in deterring boats from seeking access to Australia. The government believes that the additional excisions proposed would provide an additional deterrent and are an important part of the broader strategy of prevention, interdiction and deterrence. I urge ALP senators to put Australia’s interests first and support the passage of this bill.

Senator CROSSIN (Northern Territory) (8.03 p.m.)—I rise this evening to add a contribution to the debate on the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002. As we all know, this bill is intended to excise more than 3,000 islands off the coast of Australia. As Senator Sherry said in his contribution, this bill was introduced probably minutes after the Senate disallowed the regulations under which it was first proposed to excise these islands. The government claims that this bill is aimed at deterring people smugglers. However, there is very little evidence to support this claim. The government has not offered a clear justification for the excisions detailed in this bill.

The government has stated that people smugglers are likely to look for new routes, given the excision of the usual routes—that is, to Christmas Island and Ashmore Reef. If the response to this is to cut off more islands, what is stopping the government from excising sections of the mainland next—Broome or Darwin, for example—under the same justification? Many of the islands lie extremely close to the Australian mainland. In some cases, people are able to walk to islands off the Northern Territory coast during low tide. That is certainly the case with islands which are as close to the northern shore as Milingimbi. The Darwin Surf Life Saving Club row their boat to the Tiwi Islands, and it only takes them some hours to do it. So we are not talking at all about sections of land that are large distances from the mainland. That demonstrates how close some of these islands are and how ridiculous it is to expect this bill to deter people smugglers.

This legislation expects people smugglers to go past the islands to the mainland. This would in fact encourage those people smugglers to move past the islands to the mainland, rather than deter them. It also shows the level of understanding the government
has about the region of Northern Australia—which seems, as the days roll on, to be very little—and the practical inadequacies that this bill presents. In addition, these islands are not necessarily on any direct route from Indonesia. A boat travelling from Indonesia could reach parts of the mainland more easily than it could divert to a number of the excised islands.

I also mention that this bill does nothing to impact on the number of unauthorised airport arrivals, for example, which constitute a significant number. Unauthorised arrivals who land in an excised zone are not covered by Australian law, and consequently do not have any right to appeal a decision to the Refugee Review Tribunal or to access any Australian court. But, of course, that is exactly the way this government would want it. At the same time though, Australia has signed and ratified conventions and is obliged by international treaties not to expel, return or extradite people who are in danger of being persecuted. Therefore, it seems that asylum seekers who make the dangerous journey to an excised island will be stranded on an island that possibly does not have the resources or the infrastructure to support the people, and they may be homeless, desperate and traumatised, living in fear of their own and their families’ lives.

Let us have a look at the process that this bill underwent in order to get here. We know that the local communities, particularly the ones that I have spoken to in the Northern Territory, were not consulted about this piece of legislation. In fact, there was much confusion about what this bill would generate.

Senator Ian Macdonald—What did the Tiwi Islanders say?

Senator CROSSIN—Let me pick up on that interjection from Senator Macdonald. The Tiwi Islanders are not happy about this piece of legislation. Robert Cleary, the new executive officer of their local government association, spoke without authorisation on their behalf and has since been chastised by those Indigenous people for doing so. Senator Macdonald, you know that Mr Cleary is a former local government minister for the Liberal Party in Tasmania. Given his background, why wouldn’t he go on radio to champion the benefits of this legislation without the authorisation of the Indigenous people for whom he worked? So it is not correct to say the Indigenous people on the Tiwi Islands supported this legislation, because their spokesperson had no right to make the comments he did on radio. Perhaps you should do your homework before you make such interjections, Senator Macdonald.

The lack of consultation on behalf of the government has led to considerable community confusion about the nature of this measure. Even Senator Nigel Scullion himself admitted on radio that there has been significant confusion in the Northern Territory and on the islands as to what this is all about. He also admitted that the island residents were not consulted at all. Senator Scullion was sent on a rescue mission to the islands to save face. In the government’s defence, however, Senator Scullion stated in a radio interview:

But, because it had no impact at all on Australians, there was an assumption that we didn’t need to talk to anybody.

When it was suggested by the reporter that the idea to excise over 3,000 islands off the coast of Australia was hatched overnight, Senator Scullion replied, ‘Well, it was pretty much overnight.’ It is no wonder Australians are confused, and no wonder there is little explanation given for this measure. It is little wonder that it has received so much criticism from the community and from the Labor Party as being an ad hoc bill.

The extent of these misunderstandings is not insignificant. There were newspaper reports of people in the Torres Strait actually welcoming the excision, based on a misunderstanding that it would increase their independence. People deserve to know what the government is conjuring up behind their back, especially when it is literally in their own backyard. These misunderstandings are not surprising, considering the government’s lack of consultation with Indigenous people and people who live on these islands. No affected Aboriginal or Torres Strait Islander communities were consulted before the government made the decision to excise them from Australia. In fact, I travelled to Goulburn Island and Croker Island and spoke to
the people about this very matter. They were quite confused about it and wondered why on earth we would want to excise islands that they believed, under their law, were part of the mainland.

If you know anything about Croker Island and Goulburn Island, you will know that they have a significant attachment to Oenpelli and Maningrida, which are communities on the coast of Northern Australia. That is their traditional land and cultural link, so to them this made absolutely no sense. The other thing that worried them when I spoke to them was that they were very frightened that this would mean that, if people landed on their island or were struggling on a boat off the shore of their coastline, they may be somewhat hesitant to assist those people. A comment was made to me: 'Perhaps we should head out with a boat and ensure they get to the mainland so that their rights are protected.'

So it is true: these people were not consulted and did not understand this legislation. Then the government went ahead and launched an information kit 13 weeks after a decision was made, which simply compounded the insult. Regulations were made by the government to excise these islands on 7 June 2002; however, it was not until September that an information kit was distributed by mail to community organisations in the Northern Territory. Are we surprised at the date of the launch of the release of this kit? It happened to be the day before the Senate Legal and Constitutional References Committee was coming to town to conduct its inquiry. My, my; what a coincidence!

Given that the government attempted to make regulations to excise islands in early June, it is interesting—and quite appalling—to note that an information kit was distributed three months after the decision was made to excise over 3,000 islands off our coast. If I remember correctly, what this government actually asked Indigenous organisations and ATSIC to do was to distribute the kit on its behalf. This made matters far worse. My office had a number of phone calls asking if I knew where the kit ought to be sent to—people in ATSIC were wondering what they ought to do with this kit. Far be it from me to suggest that, as always when it comes to Indigenous people, the government had not done its work and consulted them properly and consistently. But that is never an issue or a priority with this government. Despite the fact that no-one at all on these islands was consulted prior to either the regulations being made or this legislation being drafted, the government intends to excise those islands. The minister has asked island residents to look out for suspicious vessels in the region. The government has actually decided that these residents will now be Australia’s front line of defence. Consultation prior to the decision being made to excise islands was not even attempted by this government.

This is quite significant, as it illustrates very well the lack of thought that has gone into this so-called policy. This is not even a quick fix in an attempt to discourage people-smuggling. This bill is ill-conceived and ill-targeted, to say the least. Not even the Premier of Western Australia, the Premier of Queensland, or Clare Martin, the Chief Minister of the Northern Territory, were consulted on this issue. They were subsequently informed, on 6 June, but no initial consultation was pursued prior to the decision being made. When the government was questioned about the level of consultation with the communities and how information was distributed, a response was given that was absolutely inadequate. In answering questions that I put on notice, Senator Ellison, representing the Minister for Immigration, Multicultural and Indigenous Affairs, stated:

The Government’s Anti-People Smuggling Taskforce provided information in early June that people smugglers would target islands closer to the Australian mainland. The organisers were believed to be avoiding Christmas and Ashmore Islands, and intending routes via waters off northern Australia.

In order to ensure the integrity of Australia’s borders, it was necessary for the Government to act as quickly as possible to discourage future people smuggling operations. Accordingly, the Government made Regulations on 7 June 2002 to excise further offshore islands.

Given this explanation, and reasoning given by this government, there is nothing stopping the government from excising parts of the
mainland. If the government receives similar information which suggests that people smugglers will in the future target the mainland, what on earth will be the government’s course of action then? It seems logical that this government will simply excise those parts of the mainland that may be targeted. In fact, Senator Scullion, again in a radio interview, stated:

I felt very strongly that we should excise in fact parts of mainland Australia.

Senator Scullion only changed his mind in relation to this statement because, I understand, the minister called him and explained that that may be a breach of international conventions. Therefore, Senator Scullion changed his tune, but he still maintains that it is ‘not off the radar’. The minister may want to clarify for us whether or not there are plans to excise parts of mainland Australia. It certainly has not been ruled out in radio interviews in the course of this debate.

There is obviously no genuine policy agenda behind this bill. In fact, this bill has been inaccurately titled as including ‘further border protection measures’. There are no further border protection measures included in this bill. The government is simply cutting off parts of our country for immigration purposes. There is a significant lack of evidence justifying the excision, and this is primarily because it is an ineffective solution. This is a political decision, not a long-term policy solution. It takes no consideration of the current global situation and does not even attempt to provide a humane and long-term commitment to Australia’s national security.

Labor reaffirm our support for tough border protection and for smashing people smugglers. However, Labor can see the inadequacies of this bill. We have recently produced a policy which encompasses the current global and national situation, international treaties and conventions, as well as consideration of community attitudes. We have presented Australia with an alternative that is both humane and practical in protecting our borders. The government in this bill has delivered nothing more than a fractured and minimal approach which does not provide any solution to the current inadequacies.

The excision of islands does not strengthen our border protection. It weakens us. It shrinks our borders. It is in fact an invitation for people smugglers to attempt to reach the mainland. The inevitable consequence of this policy is that the risk that unauthorised persons would end up landing on the mainland is in fact substantially increased, not diminished. There has been serious criticism of the idea of distinguishing between different parts of Australia for migration purposes and it has been suggested that excisions will only result in asylum seekers seeking to land on mainland Australia, further endangering the lives of asylum seekers, potentially increasing the quarantine problems on the mainland and potentially leading to the situation where parts of the mainland of Australia might also be excised from the migration zone in the future.

This legislation was the subject of an inquiry by the Senate Legal and Constitutional References Committee. That committee stated:

There is little evidence to support assertions that the excision of islands close to the mainland is likely to deter asylum seekers. In fact, some evidence was received that the likely effect of the Bill would be to drive asylum seekers closer to the mainland, either with the intent of landing there, or incidentally. Either may increase the likelihood of landings on the mainland.

The very first recommendation that features in the report from the Senate Legal and Constitutional References Committee is:

The Committee recommends that the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002 not proceed. It is plain and simple: this is not the solution to people smugglers.

Finally, the budget papers disclose that the Howard government intends to maintain processing in third countries such as Papua New Guinea and Nauru over the next four years, at a disclosed cost of $430 million. Clearly the government faces substantial difficulty with the strategy, given that it does not have a four-year agreement with either Papua New Guinea or Nauru and that recent comments by the President of Nauru indicate considerable dissatisfaction with the current agreement and disputation over the terms of
the agreement. It should be noted that, in respect of the *Tampa* asylum seekers, the Howard government has called for global burden sharing—that is, nations other than Australia should offer resettlement places to any of these asylum seekers found to be genuine refugees. There are no future global burden sharing arrangements for non-*Tampa* asylum seekers, and Australia will have to resettle those found to be genuine refugees. The government has no ongoing agreement with any country, not even with Indonesia, our closest neighbour.

The budget papers disclose that it is the Howard government’s intention to have no new asylum seekers processed on mainland Australia. It is obvious that this government has avoided creating adequate solutions, because it was not provided for in the budget. This government has no intention of providing a long-term solution to this global problem which would include strong relationships with not only our neighbours but also the UNHCR. This government has not bothered with that. The Howard government thinks that it can simply dump asylum seekers on Pacific Islands and New Zealand. This has proven to be a flawed policy which has cost the Australian taxpayers millions of dollars and taken away from important aid programs elsewhere.

This is an inappropriate bill. It has been introduced without adequate consultation, explanation or justification. It shows, once again, that this government has taken the attitudes and the views of Indigenous people, particularly those living on the islands, absolutely for granted. We have had regulations not passed by the Senate which were followed by legislation minutes later. Then it took some three months before an information kit was produced and, in a fairly clumsy way, distributed to those communities so they were aware of what was happening. This government surely is not serious about making sure that everyone who will be affected by this legislation—and people in these communities will be affected by the legislation if a boatload of people rocked up on their beaches—understands the impact of this legislation, understands their rights and responsibilities and understands what their response ought to be. People smugglers will not be deterred by this legislation; they will be encouraged to go right past those islands to the mainland. The Australian public will not be fooled again by the actions of this government, which does not have a long-term sustainable policy to deal with this issue effectively.

Senator BROWN (Tasmania) (8.23 p.m.)—I congratulate Senator Crossin on her excellent speech and her outline of the case against this nasty piece of legislation from the government.

Senator Ian Macdonald—You know you are on a loser when you have Bob’s support.

Senator BROWN—The minister probably sees the world in terms of losers and winners. You can line that up basically as the poor and the rich; the have-nots and the haves; the dispossessed and the possessed; the powerless and the powerful. He is exemplifying an inhumanity in the policies of this government, which plays to the lowest common denominator in the people of this nation and in so doing lowers the kudos that the nation has in the eyes of the world and that we have in ourselves—

Senator Ian Macdonald—You are talking about the Greens, are you?

Senator BROWN—as a humanitarian, warm and accommodating country. It always amazes me how, when a government comes in with a piece of legislation like this, its ministers—and there are only two government members opposite supporting it at this stage—can be so desultory, down in the mouth and crabby in their demeanour. It is as if, inherently, they know they are doing something wrong. It swings from that to artificial laughter—

Senator Ian Macdonald—What a clown.

Senator BROWN—but the matter is serious. We are dealing with the lives and fortunes of dispossessed women, children and men—people who are escaping fear and hardship. These people have, if nothing else, internationally agreed rights which they expect would be upheld by a nation as lucky as ours—but not under this small-minded Prime Minister; not under this narrow-minded and selfish government of the Howard epoch.
Senator Ian Macdonald—Or under the UNHCR.

Senator BROWN—The minister opposite objects, but let me list again some of the abuses of international law which are involved in Prime Minister Howard’s legislation which we now have before us. This is only one example of his abuse of international law and long-held international standards, as this country dives below the surface of those standards on which we once so proudly floated and were so keen to uphold. The Human Rights and Equal Opportunity Commission, in making a submission to the government on the matter, pointed out that these amendment bills erode the universal application of human rights. It is a basic tenet of human rights, they said, that such rights should be applied equally, without distinction. Everyone within Australian territory is entitled to have his or her human rights respected and protected. For example, Australia has undertaken to ensure those rights—in the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child—to all persons within its territory. Our nation, under more noble past leadership, signed these international conventions.

Senator Ian Macdonald—Who was that? Gough or Paul or—

Senator BROWN—The minister has no idea of when or how these were signed. I will allow him to go and do research on that. Maybe the first port of call would be former Prime Minister Malcolm Fraser; he could be a reference point for a finer line of thinking on the matter. HREOC quotes from those two covenants. Firstly, paragraph 1 of article 2 of the International Covenant on Civil and Political Rights states:

Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant...

The government, in this legislation, is smashing the nation’s adherence to that international convention. Paragraph 1 of article 2 of the Convention on the Rights of the Child states:

States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind ...

Senator Ian Macdonald—When was this approved by Australia?

Senator BROWN—The Minister for Fisheries, Forestry and Conservation, in an extraordinary intervention, indicates that he does not know when it was signed. I have no doubt that he does not know who signed it; he does not know anything about it at all.

Senator Ian Macdonald—Paul Keating.

Senator BROWN—He says Paul Keating signed it. I will not say anything more than that he underscores his own utter ignorance of the importance, historicity and international value of such covenants as these when he makes such comments. Article 26 of the International Convention on Civil and Political Rights provides for the rights of non-discrimination. This piece of legislation is inherently discriminatory. HREOC points out that the bills undermine core international human rights guarantees, including the right of non-refoulement—that is, Australia’s obligation to people presenting in its territory, people coming to any part of our territories, claiming to be at risk of persecution. They are set out in four international treaties to which Australia is a party, not only the refugee convention. That convention and those treaties are debased by this legislation. Article 3 of the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment provides:

No State Party shall expel, return ... or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

The right of such a person to resist expulsion is not made dependant upon him or her satisfying the definition of ‘refugee’. Yet, in this legislation, that right is being denied people in Australian territory. Under the Convention on the Rights of the Child:

No child shall be deprived of his or her liberty unlawfully or arbitrarily.

What a disgraceful abrogation of its duty as a national citizen Prime Minister the Hon. John Winston Howard has made Australia commit in the light of our signature on that particular binding part of the Convention on
the Rights of the Child. The same clause goes on to say:

The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time ...

Yet we have children locked up in concentration camps in this country—mainland Australia—behind razor wire, not for days or weeks but for months. And now we are going to remove the rights of such children, not only to not be arbitrarily detained but to be heard under the laws of Australia, by excising 1,000 islands around the north of Australia from the reach of the international conventions to which we are signatories.

The Greens will, of course, sit on the other side to the government on this legislation. We totally oppose it. We will fight it all the way down the line. It is interesting that the government which brought this in as a regulation and had that defeated in the Senate is now trying to pass it as legislation. In so doing, the government simply compounds the abrogation of its responsibility to uphold Australia’s reputation as a lawful citizen around the world. This is a government that talks about law and order, and breaks it internationally—in front of the world and in front of its own citizens—and uses the parliament in an attempt to stamp approval on the serial breaching of international law. This is a government which says, ‘We line up with the United States in an impending attack on Iraq”—they will, and it is inherent in everything we have heard so far—in another breach of international law, which is in fact the Charter of the United Nations itself, as we move into a new period of lawlessness by the most powerful states on the face of the planet, without an ability to understand history or to understand the danger which the Howard government puts Australian citizens in by that line of action. All of this goes counter to the whole last century of Australia being at the forefront of promoting international rights for all human beings equally.

Senator Crossin mentioned Mr John Cleary, a former minister in the Tasmanian parliament in a number of Liberal governments between 1979 and the late 1990s who is now administering the Tiwi Islands in the Northern Territory. I happened to be in the parliament with Mr Cleary for at least half of that period. Senator Crossin reiterated the appalling fact that the Indigenous people of the islands that are being excised have not been consulted by this government at any point in the development of these regulations and this piece of legislation. What an appalling insult that is to those people! It is again an indictment of the arrogance and narrow-mindedness of a government which not only breaches law, as I have outlined, but breaches the whole spirit of recognition that people, where their rights are affected by government action, ought to be consulted.

The difficulty, I guess, for the Indigenous people on those islands is that they are not recognised as equal citizens by this government. Whatever else Mr Cleary is doing in his administrative post, let me reiterate some of the things he stood for during that period in Tasmania. It may enlighten us a little as to why that consultation did not occur or, if it failed to occur before he became the administrator, why it is not occurring now.

Mr Cleary was an avid proponent and supporter of the destruction of the Franklin River and all the Aboriginal history—the cave sites and the connection for thousands of years—involved with that river. You might remember, Mr Acting Deputy President Brandis, Aboriginal people leading the protests and being taken to jail while trying to defend their cultural history in Tasmania. Mr Cleary was one of those who passed the legislation which enabled them to be arrested and sent to jail. When it came to the great forests of Tasmania, Mr Cleary was always at the forefront of supporting legislation and regulation that meant they would be destroyed in the interests of the wood chippers sending those forests to Japan.

When it came to the Wesley Vale pulp mill in northern Tasmania, where there was concern that farmlands would be polluted and that 13 tonnes of organochlorines would go into Bass Strait each year, Mr Cleary avidly supported the pulp mill against the wishes of the fishermen, the farmers and a great number of members of the Tasmanian community. Western Tasmania, which is a great job producer and attractor of invest-
ment in Tasmania, was largely made a World Heritage area because of its Aboriginal history and extraordinary importance to the world, given the Aboriginal sites and the ongoing connection for the Aboriginal people. Mr Cleary opposed that all the way down the line.

When it came to establishing Aboriginal land rights in Tasmania, which were proposed by the Labor-Green accord in 1989-92, John Cleary opposed that as well. He opposed gun law reform before the Port Arthur massacre. He was also opposed to legislating to help with the establishment of support for those who wanted home births in Tasmania. Of course, there is much more to it, but I thought that those things should go on the record.

I want to get back to the legislation and say that this is not just an ordinary piece of end-of-year legislation. It is again an indictment of a government which has gone far off centre and far from the average of the thinking of this country over the past decades to put Australia into an age of right-wing, sectionally divisive government interested not in the Christian philosophy of share and do unto others as you would do unto yourself, but in a philosophy of greed, selfishness and walking to the other side of the road to avoid even looking at people who have great misfortune, are down on their luck and are down on the road in this life.

I do not know what the creed of this government is. Could somebody explain its philosophy? What is the human thought behind this legislation? Perhaps one of the two government senators opposite might get up and explain. What is the spiritual, humanitarian, Christian—if you will—credo that manifests itself in a selfish, rejectionist, anti-humanitarian piece of legislation like this? I suspect that neither will attempt to answer that, because this legislation is built on self-interest, greed and denial of the misfortune of others.

We have a government that says we must globalise and bring down the barriers—but that is for money. Here we have a piece of legislation which is the exact opposite and says, ‘Let’s compartmentalise and put up the barriers,’ because we are not dealing with money here, we are dealing with human beings. Can a senator opposite get up and explain that? I do not think so. We will be opposing this piece of legislation.

Senator STEPHENS (New South Wales) (8.43 p.m.)—During the course of the Senate Legal and Constitutional References Committee’s inquiry into the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002, we were presented with very little evidence to suggest that this legislation will be able to achieve its stated aims. It is a piece of legislation that in fact has the potential to do more harm than good. According to the Minister for Immigration and Multicultural and Indigenous Affairs, the bill has the aim of border protection. It is intended to prevent people from using excised offshore places to achieve migration outcomes. Its aim, then, is to prevent people from entering Australia without a visa.

However, I am not convinced that excising almost 5,000 islands along Australia’s coastline, many of which are very close to the mainland, will in any way add to the efficacy of the existing system. This bill may well prevent people from using excised offshore places to seek asylum, but it is likely to encourage them to head for the mainland instead. The committee found conflicting reports amongst and between government departments as to what role this excision could play in the border security of Australia. The one thing that they could agree on was that excising islands so close to the mainland would force boats to make that extra step and land on the mainland itself. So, like the Pacific solution, this bill can be seen as nothing more than a PR exercise. It sounds tough but in fact it achieves little.

This government has engaged in what has become an extremely dangerous world contest with other destination nations to develop the harshest deterrence mechanisms, because in the current system there is a sense that the country with the weakest deterrence mechanisms will be targeted. This is a gross and punitive waste of resources in an international competition that no-one can win. Labor has proposed to work cooperatively with other nations to stop competing to deter asylum seekers and start developing multilateral policies for resettling or repatriating...
them. This is not a situation we can ignore. It is not going to go away. This bill is yet another Howard government mechanism to make it look like it is doing something about the problem when really it is just biding its time, wishing it would all go away.

The minister has claimed that such legislation ‘will significantly reduce incentives for people to make hazardous voyages to Australian territories’. Many submissions to the inquiry questioned whether this will be effective as a deterrent: ‘What,’ they asked, ‘is standing in the way of them simply landing elsewhere?’ Obviously, the danger of a journey to Australia on an overcrowded boat is a much stronger disincentive than questionable migration outcomes. If someone is fleeing their home or, as is so often the case now, travelling to join a family member who is in Australia on a TPV and has no right to family reunion, the incentive to find somewhere safe for them and their families is particularly strong.

But this bill will not deter asylum seekers from coming to Australia, as the islands it has excised are simply too close to the mainland. Deterring people smugglers from making the journey would be a legitimate policy aim, but this is clearly not the aim of this legislation. I am quite sure that people smugglers would not offer a money back guarantee if their cargo did not achieve migration outcomes.

Apart from the fact that the legislation will not achieve its stated aims, the major concern that I have with it is that it has the potential to add to the costs—the financial, social and political costs—of the disaster that has been the Pacific solution. According to the repeated pledges of the Australian government to the people of Australia—and to Nauru and to Papua New Guinea—the processing of asylum seekers in these Pacific nations is a temporary measure. The government, however, has budgeted $430 million over the next four years for offshore processing in Pacific island countries. The memorandum of understanding between Australia and Nauru and Papua New Guinea allows for the situation to continue for ‘as short a time as is reasonably necessary’—in other words, the time frame is open ended.

This causes enormous difficulties for these countries and, in my view, is an unnecessary extension of the policy of detaining people in conditions far worse—and at far greater expense—than those in Australia.

In 2001-02, the detention of asylum seekers on Nauru and Manus Island cost the Australian taxpayers more than $150 million. While expenditure on the Pacific solution and aid to Nauru continues to soar, Australia has been cutting funds to the UNHCR. From 2000 to 2002, funding of $14.3 million was allocated to the UNHCR in the budget. Core funding in the 2002-03 budget has dropped to $7.3 million, although now the UNHCR will be able to compete with other organisations for additional funding. While the minister claims that refugee flows must be addressed at their source, the Australian government is cutting funds to the very agency responsible for dealing with the refugee crisis at its source.

Under Labor, funding to the UNHCR will be increased to $25 million. Labor will also abolish the special program funding introduced in the 2002-03 budget. This shows a real and serious commitment to addressing refugee flows at their source—we have yet to see such a commitment from the government—not only in terms of funding for the UNHCR but also in terms of aid priorities. Labor has also committed to boosting aid to address the root causes of refugee movements, contributing to lasting solutions not unworkable stopgaps. As Margaret Piper from the Refugee Council of Australia noted: Iran has 2.5 million asylum seekers and gets $30 million from the international community. Now we are spending—if estimates are correct—between $350 to $400 million on trying to keep out a couple of thousand people. If we were to spend even a portion of that on helping Iran, these people would not have to look to the smugglers to get on the boats to come halfway around the world to risk their lives to get to somewhere where they have protection.

Using foreign aid to buy the assistance of poorer nations, as this government has done with Nauru and PNG, is a case of really misplaced aid objectives. Pacific expert Greg Fry of the Australian National University argued that the policy:
... has serious political implications for a number of Pacific states. It has also damaged the way Australia is seen in the region and has acted against the Australian Government’s other foreign policy goals in the area (such as promoting responsible governance).

Aid should not be used as a bargaining tool in this way with Nauru and Papua New Guinea. This policy has damaged Australia’s reputation in the Pacific, with the focus on the Pacific solution seen to be overshadowing key priorities in the region—not least of which is the significant number of internally displaced people and refugees in neighbouring Pacific countries, including the Solomon Islands, Bougainville and West Papua. An Oxfam report states:

... over $40 million has been spent to establish and run the camp on Manus Island for less than 400 refugees, while church and humanitarian agencies are using limited resources to support over 6,000 West Papuan refugees and border crossers living in official and unofficial camps along the border with Indonesian-controlled Papua. There are also some 17,000 internally displaced people within Papua.

My concern is that this legislation will create more offshore entry persons, continuing this misuse of justice and funds. This policy was developed in an ad hoc manner and has left the government with promises it cannot keep and people found to be refugees waiting an indeterminate time to be resettled. It makes no sense to create more offshore entry persons when the government already has a major problem on its hands with those who have been taken to a declared country over the past 14 months.

During the 2001 election campaign, in relation to asylum seekers who were to be detained in the Pacific, Prime Minister John Howard stated, ‘They are not coming to the Australian mainland; that is one choice that is not available.’ Despite such pledges, a total of 281 of these refugees have so far arrived in Australia for permanent settlement under the Pacific solution. There have been 701 approvals for asylum seekers on both Manus Island and Nauru to date. It is taking the Australian government a considerable length of time to find resettlement places for the remaining refugees, with no solution to this problem in sight. Practically, the result of this is the continuing detention of people who have been found to be refugees. Clearly this is not a preferred outcome, by any means. If the majority of them, as seems set to happen, end up in Australia, the whole exercise will have been nothing but a waste of money—an expensive and politically expedient diversion.

There are also pressing concerns as to what will happen to those whose applications for asylum have been rejected and who cannot be returned. Nauru and PNG do not want them to stay indefinitely, and it is not clear whether they can be forcibly repatriated. These people are stuck in limbo because the government did not consider the results of this policy beyond the 2001 election date. As Oxfam-Community Aid Abroad found in their report of August this year into the Pacific solution:

The Australian government has not been transparent with the Australian or Nauruan public about the length of time to be taken for the processing of applications.

A lack of transparency can be a feature of bad policy and also a corollary to it. There is very little information in the public sphere about conditions of detention on Nauru and PNG, and certainly there is not enough public scrutiny. This has led to problems in detention conditions and visa processing that would have raised much more alarm had they occurred in Australia.

Labor’s plan to maintain Christmas Island as an excised place is, unlike the government’s policy, well considered. Conditions of detention on Christmas Island will not be inferior to those on the mainland. There will also be transparency in relation to the conditions of detention and the asylum claims processing regime, with an expert committee, the Asylum Seeker Claims Processing Review Committee, overseeing the development and functioning of the processing regime. Unlike the Liberal government, Labor will not need to hide its actions. Processing on Christmas Island will be fast, fair and transparent, and there will be no long waits for resettlement, because Labor will take its responsibilities seriously and resettle in Australia all those found to be refugees.
The delays in processing applications on Nauru have seriously disadvantaged hundreds of Afghan applicants because of the regime change in Afghanistan. These delays, and the lack of clarity as to the future of the policy, have created major difficulties for the Nauruan government. This legislation, in an attempt to deter asylum seekers by excising islands close to the Australian mainland, is just another example of this government’s misplaced priorities and open hypocrisy in its stated attempts to deal with the international refugee crisis. Detaining asylum seekers on Pacific Islands was supposed to be a short-term fix. It was not a measured or considered policy, and now we are seeing its results. These results include political instability in Nauru and PNG, regional ill-will towards Australia, delays in visa processing, a lack of resettlement options for those assessed to be refugees and an absolute blow-out in the costs. It would have been more efficient, cheaper and more humane to have processed these asylum seekers in Australia.

The Oxfam report, in relation to children detained on Nauru and Manus Island, states:

A particular concern is the status and welfare of these children, who don’t have access to the kinds of educational and welfare facilities available to children in Australian detention centres—which are of themselves inadequate. There are currently 157 minors on Nauru and 34 on Manus Island—that is 191 children in total. More children are held under the Pacific solution than onshore immigration detention centres. These children have all been detained for between 12 and 14 months. During committee hearings, a DFAT representative admitted that Australia had not raised with Nauru or PNG the relevant international obligations such as the Convention on the Rights of the Child.

Mr John Hodges, the Chairman of the Immigration Detention Advisory Group, which reports to the Minister for Immigration and Multicultural and Indigenous Affairs, said:

Nauru is by far the worst of the detention centres ...

He admitted:

... the facilities are just not as good as they are in Australia.

I am concerned that the results of this legislation would be to detain more children in conditions that are worse than those in the mainland detention centres. There is less transparency and there are fewer procedures for determining the situation of children in these detention centres than there are on the mainland, and conditions for children in mainland centres are in themselves causing widespread concern. When questioned by the Senate Select Committee on a Certain Maritime Incident about educational facilities on Nauru and Manus Island, Mr Hodges mentioned only one detainee who spoke fairly good English and was teaching classes. Mr Hodges said:

Education facilities I believe are lacking a little.

Clearly, as Mr Hodges pointed out, there are difficulties in educating children in a detention centre environment, but this is not a reasonable excuse to ignore the question altogether. When asked by the committee whether there had been any sort of qualified assessment of the education needs of the camp populations, the head of the minister’s immigration detention watchdog said that he did not know. Education is a basic right for children; it is so in Australian domestic law and in the Convention on the Rights of the Child.

The UNHCR also raised concerns about the nature of the visas that offshore entry persons are able to apply for. The granting of a temporary protection visa, they argue, should not be defined as resettlement, as it is not a durable solution for a refugee. TPV holders at the moment have no access to family reunion or travel papers and are given little support to settle into the community. This legislation has serious adverse implications for the rights of refugees to family reunion. Members of a family who arrive separately are assessed individually, which allows for family members to be taken separately to a declared country, even if a member of the family is residing in Australia on a TPV. As the UNHCR put it:

This right includes maintaining family unity for members arriving in Australian territory together,
as well as assuring family reunion for members arriving separately. When coupled with the use of Temporary Protection Visas by Australia, which do not provide for family reunion as a basic individual right, the impact of such State action may result in a breach of Australia’s formal obligations under various human rights instruments, including the Convention on the Rights of the Child, as well as ignoring standards that Australia has helped to create and promote.

Labor recognises that the current system of TPVs is not working. The lack of access to settlement services and family reunions creates an underclass of visa holders who have little means of building a life for themselves in Australia and are welfare dependent. Under Labor, the TPV will be of a shorter term, after which an asylum seeker’s claim will be reassessed. If circumstances in their country have not changed, they will be granted a permanent protection visa with rights to family reunion. The change that will have the most significant impact on current TPV holders is that, under Labor, they will have access to settlement services, including English language training and the full range of Job Network services.

Despite its stated aim of deterrence and border control, this bill has clear potential for unintended consequences. Obviously, these had not been thought out in the implementation of the original raft of legislation, as can be seen by the subsequent return to Australia of refugees from Nauru and Manus Island, and clearly they have not been thought through here. A high proportion of those who try to come to Australia via people smugglers are women and children trying to join family members. I for one am not willing to risk more children being detained on Nauru or Manus Island for extended and indefinite periods of time.

This bill is a diversion. It is part of a strategy of focusing attention away from important questions and drawing the eyes of the nation, using the language of fear, to a phantom threat. I would like to quote from Minister Ruddock’s second reading speech on this bill. He said:

The choice for the opposition is now clear. They can either support strong and effective border controls or they can contribute to the weakening of Australia’s borders and the perils arising from this action.

What is this if it is not the language of fear? This legislation does nothing to strengthen Australia’s borders. It is not effective border control. It is a line in the sand, and if we were under some kind of peril it would not be enough to protect us. The government seem to think that there are only two choices. They think that because they have not made the effort to consider other options and because they feel there is no political mandate in innovative solutions. All they can think of doing is adding an ineffectual extra to an already failing system. It does not convince me and it will not convince the Australian people either.

Senator Harris (Queensland) (9.02 p.m.)—I rise to place on the record the fact that One Nation will be supporting the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002. In commencing my contribution to this debate, I would like to put it very clearly on the record that when the government brought the last set of legislation into this chamber One Nation also supported it. This is totally contrary to the reports in the media that the opposition and all of the minor parties and independents opposed the government’s legislation. We did not; we supported it totally.

One Nation believes the government’s present bill adds substantially to the program that the government have set in place over a series of years. The government has taken initiatives to curb illegal entry. We do not hear the word ‘illegal’ in the contributions from the Labor Party or some of the other crossbenchers. The people in question are illegal immigrants. I do not believe that, under our Australian Constitution, they have the right to access our judicial processes in the same manner as an Australian resident or citizen.

If we look at what the government have done over past years we will see that they introduced border protection legislation in 1999, enhanced that legislation in 2001 and made changes to the Migration Act in order to increase the maximum period of imprisonment for people-smuggling to 20 years, with a mandatory minimum sentence of five
years imprisonment for those found to be organising people-smuggling. The government have increased the number of special compliance officers in key overseas posts. They will work with local police and immigration officials to clearly identify overseas nationals trying to enter Australia illegally.

The government have placed departmental officers in key overseas ports to assist overseas countries in training their staff to identify bogus documents. The Australian government have posted specialist liaison officers to key overseas posts for bilateral and multilateral liaison on readmission and resettlement. They have organised ongoing short-term visits to key countries by departmental document examiners to provide specialist training and technical support to overseas immigration services and to airlines and airline staff. They have maintained multifunction task forces both in Australia and overseas which coordinate investigations, collect intelligence and maintain close liaison with law enforcement agencies investigating immigration fraud. The government also frequently updates Australia’s movement alert list, which is a key tool governing the entry of non-citizens who are of security and character concern.

Who has this message been sent to? It is very clear that the government has sent a message to two groups of people: firstly, it has sent a very clear message to the people who would wish to flout our immigration laws—the illegal entry people; and, secondly and more importantly, it has sent a message to the people smugglers and cut off the ability of these people to continue their business. If we look back to last year and the year before, there were times when we had anything up to 3,500 people illegally arriving on our shores. But the moment that the government brought in its first bill on border protection, that stopped overnight. If you are in the business of people-smuggling and all of a sudden you find that Australia is not a soft touch and you have accepted between $A6,000 to $A10,000 from a person to get them illegally into Australia, they are going to be most upset with you. If 3,000-odd people were to come from Indonesia, for example, that would be an injection of approximately $A18 million per month into the black market in that country. Therein lies some of the reluctance of overseas countries to stop this trafficking. The minister in his second reading speech said:

On average, it costs the government $50,000 for every unauthorised arrival by boat from the time of arrival to the time of their departure from Australia.

Do the arithmetic: if 3,000 people arrived in Australia in any one month it would cost us, the taxpayers, $150 million just to process them for that one month, and people talk about the costs of the Pacific solution! I think the Pacific solution is one of the most economical actions of the government, because it stopped absolutely overnight the proliferation of people entering this country.

When Senator Brown spoke before he made a comment about how this fits with our Christian ethos. It fits very comfortably. If you go to the Old Testament, there is a section that speaks about the entry into the walled city of Jerusalem. If you know a little history about that period, you will know the gates in that walled city were closed each evening. There were windows in the walls of the city so that people could have some access to fresh air where their homes were built into the walls. So our Old Testament clearly says: ‘He who enters the city through the gates enters that city and has passage. But he who enters by the window is despised.’

So our own Christian belief sets out very clearly that we accept the person who enters our country legally—that is, the person who fills out their application and has it assessed to see if they are a genuine refugee. But the person who comes as an illegal immigrant is the equivalent of the person in the dark, entering that city through a window, and they are to be despised because they are keeping out genuine people who have spent time going through all of the refugee centres, doing the right thing and making an application to come to Australia. They are the ones who are doing the correct thing; they are the ones who as a Christian nation we will open our arms to and accept if it is proven that they are genuine refugees. So there is no problem whatsoever in reconciling ourselves as a Christian society to rejecting those who wish
to break the laws of this country and enter like thieves in the night. On top of that, they have the audacity to expect the Australian people to fund court challenges that will keep them here for three or four years. The government does have it right; it has done the right thing.

If you live in North Queensland and speak to the people who live on Cape York—they are predominantly pastoralists; lovely people who are doing it hard—on numerous occasions you would hear them voice concern about the vehicles that tend to go up the Cape empty and come back full. You do not have to think too hard to work out what is actually going on. We have even had instances in places like Dirranbandi, in the southern corner of the state, where people in vehicles have been apprehended. One lot were apprehended because the vehicle broke down; it was a group of illegal immigrants heading for Melbourne. If they had arrived in Melbourne they would have had a safe haven. We probably would not even have known they were in the country. Another group that called in at a service station to refuel their vehicle were apprehended when an astute attendant realised that, because of their language difficulties, they most certainly should not even have been driving the vehicle, let alone be in Australia.

So the government does have it right. The government is protecting the sovereignty of this nation in such a way that the people of Australia decide who will make up the matrix of our community in the future. If we had continued to allow thousands of people to illegally enter this country on a monthly basis, it would not be us as Australians controlling the development of our country but the illegal boat people and the smugglers who are sitting offshore, smugly putting their money in their hip pockets and, I might add, probably not contributing to their own country’s economy.

If Labor’s proposal were to be accepted, we would be opening the front door. We would be opening the gates to Jerusalem in the daytime for people to walk in. I do not believe that that is in the interests of the Australian people. People who arrive in Australia with the correct documentation have had that documentation—their entry visas—subjected to scrutiny by our officials overseas. That is the correct way to enter this country. If you want to get the real story on people who enter this country illegally through our airports, stop and talk to a Qantas airline pilot or a crew member who has had to go through the degrading task of sifting through the refuse on an aircraft because someone who had identification papers at their overseas port of exit has cut that documentation up and flushed it down the toilet on the aircraft, arriving here with no ID so as to claim refugee status. If you talk to the airline people and ask them what they think of those sorts of people, you will get a totally different picture.

Yes, it is extremely concerning that children are held for a long period of time in detention centres in Australia. However, it is a conscious decision of the parents of those children to flout the laws of this country. They know what they are doing when they pay their $A6,000 to $A10,000 to the people smugglers. They know where they are going to end up—in a detention centre. They consciously made that decision before they left their country.

On the issue of forum shopping, have a look at Europe. The European Economic Union have passed legislation to ban forum shopping. I would like anyone in this chamber to tell me of any person—other than our close neighbours East Timor and West Papua who have no other option but to enter Australia—who has travelled to Australia as an illegal immigrant and not passed another safe haven before they entered our waters. I believe that the government, with this legislation and with its previous attempt at the regulation, has actually stopped forum shopping—and that is exactly what should happen. Even the United Nations human rights commission does not support a refugee who passes a safe haven to continue on to a selected destination.

In conclusion, One Nation support the government’s initiative to further extend the exclusion areas. We support their definition of an excised offshore place and we most certainly support the time frame from 2 p.m. on 19 June 2002 as the time when any person
who enters these excised areas is unable to apply for a visa in Australia. One Nation commend the government for the bill and support the government’s position.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (9.20 p.m.)—The Migration Legislation Amendment (Further Border Protection Measures) Bill 2002 is very important for all Australians. The Australian public has a clear expectation that the Australian government should be strong on border protection, tough on people smugglers and act in accordance with the national interest. Those are the issues that underpin this bill. The bill expands the definition of an excised offshore place and sends a strong deterrent message to people smugglers. The bill ensures that persons who travel unlawfully to Australia and who enter Australia at an excised offshore place will not obtain a favourable migration outcome.

The bill does not disadvantage Australians in any way, nor does it cause detriment to those people with lawful authority to be in Australia under the Migration Act. These people will be able to move about freely in any of the excised offshore places just as they would in any other part of Australia. These places remain integral parts of Australia. In fact, there has been much debate about this bill entailing the giving up of sovereignty, that we are giving up pieces of Australia. Nothing could be further from the truth. When similar provisions were before the parliament last year, the Labor opposition found no problem at all in excising Christmas Island and Cocos (Keeling) Islands. We are applying the same principle today, yet the opposition baulks at what we are suggesting. It is worth while looking at those people who live in the areas which would be most affected. I went to the Torres Strait Islands in July this year, and the feedback I got was that the people there are in favour of this excision. We had a comment by Senator Scullion, who represents people who could be affected by this. He stood here in the Senate today as a representative of those people in the Northern Territory and said they were supportive of these excisions. We have just heard from Senator Harris, who represents the state of Queensland, that there is no opposition from people in Cape York. When you look at those Australians who live either in the areas we are talking about or in close proximity to those areas, you find no opposition to the government’s proposal. They want the government to be strong on border protection.

This bill is an important part of the government’s comprehensive strategy to combat people-smuggling. I remind senators opposite that people-smuggling is criminal. Earlier this year, the Australian and Indonesian governments cohosted a conference on people-smuggling in Bali. People from many countries attended that conference. I heard first-hand accounts of what people smugglers do. The head of Interpol indicated that people smugglers are often tied up with illicit dealing in guns, drugs and other contraband. It is also not uncommon to find them tied up in the sexual trade of women and children. People smugglers are not generous, altruistic people who are trying to help others find a better life. They are organised criminals who trade in human beings as they would in drugs or guns. We are providing a deterrent to these organised criminal syndicates.

We have even seen tragedy at the hands of such people smugglers. People who criticise this deterrent underestimate the evil trade of people smugglers. People smugglers do not care about their human cargo. As long as they have the money in their hands they do not care whether their customers reach their destination or not. That is the blunt truth. These provisions are part of a suite of provisions implemented by this government to deter people smugglers from their unlawful operations. There is a clear indication that this strategy is working. It has been about 12 months—I think it is in excess of 12 months—since any substantive attempt has been made to enter Australian waters. The results of our strategy speak for themselves: people smugglers have been deterred from their illegal activities.

We cannot afford to be complacent. We cannot afford to sit back and say, ‘We’ve done enough.’ Credible intelligence reports indicate that people smugglers are looking for ways and means to get their clients to
other parts of Australia and to other destinations in the Pacific. This bill will not force asylum seekers onto the mainland, as the opposition and minor parties suggest. Rather, failing to pass this bill will give people smugglers the green light to continue their trade to either Australia or other destinations in the Pacific. This is totally unacceptable to the Australian government and, more importantly, to the people of Australia.

The government has carefully considered the report and recommendations of the Senate Legal and Constitutional References Committee. We note that only two of the recommendations relate to the bill itself, and the other recommendations concern elements of the Pacific strategy. The government does not accept recommendations 1 to 7. All of these involve issues which were before the Senate last year when the opposition supported the original excision bill. It is incomprehensible that the opposition is seeking to raise these objections now, when it had ample opportunity to do so when the legislation was passed last year—with its support.

In relation to recommendations 8 and 9, the government recognises the significant role that Indigenous communities already play. We will continue to ensure that Indigenous communities are involved in border protection as appropriate. I speak with first-hand knowledge of Indigenous communities that I have visited which have assisted Customs in looking out for Australia’s borders. As the Minister for Justice and Customs, I have acknowledged the great assistance we have had from Indigenous communities in the north in that regard.

This bill is an integral and vital part of the government’s legislative and administrative measures to combat people-smuggling and to protect Australia’s borders. It is irresponsible not to support this bill. It shows a complete lack of regard for Australia’s border security, deterring the illegal activities of criminals such as people smugglers and acting in the national interest. I commend this bill to the Senate.

Question put:

That this bill be now read a second time.
MEDICAL INDEMNITY BILL 2002
MEDICAL INDEMNITY
(CONSEQUENTIAL AMENDMENTS)
BILL 2002
MEDICAL INDEMNITY (ENHANCED
UMP INDEMNITY) CONTRIBUTION
BILL 2002
MEDICAL INDEMNITY (IBNR
INDEMNITY) CONTRIBUTION BILL
2002
Second Reading
Debate resumed.

Senator CHRIS EVANS (Western Aus-
tralia) (9.36 p.m.)—I rise to indicate the op-
opposition’s support for this package of bills in
respect of medical indemnity insurance.

The ACTING DEPUTY PRESIDENT
(Senator Hutchins)—Senator Evans, before
you go on, could you wait a moment while a
few senators finish their conversations.

Senator CHRIS EVANS—Thank you,
Mr Acting Deputy President. I am sure there
is a great deal of interest in my speech from
the government benches. I understood that is
why we had such a good attendance. While
Labor support these bills, we do so noting
that there are many steps the government
should have taken and still must take before
medical indemnity in Australia is sustainable
in the long term. In this light, Labor believe
it is important to emphasise that medical in-
demnity is not just an issue for doctors but
one that impacts directly on the availability
and affordability of medical services for all
Australians. Inadequate measures to address
medical indemnity in the long term will re-
sult in a reduced availability of medical
services and patients paying higher prices.

These bills represent the government’s
package of measures to address rising medi-
cal indemnity insurance premiums, an-
nounced on 23 October this year. The core
plank of this package was the extension of a
guarantee to United Medical Protection and
Australasian Medical Insurance Ltd, UMP-
AMIL, to 31 December 2003. On 23 Octo-
ber, the government also announced partial
subsidies for insurance premiums for obste-
tricians, neurosurgeons and GPs performing
procedures; a scheme to meet 50 per cent of
the cost of claims payments greater than $2
million; funding of the incurred but unre-
ported liabilities for medical defence organi-
sations, or MDOs, that have not set aside
money to cover their liabilities; and a levy to
recoup the cost of the funding for unreported
liabilities for members of the MDOs over an
extended period.

The announcement of these measures
followed the passage of the Medical Indem-
nity Agreement (Financial Assistance—
Binding Commonwealth Obligations) Bill
2002. The purpose of that bill was to appro-
priate funds for payments in accordance with
an indemnity agreement between the Com-
monwealth and UMP and its wholly owned
subsidiary, AMIL, and to confirm the gov-
ernment’s commitments relating to UMP-
AMIL.

It is worth while to discuss in somewhat
more detail the three main measures that
these bills give effect to. The first measure is
the unreported liability scheme. This will
assist those medical defence organisations
that had unfunded liabilities as at 30 June
2002 to pay the claims when they crystallise.
In other words, the Commonwealth will help
these MDOs to pay for claims which they
have not made adequate provision for in the
past. Part of this cost will be recouped by a
levy payable by any person who on 30 June
2000 was a member of an MDO that was
assessed as having unfunded, unreported
liabilities at 30 June 2002. For practitioners
who are liable to pay the levy, the levy will
be set as a proportion—a maximum of 50 per
cent—of their medical indemnity premium
paid for the 2000-01 financial year.

The second key measure that this package
of bills gives effect to is the High Cost
Claims Scheme. The High Cost Claims
Scheme aims to lower premiums by reducing
the potential cost of large claims to insurers.
Under this scheme, the Commonwealth will
meet 50 per cent of the cost of claims pay-
ments greater than $2 million. This scheme
will apply to claims notified on or after 1
January 2003 but will not apply to claims
relating to the provision of public hospital
services.

The third main measure that this package
of bills gives effect to is subsidies. A subsidy
will be provided to obstetricians, neurosurgeons and procedural GPs who undertake Medicare billable procedures. It will be the equivalent of 50 per cent of the difference between the cost of their premiums plus the unfunded, unreported levy, and a corresponding cost for gynaecologists, general surgeons and non-procedural GPs respectively, in their relevant state or territory. In light of the particularly high premium costs faced by some neurosurgeons, the subsidy rate will increase to 80 per cent on the portion of their premium plus the levy, if applicable, that exceeds $50,000.

This package of bills provides for the implementation of these key measures of the government’s package. Although positive and necessary measures, they are inadequate in the long term to address Australia’s medical indemnity shortfalls. The bills provide an administrative framework for the policy response made by the government so far. For instance, the Medical Indemnity Bill 2002 establishes a mechanism to determine which MDOs have incurred but unreported liabilities. So far as financial implications of the bills are concerned, the Mid-Year Economic and Fiscal Outlook documents indicated that funding of $246.5 million over four years will be provided for the medical indemnity insurance assistance package. However, disappointingly, the MYEFO documents do not disclose the amount budgeted for the UMP-AMIL guarantee or the amount expected to be raised from the unreported liabilities levy to fund the guarantee.

As I have indicated, the opposition supports these measures. However, it is important to get on record again Labor’s view that the government’s handling of medical indemnity problems in Australia has been far from satisfactory. The government was slow in recognising that there was a problem at all, and it has not been prepared to make its eventual response comprehensive or far-reaching enough to address the range of medical indemnity problems that exist. It is also worth remembering that, whilst the crisis in medical indemnity insurance was publicly brought to a head by the financial difficulties experienced by UMP and by the appointment of a provisional liquidator, problems with medical indemnity insurance are not of recent origin. For example, as far back as 1991 the then Labor federal government established a review of professional indemnity arrangements for health care professionals. This review was chaired by Fiona Tito. It was responsible for examining the arrangements relating to professional indemnity and the experience with compensation for medical misadventure.

Fiona Tito’s report was completed at the end of 1995. Amongst other things, that report identified the need to develop evidence based medicine and define best practice; called on health care institutions to develop a system for error identification and analysis to deal with errors in a positive manner; discussed the need to ensure that people with severe disabilities obtained early access to rehabilitation services; recommended the wider use of structured settlements; recommended that medical defence organisations, using common accounting and reporting standards, ensure that members and policyholders be able to assess their relative financial strength; and recommended the establishment of an MDO fund to cover the costs of claims incurred but not reported, which is of course one of the major problems that this bill attempts to deal with, albeit seven years after the Tito report identified it.

The Tito report was largely ignored by the Howard government. That is in contrast to the Labor Party, which in the run-up to the last federal election identified what areas of medical indemnity insurance remained neglected and in need of reform. Labor’s medical indemnity reform package was accordingly announced in July 2001. It drew attention to the following requirements: the need to reduce the frequency of medical injuries by setting national benchmarks and guidelines and by promoting the use of information technologies to help doctors decide on the best treatment and avoid misdiagnosis or incorrect treatment, the need to promote structured settlements by changing the tax treatment of periodic payments to ensure injured patients have adequate regular payments to cover their health care costs for the rest of their lives and the need to establish a national database on health care litigation to
target the problem areas and ensure that adequate support mechanisms are in place.

The Labor package responded to these health system needs in a range of specific, targeted ways. In particular, the ALP sought state and territory law reforms encompassing court procedures, calculation of damages and the regulation of medical indemnity organisations. Labor sought to tighten the prudential regulation of medical indemnity insurance, in order that all funds operate soundly and have transparent accounts; to require all doctors to hold the appropriate insurance for the work they undertake; to reduce red tape by harmonising requirements, from doctor registration to improving risk management by medical indemnity funds; and to refer the current problems with indemnity insurance for midwives to the then Senate inquiry into nursing, in order to develop options for keeping homebirth as an option for expectant mothers.

The Howard government has proved reluctant to address any of these problems with medical indemnity insurance, taking only preliminary steps after the last federal election. In December 2001, the Prime Minister announced a national medical indemnity insurance summit, which was ultimately convened in late April 2002. The summit’s communiqué, which was issued following the summit, simply announced that work would begin on a range of issues that had been identified much earlier.

Problems surrounding medical indemnity insurance are complex and there is no single solution. As a consequence, action is required by all governments and change is required of medical defence organisations, the medical profession and lawyers. However, any comprehensive plan for solving the medical indemnity insurance problem must be coordinated at the Commonwealth level. Given this, the government’s response to medical indemnity problems has been inadequate in the following ways.

Firstly, almost all of the efforts for reform have focused on tort law and not on the need to improve clinical outcomes and reduce clinical risk. Comparatively little attention has been given to reducing the number of adverse events through the encouragement of safer medical practice. Improvements in the quality and safety of medical care would lead to better health outcomes for patients and reduce the likelihood that doctors would be sued for inappropriate treatments. Whilst it is certainly the case that Australia performs well internationally, we can always do better. As a consequence, the Howard government should make the reduction of clinical risk a much greater priority.

Secondly, more work needs to be done to consider the viability of setting up a national scheme for the long-term care of the most catastrophically injured. Labor has consistently advocated that a special national scheme is necessary to address high-cost cases in which catastrophic injury has resulted from medical procedures. It is clearly the case, both anecdotally and statistically, that the majority of these cases involve brain and spinal injuries and obstetrics. Complex cases involving catastrophically injured people take years to resolve through the courts and waste millions of dollars in legal fees. These cases place a disproportionate burden on the cost of medical indemnity insurance. Putting in place a catastrophic injury scheme would be a significant contribution to stemming the exponential increase in premiums for the cost of medical indemnity insurance.

The Commonwealth also has a significant role to play in assisting medical defence organisations to secure reasonably priced reinsurance. Australia has a multiplicity of state based organisations that provide medical indemnity insurance. With a more united front, Australian MDOs would be much more likely to succeed in obtaining affordable reinsurance and helping to stop medical indemnity insurance costs from increasing exponentially. Changing the way in which medical indemnity insurance is regulated would also be a helpful advance. Medical indemnity insurance has historically been provided by MDOs that have offered doctors membership rather than insurance. It is important that the Commonwealth ensure that APRA has sufficient resources to fulfil this greater regulatory role.

The Commonwealth should also ensure the prevention of price exploitation resulting from premium increases, by way of an in-
creased role for the ACCC. It is now well known that very many patients are being asked by their specialist to make large up-front payments before surgical procedures are carried out, with the explicit justification that these up-front fees are necessary to defray the increased costs of medical indemnity insurance. We have also seen, in more recent times, indications from the Australian Private Hospitals Association that, in the course of next year, up-front fees in the order of $150 will be imposed to cover the difficulties that Australian private hospitals now find in gaining medical indemnity insurance.

While it is expected that medical service providers will not be able to absorb the increased costs of medical indemnity insurance premiums and will pass those costs on to patients, Labor believes that consumers should not be required to pay amounts that bear no relation to the increased premium costs. The Howard government envisages the ACCC playing a role so far as monitoring the increase in medical indemnity insurance premiums is concerned. However, the ACCC should be tasked to ensure that, whatever changes occur, no unfair or unreasonable costs flow on to patients for the cost of their individual health care.

**ADJOURNMENT**

**The DEPUTY PRESIDENT**—Order! It being 9.50 p.m., I propose the question:

That the Senate do now adjourn.

**Drought**

**Senator O’BRIEN** (Tasmania) (9.50 p.m.)—I rise tonight to acknowledge the government’s belated implementation of Labor’s drought policy, evidenced by the drought assistance measures announced by the Prime Minister today.

**Senator Ferris**—Kerry! Come on!

**Senator O’BRIEN**—I am glad to hear the acknowledgment of that by senators opposite. Some time ago—and months before the Prime Minister did it—Simon Crean and I visited drought affected communities in Bourke, Brewarrina and Condobolin to gain a first-hand appreciation of the drought’s devastating impact on those regional communities. As a result of that visit, we renewed our call for the Howard government to speed up its assessment process for exceptional circumstances drought relief and get funding flowing to families in need. This call, and the call of farm families in drought affected Australia, at that time fell on deaf ears. It took the Howard government a full 64 days to assess the Bourke-Brewarrina exceptional circumstances application—what an insult to those farmers who had to wait for the government to get its act together, and in this time had to feed their herds, feed their families, and field the inevitable calls from the local bank manager.

Labor and farming representatives have criticised the inability of the Howard government, and particularly the minister—Warren Truss—to deal with this drought and deliver relief to farming families in a timely manner. But Labor have done much more than criticise. We have released a six-point plan to deal with the current crisis. I can advise the Senate that the government has, in the absence of its own policy, started to implement ours. The first point of our plan is the minimisation of red tape. Labor have proposed a target of a seven-day turnaround for the prima facie assessment of exceptional circumstances applications, and a 28-day turnaround for full exceptional circumstances assessments so that funds flow to farm families in need more quickly and provide certainty to farmers about the EC process. Unfortunately, the government has not set itself these targets. Who can blame it? Mr Truss has failed for two years to reform the exceptional circumstances process, so it would be an act of extreme political optimism to set fixed deadlines for this minister to conclude assessments. He is simply not up to the task.

The second point of our plan is the reform of the Farm Management Deposits scheme. Again, it is pleasing to note that the government has picked up our policy to allow farmers in exceptional circumstances declared areas to withdraw deposits within 12 months, without penalty, in this financial year. But this occurred only after it was revealed that the farm management deposit legislation is flawed, exposing farmers to unexpected and potentially crippling tax bills. Mr Truss has known since July last year of this legislative
flaw. Rather than fix it in a timely fashion, Mr Truss allowed the Prime Minister and the Deputy Prime Minister to wander through speaking engagements, lunches and dinners spruiking this scheme and, in effect, selling farmers a giant tax problem when what they need is effective drought assistance.

The third point of our plan is the provision of help to farmers to protect core breeding stock through interest rate subsidies. Although the government has pinched our policy, unfortunately for drought affected farmers, the tight-fisted Treasurer will only allow a subsidy of either five percentage points or 50 per cent of the prevailing rate—which ever is the lower. Compare this with Labor’s policy. A full 100 per cent interest rate subsidy is what Labor proposed for those suffering the impact of this drought. Labor is also aware of the broader impacts of the drought beyond the broadacre farm gate. That is why we have proposed measures to address feed grain shortages and their concerns, including an immediate national audit to assess current and future national grain needs and supplies. This would enable intensive industries, such as the pork and poultry industries, to plan possible import needs to manage potential feed shortages in 2003.

Mr Truss has finally convened a feed grain meeting, but has taken no action to investigate the impact of import protocols for feed grain to ensure current quarantine standards can be protected without unnecessarily impeding imports. The minister’s lack of action is risking the future of Australia’s intensive industries and their hard-won export markets. It is a very important point. Industries such as our pork industry have been the recipients of millions of dollars in private and public investment and have worked extremely hard to earn international success.

The minister claims that a grain audit would expose commercial-in-confidence information. This argument was discredited by ABARE when they told me at a recent estimates hearing that they had been handling and collating this type of data since the 1940s, without any release of confidential information. It is not commercial-in-confidence information that is holding up the audit and risking the future of our intensive industries and the thousands of jobs they support; it is that Mr Truss lacks the will or the competence to take on vested interests and order an audit. Labor called for a grain audit by the end of the year, but I do not hold out much hope that the minister will realise his responsibilities in the near future.

Unlike Mr Truss, Labor wants the buck-passing and squabbling with the states to stop. A federal Labor government would work with the states to streamline the exceptional circumstances application process. Labor knows it can be done, because we have done it before. It must be remembered that when Simon Crean, as minister for primary industries, developed the national drought policy, seven of the states and territories were in conservative hands. But they signed up to the plan because it was the right policy for the nation, and Simon Crean negotiated in good faith. He did not do what Mr Truss has done, which is attempt to ram a package down the states’ throats, only to sit back and blame them for choking on it. Additionally, Labor will use the COAG process to ensure a whole-of-government approach to drought policy. Finally, Labor proposes the coordination of existing rural and regional programs to assist communities to manage drought. Under this plan, regional programs would be adopted for drought affected communities and application processes would be fast tracked.

There is one area in which the government has taken a lead on drought assistance, and it might have made an excellent seventh point of our plan. Mr Howard’s key policy initiative on drought has been the removal of Mr Truss from the policy process. Once removed, the minister has effectively been kept on the sidelines. Anyone who saw today’s announcement by the Prime Minister, and the following question and answer session, can be in no doubt that Mr Truss is minister in name only. After the announcement, Mr Howard continually pulled Mr Anderson to the podium to answer questions, and kept the man theoretically responsible for the portfolio standing stoic and stony-faced in the background.

Some might object to the elimination, effectively, of a federal minister, but in this
case it serves the national interest and Labor does not demur. With Mr Truss now safely on the sidelines, it is time for Mr Howard and Mr Anderson to do the right thing and implement the rest of Labor’s drought policies. Government senators should not hesitate to wander over and collect a copy of Labor’s six-point plan from me here in the chamber. But if you miss me tonight, give the Prime Minister’s office a call and ask for it by name.

Telecommunications: Interception

Senator MURRAY (Western Australia) (9.58 p.m.)—Everyone accepts that government law enforcement agencies need powers to covertly intercept selected telecommunications. Effective attacks on crime and lawlessness require nothing less. Everyone also accepts that such powers are dangerous and intrusive and need to be properly controlled. The law was changed a few years back. Its most notable change was to give AAT members the power to issue warrants, and it is they who now issue the bulk of them. The consequence has been dramatic, with a tremendous growth in telecommunications interception in Australia. This must call into question the adequacy of the existing accountability regime to monitor and regulate.

The question has always been as to whether potential abuse is minimised and whether controls are effective. As readers of previous speeches of mine on this topic would know, I have had my doubts on that score.

Modern terrorist threats have raised the stakes. More intercepts will be the result. How do we balance national security with privacy and civil liberties? The issuing of warrants is governed by the Telecommunications (Interception) Act 1979 as amended. Commonwealth and state ombudsmen monitor and oversee the use of telecommunications interception. Under the act, warrants can only be issued in relation to what are called class 1 or class 2 offences. Class 1 offences include murder, kidnapping, narcotics offences and terrorism offences. Class 2 offences include offences punishable by imprisonment for life or a period of at least seven years, where the offender’s conduct involves serious personal injury, drug trafficking, serious fraud, bribery, corruption, serious arson or child pornography. An application by a law enforcement agency for an interception warrant must be accompanied by an affidavit containing prescribed information. There are also differences in the statutory prerequisites for issuing warrants for class 1 and class 2 offences. Thus, before issuing a warrant in the case of a class 2 offence, the judge, magistrate or AAT member must consider the gravity of the offence and how much the privacy of any person or persons would be interfered with as a result of the warrant application being granted. Further additional information must be supplied before a warrant can authorise entry onto premises.

In 2000-01, a total of 2,157 telecommunications interception warrants were issued to Australian state and federal law enforcement agencies. Compared to a number of 675 four years ago, this is more than a threefold increase. Federal and state law enforcement agencies have spent more than $17 million on interception activity in 2000-01. The most common categories of offences listed in telecommunications interception warrants are narcotics, drug trafficking, bribery or corruption, and murder. Telecommunications interception is seen as a vital weapon in the fight against crime. Is its greater use because criminals are increasingly using sophisticated telecommunications services or because getting interception warrants is so much easier? Are we reassured that, in the process, innocent persons are not accidentally or deliberately targeted for improper
reasons and regardless of the immense intrusions into personal privacy?

The Australian Democrats believe there needs to be stronger external scrutiny of telephone tapping and covert surveillance activities by Australian law enforcement agencies. The body that oversees the function of inspecting the telecommunications interception records of the Australian Federal Police and the National Crime Authority is the Commonwealth Ombudsman. This is also the same for each state whereby the ombudsman for each jurisdiction oversees state police and law enforcement agencies. The technical and audit competency of the ombudsmen to perform these tasks is suspect.

In a media release on 15 September 2002, the shadow minister for justice and customs, Daryl Melham, said that the overseeing function performed by these bodies is questionable. The Commonwealth Ombudsman only employed two staff for an approximate time period of two months of the year to inspect the relevant AFP and NCA records. How do record inspections of warrants and their application process prevent abuse? Do the ombudsmen staff do random listen-ins and in-field checks themselves? Mr Melham mentioned that the two staff members were assigned to inspect records relating to 598 AFP warrants and 284 NCA warrants. Individual warrants are in force for an average of 72 and 42 days respectively and generate enormous volumes of information from a variety of intercepts and communications with a variety of people. It begs the question as to whether the level of external supervision for such intrusive surveillance activity is adequate. Statistically, on the grounds of human nature and probability, it is difficult to accept that no misdemeanours occur. If angels populated our police forces, we would not need periodic royal commissions into them.

Basic accountability and prudential considerations require the tremendous growth in telecommunications interception to be matched by an increase in audits and checks. There is an urgent need to strengthen the resources available for the external scrutiny of telephone interception activities and to provide more effective and proactive scrutiny beyond desktop review. One of the options is to take oversight away from the ombudsmen and give it to a dedicated office. Australia could consider an external oversight agency similar to the United Kingdom’s Chief Surveillance Commissioner, which monitors all telephone interceptions, use of listening devices and other surveillance by law enforcement agencies.

The Telecommunications Interception Legislation Amendment Bill 2002, part of a package of counterterrorism legislation introduced by the Howard government on 12 March 2002, is now law. The provisions of the act broaden the purposes for which intercepted information can be used. They provide for, firstly, the addition of terrorist acts as offences that can be investigated by means of a warrant. The phrase ‘an act or acts of terrorism’ is not defined in the bill. In the wrong minds, terrorist acts could simply end up being political activities that are disliked. They provide for, secondly, the inclusion of an existing state body, the ICAC, and a new state body, the Western Australian royal commission into police corruption, as bodies that can receive lawfully intercepted information from an intercepting agency when that information relates to their investigations. The purpose of those amendments was to ensure telecommunications interception was available as an investigative tool in relation to these offences. This is particularly seen as important in relation to conduct involving terrorist acts and child pornography offences, the latter because of offenders’ increasing use of telecommunications services such as the Internet and email.

The Australian Democrats recognise the importance of telecommunication interception in helping combat crime and in assisting the fight against terrorism. But warrants and their use are open to abuse by any law officer or agency that lacks integrity. If we are increasing power and increasing the use of intercepts significantly, then we must put equivalent effort into protecting Australians from abuse. Our audits and checks must be beefed up. There is no sign of that happening. One of the definitions of “liberal” is favouring individual liberty. We must remind ourselves that this is a conservative govern-
ment, not a liberal one. We need therefore to be on our guard.

Veterans Review Board: Annual Report

Senator MARK BISHOP (Western Australia) (10.07 p.m.)—I rise tonight to address the annual report of the Veterans Review Board. The tabling in the parliament of annual reports such as this and other papers is an important part of our democratic process, whereby accountability is guaranteed—the assumption being, of course, that such reports are read and scrutinised. This we do in the Senate in the context of estimates hearings but, personally, I believe that we should more actively avail ourselves of the opportunity to comment within the Senate proper as well as acknowledge the matters being reported on in the various reports.

The Veterans Review Board has a special place in veterans policy and legislation. While in its current form it has only existed since 1986, its antecedents go back much further as a specialised body of review with the express purpose of safeguarding the rights of veterans to compensation for their war-caused injury and illness and, in the case of war widows, ensuring fairness and justice for those who quite often are unable to represent themselves adequately. The VRB, as an independent body of review, has a special significance for veterans and in recent times, as the government has sought to introduce some rather misguided and ill-considered reform to our processes of administrative review across the board, the ex-service community have reacted sharply to any suggestion that their specialised tribunal might in some way be compromised. This is understandable, simply because veterans and war widows have long held a special place in our political system.

Within the law on veterans’ entitlements there are also some unique characteristics which go to the benefit of the doubt. These are not well understood and are based on the respect and sympathy shown by a grateful nation for service rendered in times of war. For that reason, the VRB has a strong in-built commitment to ensuring that consideration of veterans’ appeals is managed sympathetically, as the parliament and the Australian people intended, and with an actual understanding of service life, which is generally not available in other tribunals with a more legalistic approach to assessing fact and the requirements of the law.

In reading the VRB report for 2001-02, it is clear that these principles remain paramount but that, at the same time, serious endeavours are being made to ensure that service levels are improved and that maximum help is provided to veterans in having their cases heard expeditiously. Clearly, this is a huge problem for the board because, notwithstanding the desire to provide expedition and service, the difficulties seem to me to rest more with the veteran community, who, by nature, find dealing with the complexity of the law and government quite difficult—this, of course, is perfectly understandable. Indeed, it is for this reason that administrative review is so important in a democracy such as ours. It is simply counterproductive to provide a system of care and support to people in need if the very process designed to help them makes it impossible to access it.

The veteran jurisdiction is a complex one, having grown over a period of 80 years with frequent legislative change—often ad hoc and driven by budgetary considerations or by politics—producing confusion and, quite often, plain contradiction and injustice. The basic point remains, however, that no matter how a review system such as that available under the VRB is constructed and managed the weak point is the capacity of the veteran or the widow to make their case and to have it argued before tribunals which necessarily must also perform effectively and efficiently.

There is a view that in theory the long-standing requirement is that veterans’ claims for compensation should be investigated by the Department of Veterans’ Affairs, with full consideration given to veterans’ lack of access to records and lack of ability to come to grips with the complexity of the technicalities of the act and the associated procedures. That is to say that the department must take the veteran’s claim, go beyond its actual contents and make an assessment on all the information available to it, substantiating and adding to the evidence submitted and then making a determination on the total merit.
As all veterans say, however, this intention is fine but contradictory in that the department is so pressed by performance indicators and the savage reduction of resources over the period of the Howard government that this simply does not happen. In fact, the more hardened members of the ex-service community say that any departmental research undertaken invariably entails research for reasons to deny a claim rather than to accept it.

Whatever the circumstances, it is clear that the department cannot act for the interests of the claimant and adjudicate as well. Yet the dilemma then is this: how does the claimant make a full and well-supported claim? The answer to date has been to rely on the services of ex-service organisations such as the RSL, Legacy, the VVAA, the VVFA and many others whose voluntary and paid resources are stretched to the point where they simply cannot cope with the demand. The value of this effort is reflected by specific programs of support—namely, the BEST Program, which provides quite inadequate resources to those bodies as well as training under the TIP program. However, this is only minor and is not sufficient to allow ex-service organisations to properly prepare cases under review.

As I have travelled around Australia over this year speaking to veterans and ex-service groups, this issue more than any other dominates the conversation. These organisations simply are not coping and, as a result, veterans are not being served. The sad fact of life in this jurisdiction is that appeals against a rejected decision are a given as the success rate of reviews and appeals is very high and so there is a direct incentive by example for veterans and war widows to exercise their rights. Unfortunately though, this attitude, and in fact the entire system, is geared to dealing with symptoms rather than the primary cause, which—to put it bluntly—is the poor quality of primary claims, unsatisfactorily prepared and with insufficient evidence in support.

As I have said, this is the nature of the jurisdiction and the lack of capacity of veterans to deal with the system, especially where the events prompting the claim could have happened half a century or more ago. To appeal a rejected claim is, therefore, standard practice and that is the advice given by all. The odds of succeeding eventually are just so good, and in most cases this is simply because new and better evidence is forthcoming as a result of more professional case investigation. The sad irony is that, in many cases, had this evidence been submitted in the first place the claims would not have been rejected.

The appeal process for veterans includes, however, much more than the VRB. It includes the AAT and eventually the Federal Court on matters of law. It goes without saying that this is extraordinarily expensive. One can only wonder what difference would be made if some of this cost were transferred to the front end to make sure that claims are better prepared in the first place. The logic simply cannot be faulted. Those costs are those of the VRB and the AAT, the time of the Federal Court and the costs of legal aid. This is on top of the costs of the department’s internal review, advocacy function, freedom of information and the costs of others who get caught up in the paper dominated process flowing from the need to justify primary decisions and produce documentary evidence. The sad feature of this very litigious attitude to veterans’ claims is that the VRB is often regarded as a stepping stone to the AAT, where legal aid is available free of any means test but where, fortunately, the skills of the legal profession are brought to bear more effectively than are those available from any other source earlier in the chain.

These matters go beyond the bounds of the VRB annual report, but they must be dealt with. The system is inefficient and does not serve veterans. The role of the VRB is diminished. Try as it might, it is but part of a system desperately in need of review. Such an opportunity does exist, and I make particular mention here of the work being done to develop a new, single military compensation scheme in which review should be a fundamental component but where I suspect the hard issues might be shirked.

This evening I do not intend speculating any further on that matter. Instead, on behalf
of veterans, I simply make a plea that a hard look be given at this system, which can only be described as an expensive folly for not just its cost but also the inconvenience and frustration it causes. Put simply, the system can be managed much better. In saying that, though, I make it quite clear that I believe the fundamental status and make-up of the VRB must be preserved. It is a specialist body with a long history and experience most relevant to understanding the veteran jurisdiction in all its facets. It must remain independent. At the same time, it should not be hidebound by past practice and modus operandi. It should, for example, remain informal.

The other question which also must be addressed is the future of the VRB and, in the event of a new, single compensation scheme, what its role should be in an environment where it can be expected that most serving people in their career will obtain the equivalent of qualifying service. There is a need for a system of review which is common to all, rather than two separate systems. I look forward to joining that debate when-ever the government’s legislation emerges. I will stop my remarks here, but in so doing may I compliment the VRB on its efforts in the last year and on the quality of its report.

Roads: Albury-Wodonga Freeway

Senator ALLISON (Victoria) (10.17 p.m.)—This evening I want to speak about a decision apparently made over the weekend, or late last week, by the government that it would effectively change its mind about the Albury-Wodonga freeway. I hope this is not the case, and I certainly will be pursuing it with the Minister for Transport and Regional Services. It was reported that at the weekend the government decided it was not sticking by its reversal about 12 months ago of a decision to take the freeway right through the middle of Albury. At that time the government took the option far preferred by the residents of Albury which was to put in its place an external freeway. There were many reasons why the community wanted to see an external freeway.

In fact, the freeway was called a bypass—a bypass which was not a bypass at all but went right through the centre of Albury, with all of the noise and all of the threats to health that are involved in living close to a freeway. Nonetheless, after a five-year debate which very much divided the community of Albury and represented a battle on the part of those people who did not want this freeway right through the centre of their town, the go vernment saw the light and decided that it and New South Wales should fund the external bypass.

So it is a great surprise that the government should change its mind on this and opt again for the internal outcome. It is reasonable that we should ask why this is the case. Certainly the residents of Albury in poll after poll have said that their preferred position is the external bypass. Back in 1997, 61.3 per cent of voters rejected the Albury City Council’s then preferred position of building the internal freeway first followed by the external bypass. The Border Mail conducted a survey in September 1998 showing that 75 per cent of respondents wanted an external bypass. Every poll and every survey that has been conducted since that time has shown the same kind of result. In fact, elections for the Albury City Council have often been fought on this subject of an internal or external bypass and councillors have been elected on the strength of their position one way or the other.

This decision makes no sense because, as I said earlier, it will simply divide this community and put in place a barrier which will be pretty much impenetrable. Albury currently suffers from thousands of trucks going through it. The emissions that they generate are already affecting the health of people who live there. Very few of those vehicles stop in Albury. The argument was that if Albury was bypassed then business would suffer as a result. Clearly, that is a nonsense. That is not the case in so many other towns on the Hume Highway, including places like Wangaratta and Benalla. Economically, those townships have never thrived more than they have since the freeway bypassed their town. Nobody wants the noise, the smell and the pollution that so much traffic brings. In fact, it is fair to say that the internal proposal was promoted by a very small sectoral interest within Albury-Wodonga—those who saw a
benefit to be had from a short transport route—but at the end of the day not too many other sections of the community were likely to benefit.

At the time of this debate about the right solution, the cost of the external freeway was talked about a lot. In fact, the government dismissed out of hand the external freeway on the basis of cost. That was said to be one of the original reasons for not proceeding down that path. But, as was demonstrated time and time again during estimates, a true comparison between the internal and the external freeway had not been done. All the costs of an internal freeway had not been taken into account—for instance, the enormous amount of acoustic treatment that will need to be introduced to protect residents and schools. A number of schools are on the route, and they would have to have enormous walls of acoustic panels, and that cost was not taken into account. The costs of overpasses, bridges and the like were conveniently ignored in most of the calculations that said that the internal freeway solution was the most cost effective.

It is a great pity if the government has been accurately reported as having changed its mind on this issue. It is a great pity for democracy. Twelve months ago I visited Albury to celebrate this win with the community, to celebrate that at last a sensible decision had been made by the federal and state governments. To have this decision overturned is a major disappointment. It demonstrates that, no matter what the local community says, no matter what percentage of the community comes out and says, ‘We don’t want this,’ it will not matter to the decision makers. They are more likely to be influenced by a very small group for whom there is a vested interest in an outcome one way or another.

Tonight I wish to complain bitterly about this decision, if it has indeed been made. I intend to follow it up with the minister, as I said. I intend to raise this matter at estimates in February, when we get another chance to do so. I put on the record my great disappointment that it has come to this. On behalf of those residents of Albury whom I know—I have not had a chance to speak with them just yet—I believe they will be feeling very let down by this decision and very puzzled about why the original decision has been overturned at this very late stage. As I said, 12 months ago the government seemed to be seeing the light on this issue. They seemed to understand what the problems were with having a freeway right through the middle of town. They seemed to understand that this was not good for Albury, but for some reason they have changed their mind. This is a shock and a disappointment. I hope that this latest reversal is reversible once more.

Senate adjourned at 10.25 p.m.

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

Aboriginal and Torres Strait Islander Commission Act—Regional Council Election (Casual Vacancies) Amendment Rules 2002 (No. 1).


Remuneration Tribunal Act—Determination—

2002/19: Remuneration and Allowances for Holders of Public Offices.

2002/20: Recreation Leave for Full-Time Holders of Relevant Offices.

PROCLAMATIONS

A proclamation by His Excellency the Governor-General was tabled, notifying that he had proclaimed the following provisions of an Act to come into operation on the date specified:

QUESTIONS ON NOTICE

The following answers to questions were circulated:

Trade: Four-Wheeled Vehicle Imports
(Question No. 666)

Senator Harris asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 23 September 2002:

(1) (a) For each month of the years ending 31 December 2000 and 31 December 2002 and of the period 1 January to 30 June 2002, and as a total for each year and for the period 1 January to 30 June 2002: how many vehicles with four wheels were issued import approvals under the Low Volume Scheme; and (b) can these details be broken down by vehicle category.

(2) (a) For each month of the years ending 31 December 2000 and 31 December 2002 and of the period 1 January to 30 June 2002, and as a total for each year and for the period 1 January to 30 June 2002: how many compliance plates were issued import approvals under the Low Volume Scheme; and (b) can these details be broken down by vehicle category.

(3) For the years ending 31 December 2000 and 31 December 2001 and for the period 1 January to 30 June 2002, what was the average age of Low Volume Scheme vehicles at the date of importation, and what was the percentage of each year of the total number.

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

(1) (a) For the years 2000 and 2001 and January to June 2002 the numbers of four wheeled vehicles issued import approval under the low volume scheme were:

<table>
<thead>
<tr>
<th>Month</th>
<th>2000</th>
<th>2001</th>
<th>Jan-Jun 2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>464</td>
<td>714</td>
<td>858</td>
</tr>
<tr>
<td>February</td>
<td>971</td>
<td>1227</td>
<td>1923</td>
</tr>
<tr>
<td>March</td>
<td>1568</td>
<td>1467</td>
<td>1408</td>
</tr>
<tr>
<td>April</td>
<td>1235</td>
<td>1245</td>
<td>2447</td>
</tr>
<tr>
<td>May</td>
<td>2268</td>
<td>1990</td>
<td>1173</td>
</tr>
<tr>
<td>June</td>
<td>1329</td>
<td>1375</td>
<td>901</td>
</tr>
<tr>
<td>July</td>
<td>1466</td>
<td>1460</td>
<td></td>
</tr>
<tr>
<td>August</td>
<td>1484</td>
<td>1453</td>
<td></td>
</tr>
<tr>
<td>September</td>
<td>1390</td>
<td>1387</td>
<td></td>
</tr>
<tr>
<td>October</td>
<td>969</td>
<td>1281</td>
<td></td>
</tr>
<tr>
<td>November</td>
<td>1328</td>
<td>1627</td>
<td></td>
</tr>
<tr>
<td>December</td>
<td>1387</td>
<td>1568</td>
<td></td>
</tr>
</tbody>
</table>

Year total 15859 16794 8710

(b) Details of the respective vehicle categories for the nominated periods were:

1 January 2000 to 31 December 2000

<table>
<thead>
<tr>
<th>Month</th>
<th>MA</th>
<th>MB</th>
<th>MC</th>
<th>NA</th>
<th>NB1</th>
<th>NB2</th>
<th>ME</th>
<th>MD</th>
<th>NC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan</td>
<td>239</td>
<td>23</td>
<td>168</td>
<td>28</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Feb</td>
<td>461</td>
<td>85</td>
<td>359</td>
<td>57</td>
<td>3</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Mar</td>
<td>820</td>
<td>68</td>
<td>602</td>
<td>65</td>
<td>9</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>April</td>
<td>707</td>
<td>46</td>
<td>437</td>
<td>36</td>
<td>8</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>May</td>
<td>1258</td>
<td>127</td>
<td>785</td>
<td>66</td>
<td>20</td>
<td>4</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>June</td>
<td>774</td>
<td>41</td>
<td>451</td>
<td>42</td>
<td>9</td>
<td>11</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>July</td>
<td>836</td>
<td>68</td>
<td>479</td>
<td>56</td>
<td>20</td>
<td>20</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aug</td>
<td>864</td>
<td>62</td>
<td>471</td>
<td>66</td>
<td>5</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Sept</td>
<td>760</td>
<td>60</td>
<td>483</td>
<td>59</td>
<td>24</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Oct</td>
<td>587</td>
<td>39</td>
<td>284</td>
<td>41</td>
<td>14</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Nov</td>
<td>816</td>
<td>71</td>
<td>371</td>
<td>56</td>
<td>12</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Dec</td>
<td>878</td>
<td>71</td>
<td>362</td>
<td>54</td>
<td>19</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>8316</td>
<td>761</td>
<td>4781</td>
<td>626</td>
<td>146</td>
<td>58</td>
<td>1</td>
<td>13</td>
<td>4</td>
</tr>
</tbody>
</table>

1 January 2001 to 31 December 2001
It should be noted that discrepancies exist between the total number of vehicles issued with an import approval and the numbers identified in the vehicle category breakdown. This is due to failure to enter all fields on the database. The numbers given in Question (1) (a) are considered to be the most accurate.

(2) (a) For the year 2000 and 2001 and the period January to June 2002 the number of compliance plates issued under the low volume scheme were:

<table>
<thead>
<tr>
<th>Month</th>
<th>2000</th>
<th>2001</th>
<th>Jan-Jun 2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>1124</td>
<td>1177</td>
<td>1517</td>
</tr>
<tr>
<td>February</td>
<td>1132</td>
<td>1127</td>
<td>1298</td>
</tr>
<tr>
<td>March</td>
<td>1470</td>
<td>1420</td>
<td>1427</td>
</tr>
<tr>
<td>April</td>
<td>1126</td>
<td>1167</td>
<td>2366</td>
</tr>
<tr>
<td>May</td>
<td>1620</td>
<td>1691</td>
<td>2316</td>
</tr>
<tr>
<td>June</td>
<td>1723</td>
<td>1383</td>
<td>1247</td>
</tr>
<tr>
<td>July</td>
<td>1403</td>
<td>1565</td>
<td></td>
</tr>
<tr>
<td>August</td>
<td>1609</td>
<td>1665</td>
<td></td>
</tr>
<tr>
<td>September</td>
<td>1392</td>
<td>1319</td>
<td></td>
</tr>
<tr>
<td>October</td>
<td>1578</td>
<td>1423</td>
<td></td>
</tr>
<tr>
<td>November</td>
<td>1470</td>
<td>1550</td>
<td></td>
</tr>
<tr>
<td>December</td>
<td>1180</td>
<td>904</td>
<td></td>
</tr>
<tr>
<td>Year total</td>
<td>16827</td>
<td>16391</td>
<td>10171</td>
</tr>
</tbody>
</table>
(b) Details of the respective vehicle categories for the nominated periods were:

Year ending 31 December 2000

<table>
<thead>
<tr>
<th>Month</th>
<th>MA</th>
<th>MB</th>
<th>MC</th>
<th>NA</th>
<th>NB1</th>
<th>NB2</th>
<th>ME</th>
<th>MD1</th>
<th>NC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan</td>
<td>612</td>
<td>59</td>
<td>407</td>
<td>37</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Feb</td>
<td>599</td>
<td>46</td>
<td>388</td>
<td>79</td>
<td>10</td>
<td>3</td>
<td>0</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Mar</td>
<td>757</td>
<td>76</td>
<td>519</td>
<td>97</td>
<td>12</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>April</td>
<td>585</td>
<td>73</td>
<td>406</td>
<td>46</td>
<td>12</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>May</td>
<td>903</td>
<td>82</td>
<td>558</td>
<td>64</td>
<td>10</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>June</td>
<td>953</td>
<td>87</td>
<td>57</td>
<td>75</td>
<td>16</td>
<td>5</td>
<td>0</td>
<td>4</td>
<td>12</td>
</tr>
<tr>
<td>July</td>
<td>757</td>
<td>76</td>
<td>497</td>
<td>47</td>
<td>11</td>
<td>4</td>
<td>0</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>Aug</td>
<td>878</td>
<td>78</td>
<td>568</td>
<td>62</td>
<td>16</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Sept</td>
<td>769</td>
<td>59</td>
<td>462</td>
<td>65</td>
<td>17</td>
<td>7</td>
<td>0</td>
<td>2</td>
<td>11</td>
</tr>
<tr>
<td>Oct</td>
<td>895</td>
<td>87</td>
<td>500</td>
<td>73</td>
<td>11</td>
<td>5</td>
<td>2</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Nov</td>
<td>851</td>
<td>67</td>
<td>485</td>
<td>49</td>
<td>8</td>
<td>6</td>
<td>3</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Dec</td>
<td>686</td>
<td>59</td>
<td>344</td>
<td>68</td>
<td>14</td>
<td>7</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>9245</td>
<td>849</td>
<td>5705</td>
<td>762</td>
<td>140</td>
<td>56</td>
<td>7</td>
<td>23</td>
<td>38</td>
</tr>
</tbody>
</table>

Year ending 31 December 2001

<table>
<thead>
<tr>
<th>Month</th>
<th>MA</th>
<th>MB</th>
<th>MC</th>
<th>NA</th>
<th>NB1</th>
<th>NB2</th>
<th>ME</th>
<th>MD1</th>
<th>NC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan</td>
<td>711</td>
<td>48</td>
<td>360</td>
<td>41</td>
<td>11</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Feb</td>
<td>685</td>
<td>40</td>
<td>346</td>
<td>44</td>
<td>8</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Mar</td>
<td>856</td>
<td>60</td>
<td>432</td>
<td>50</td>
<td>13</td>
<td>4</td>
<td>3</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>April</td>
<td>727</td>
<td>44</td>
<td>344</td>
<td>40</td>
<td>6</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>May</td>
<td>1092</td>
<td>52</td>
<td>462</td>
<td>69</td>
<td>8</td>
<td>2</td>
<td>5</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>June</td>
<td>918</td>
<td>37</td>
<td>368</td>
<td>39</td>
<td>14</td>
<td>5</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>July</td>
<td>1005</td>
<td>51</td>
<td>427</td>
<td>53</td>
<td>13</td>
<td>5</td>
<td>3</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>Aug</td>
<td>1032</td>
<td>48</td>
<td>504</td>
<td>62</td>
<td>12</td>
<td>2</td>
<td>4</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Sept</td>
<td>830</td>
<td>42</td>
<td>391</td>
<td>40</td>
<td>9</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Oct</td>
<td>972</td>
<td>30</td>
<td>362</td>
<td>43</td>
<td>10</td>
<td>4</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Nov</td>
<td>984</td>
<td>52</td>
<td>430</td>
<td>63</td>
<td>10</td>
<td>9</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Dec</td>
<td>551</td>
<td>18</td>
<td>279</td>
<td>38</td>
<td>12</td>
<td>5</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>10363</td>
<td>522</td>
<td>4705</td>
<td>582</td>
<td>126</td>
<td>48</td>
<td>20</td>
<td>6</td>
<td>19</td>
</tr>
</tbody>
</table>

For the period 1 January 2002 to 30 June 2002

<table>
<thead>
<tr>
<th>Month</th>
<th>MA</th>
<th>MB</th>
<th>MC</th>
<th>NA</th>
<th>NB1</th>
<th>NB2</th>
<th>ME</th>
<th>MD1</th>
<th>NC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan</td>
<td>912</td>
<td>50</td>
<td>506</td>
<td>42</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Feb</td>
<td>851</td>
<td>34</td>
<td>351</td>
<td>41</td>
<td>12</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Mar</td>
<td>880</td>
<td>52</td>
<td>440</td>
<td>34</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>April</td>
<td>1264</td>
<td>58</td>
<td>917</td>
<td>74</td>
<td>24</td>
<td>2</td>
<td>4</td>
<td>2</td>
<td>18</td>
</tr>
<tr>
<td>May</td>
<td>1428</td>
<td>64</td>
<td>745</td>
<td>55</td>
<td>12</td>
<td>5</td>
<td>4</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>June</td>
<td>1156</td>
<td>2</td>
<td>53</td>
<td>14</td>
<td>14</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>6491</td>
<td>260</td>
<td>3012</td>
<td>260</td>
<td>87</td>
<td>14</td>
<td>12</td>
<td>7</td>
<td>23</td>
</tr>
</tbody>
</table>

(3) Average age of the vehicles imported under the low volume scheme were:

<table>
<thead>
<tr>
<th>Year</th>
<th>Average Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>8.7</td>
</tr>
<tr>
<td>2001</td>
<td>9.1</td>
</tr>
<tr>
<td>Jan-June 2002</td>
<td>9.7</td>
</tr>
</tbody>
</table>
Senator O’Brien asked the Minister for Fisheries, Forestry and Conservation, upon notice, on 4 October 2002:

With reference to the Minister’s answer to question on notice no. 490 (Senate Hansard, 17 September 2002, p. 4251), and specifically parts (2), (3) and (4):

(1) Which country proposed the catch documentation scheme for Patagonian toothfish adopted at the eighteenth meeting of the Commission for the Conservation of Antarctic Marine Living Resources.

(2) Has the Commission or the Australian Government conducted an assessment of the effectiveness of the scheme since it commenced operation on 7 May 2000; if so, what was the result of the assessment.

(3) (a) Which countries have been identified as key flag states of illegal or suspected illegal vessels by the Australian government; and (b) which of these countries have not been subject to direct representations from the Australian Government.

(4) Can a list be provided of the ‘well over 100’ countries that have been the subject of Australian negotiating efforts in respect to combating illegal fishing.

(5) What measures will be included in the package Australia is taking to the next annual meeting of the Commission to improve efforts to combat illegal fishing.

Senator Ian Macdonald—The answer to the honourable senator’s question is as follows:

(1) I refer to my response to QON 490, part 2. Australia was the first country to propose that the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) adopt a Catch Documentation Scheme for toothfish and to propose a model for the Scheme. In later discussions by the Commission, the United States and the European Community also proposed alternative models. The Scheme that was finally adopted by CCAMLR drew heavily on the Australian proposal and also on the United States proposal.

(2) Yes. A review of the Scheme is a standing agenda item at the CCAMLR annual meetings in October. Both Australian agencies and the CCAMLR have reviewed the operation of the Catch Documentation Scheme.

As a result of those assessments, each year since its introduction, the Commission has continued to refine the Catch Documentation Scheme to improve its operation and to counter activities of illegal fishers who seek fraudulent access to the Scheme.

(3) (a) Uruguay, Russia, Belize, Bolivia, Seychelles. (b) Bolivia.

(4) No. It is not feasible to compile a list of countries that have been the subject of Australian negotiating efforts concerning IUU fishing, given that negotiations have been undertaken at every opportunity formally and informally and at a bilateral and multilateral level. Further, negotiations have been undertaken by Ministers and Australian Government officials across a number of portfolios.

By way of recent example, Australia is a contracting party to both the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Convention on the Conservation of Antarctic Marine Living Resources (the CCAMLR Convention). CCAMLR has 24 Members and seven additional States that have acceded to the Convention. There are also over 150 Parties to the CITES Convention. In the lead up to the recent CCAMLR meeting in Hobart in late October, I wrote to my Ministerial counterparts with responsibility for fisheries issues in those
States which are also signatories to the CCAMLR Convention urging them to support efforts by Australia and other States to combat IUU fishing.

Similarly, my colleague, the Parliamentary Secretary to the Minister for the Environment and Heritage, Senator the Hon Sharman Stone, wrote to Ministers with responsibility for CCAMLR matters in countries which are also signatories to the CCAMLR Convention urging them to support Australia’s efforts to combat the IUU fishing in the Southern Ocean. Australian officials also made numerous representations to officials in other CCAMLR countries seeking their support for the suite of measures Australia was proposing at CCAMLR XXI to combat IUU fishing.

In terms of Australia’s proposal to nominate toothfish to Appendix II of CITES, formal discussions were undertaken earlier this month at the Conference of Parties (COP) in Santiago, Chile. In addition, in developing the CITES nomination for toothfish, Environment Australia wrote to all CITES States that are range States for Patagonian Toothfish and to all CCAMLR Members to seek comments on Australia’s proposal. Australian officials also made representations to CITES Parties in the lead up to the COP to seek support for Australia’s proposal to list Patagonian toothfish on Appendix II of CITES.

At CCAMLR XXI, Australia put forward a package of initiatives to combat IUU fishing, including:

- an extension of the CCAMLR boundary to encompass the entire range of Toothfish species aimed at removing the loophole of illegal fishers claiming that illegally caught fish come from high seas areas outside the Convention boundary;
- agreement to a centralised vessel monitoring system (VMS) to ensure that VMS is harmonised across CCAMLR Member States, minimum standards are met and provide independent verification where there are disputes over VMS information;
- recognition of CCAMLR as a Regional Fisheries Management Organisation (RFMO) under the United Nations Fish Stocks Agreement (UNFSA) – this would provide another set of compliance and monitoring measures available to be used against those CCAMLR Members that are also Parties to UNFSA. Such recognition will potentially allow Australia and other coastal States to apply the UNFSA boarding regime, a stronger high seas regime than that existing under CCAMLR, to apply to all UNFSA Parties;
- the strengthening of the Catch Documentation Scheme in order to reduce fraudulent documentation and improve verification procedures; and
- modification of the application of Article 73(2) of the United Nations Convention on the Law of the Sea, which provides for the prompt release of a vessel and crew upon posting of a reasonable bond or other security, so that it would not apply to vessels or support craft apprehended for IUU fishing within the CCAMLR Convention area.

Senator O’Brien asked the Minister for Fisheries, Forestry and Conservation, upon notice, on 8 October 2002:

(1) Which Commonwealth department or agency compiles data about illegal fishing in Australian waters.

(2) Since the beginning of 2002: (a) how many reports concerning alleged illegal fishing have been received; and (b) how many of these reports have been investigated.

(3) With respect to the Heard Island and McDonald Island (HIMI) Fishery, how many reports of alleged illegal fishing have been made since the beginning of 2002.

(4) With respect to each of these HIMI reports: (a) when was the report made; (b) who made the report and how was it made; (c) which Commonwealth department or agency received the report; (d) what flags were the vessels subject to investigation flying; (e) how was the report investigated; (f) what was the outcome of the investigation.

(5) If the investigation involved interception: (a) what was the name of the target vessel; (b) when and where did the interception occur; (c) which Commonwealth departments or agencies were involved in the interception; (d) which Australian aircraft and/or vessels were involved; and (e) what was the outcome of the interception.

(6) Did any vessel subject to interception fail to display a flag and/or vessel identification; if so, can details of these incidents be provided.
Did any vessel subject to investigation and/or interception evade investigation and/or interception by refusing to respond to radio calls, provide requested information, change vessel course, permit Commonwealth officers to board or otherwise refuse to comply with lawful requests; if so, can details of these incidents be provided.

Senator Ian Macdonald—The answer to the honourable senator’s question is as follows:

(1) Primarily, the Australian Fisheries Management Authority (AFMA) and Coastwatch compile data about illegal fishing in Australian waters.

(2) (a) AFMA made 108 reports of illegal activity to Coastwatch. (b) Coastwatch responded to 85 of these reports.

(3) Two separate reports of alleged illegal fishing have been made since the beginning of 2002.

(4) (a) In each instance verbal reports were made upon encountering these illegal vessels. The first was in regard to the encounter of the Russian-flagged Lena by the civil charter patrol vessel Southern Supporter in December 2001 (a hot pursuit of this vessel by the Southern Supporter was eventually broken off in January 2002). The second concerned the encounter and apprehension of the Lena and Volga by the Australian Navy vessel HMAS Canberra in February 2002. (b) In the case of the first encounter with the Lena, a verbal and written report was made by AFMA fisheries officers aboard the Southern Supporter to Coastwatch and AFMA. In the case of the second encounter with the Lena together with the Volga, reports were made by ADF officers aboard the HMAS Canberra back to the Australian Defence Headquarters (Canberra). (c) In addition to the initial recipients referred to in 4(b) above, reports were made to other relevant portfolios including the Departments of Agriculture, Fisheries and Forestry, Foreign Affairs and Trade, the Environment and Heritage, the Attorney General and Customs. (d) Russian. (e) Investigations were undertaken by fisheries officers after the vessels arrived in port in order to compile a brief of evidence for submission to the Director of Public Prosecutions office for adjudication on whether charges would be laid. (f) In February HMAS Canberra apprehended two foreign fishing vessels, the Russian flagged Lena and Volga, for operating inside the HIMI exclusive economic zone (EEZ) in breach of the Commonwealth Fisheries Management Act 1991. Upon arrival in port, the vessels, their catch and fishing gear were seized under the Fisheries Management Act 1991.

The master of the Lena and two senior officers pleaded guilty to all charges brought against them and were subsequently fined a total of AU$100,000. They have since returned to Spain. The vessel and fishing gear have been forfeited to the Commonwealth Government. The catch worth AU$1,127,183 was sold by tender and the funds remitted to consolidated revenue.

Charges against the master of the Volga have not proceeded due to his death by misadventure. Three senior officers from the Volga appeared in court on 18 November 2002. All three have entered pleas of not guilty. The matter has been referred to the District Court for a status conference on 5 February 2003. The vessel remains in custody in the port of Fremantle where the seizure of the vessel is subject to a separate legal challenge. The catch worth AU$1,932,579 was sold by tender and funds are currently being held in trust pending the outcome of legal action.

(5) (a) Lena and Volga. (b) Both vessels were detected fishing illegally within the Australian EEZ around HIMI. The Lena was intercepted inside the Australian EEZ around HIMI whereas the Volga was pursued from within the HIMI EEZ but physically intercepted, by the HMAS Canberra, just outside of the HIMI EEZ, attempting to flee apprehension. (c) The Australian Defence Force was responsible for the apprehension of both the Lena and Volga. AFMA officers were embarked to coordinate the gathering of evidence for the subsequent prosecutions. (d) The HMAS Canberra supported by the HMAS Westralia were used in the apprehensions. A Navy Seahawk helicopter was also used for boarding operations. (e) See answer to 4(f) above.

(6) In the interim period between the hot pursuit of the Lena by the Southern Supporter and its apprehension by the HMAS Canberra, the Lena had attempted to conceal its identity by changing its name from Lena to Ana. The vessel’s superstructure was also repainted from white to green and a false call sign was painted on the side of the vessel.

(7) In December 2001-January 2002, the Lena was able to evade interception and investigation by not complying with the direction to port issued by fisheries officers on board the Southern Supporter. After an initial period of compliance with the direction given by a fisheries officer to the Master of the Lena to take his boat to Fremantle, the vessel then took evasive action, including entering the
French territorial sea of Iles Kerguelen and clandestinely dumping significant quantities of catch overboard.

New South Wales: South East Packaging Operation, Moruya
(Question No. 857)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 6 November 2002:

(1) What assessment was made by the Department of Transport and Regional Services of an application made through the Dairy Regional Assistance Programme (DRAP) to fund the South East Packaging Operation in Moruya, New South Wales.

(2) (a) When was that assessment completed; and (b) what were the findings of that assessment.

(3) (a) What assessments of the application were made by the Department of Agriculture, Fisheries and Forestry or any other federal or state agency; and (b) in each case: (i) who did the assessment; (ii) when did the assessment commence; (iii) when was the assessment completed; and (iv) what were the results of the assessment.

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

(1) The application was assessed against the Dairy RAP Guidelines.

(2) (a) 17 September 2001. (b) The project was recommended for funding.

(3) (a) None. (b) (i) Not applicable. (ii) Not applicable. (iii) Not applicable. (iv) Not applicable.

New South Wales: South East Packaging Operation, Moruya
(Question No. 858)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 6 November 2002:

(1) Were the terms of an application made through the Dairy Regional Assistance Programme (DRAP) to fund the South East Packaging Operation in Moruya, New South Wales, varied in any way after the initial application for funds was lodged; if so: (a) what was the basis for these variations; (b) when was each variation lodged; and (c) did the assessor of the application accept these variations.

(2) Can a copy be provided of the varied application for assistance for this project from the DRAP programme.

(3) (a) What level of funding was sought through the amended application; and (b) what was the level of funding approved.

(4) (a) What was the total cost of the amended proposal; and (b) what commitment was given by the applicant to meet at least 50 per cent of these costs.

(5) Did this amended proposal contain an evaluation process to ensure that agreed project outcomes were met; if so, can a copy be provided of that evaluation process; if the amended application does not include an evaluation process, why not.

(6) Was this material sought as part of the approval process; if not, why not.

(7) If such an evaluation process was not included in the application, why was the application approved.

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

(1) Yes. (a) The application was varied to address and meet guideline issues. (b) Between 2 July 2001 and 11 September 2001. (c) Yes.

(2) No. The applications contain Commercial-in-confidence material.

(3) (a) $29,652, excluding GST. (b) $29,652, excluding GST.

(4) (a) $69,304, excluding GST. (b) The applicant committed $29,652 in cash and $10,000 in kind toward the project.

(5) Yes. Provided below are the details of the evaluation process:
Reports as follows:
* Business establishment
* Business Start up
* Six month operational
* Final

The project to be monitored by the South East Area Consultative Committee. The proponent to report to the Committee’s Moruya based project officer.

Independent audit to be conducted at the end of first period of trading.

(6) Yes.
(7) Not applicable.

New South Wales: South East Packaging Operation, Moruya
(Question No. 859)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 6 November 2002:

Was an application or any assessment or any other material relating to an application through the Dairy Regional Assistance Programme (DRAP) to fund the South East Packaging Operation in Moruya, New South Wales, provided to the Minister for Agriculture, Fisheries and Forestry or his office by the Department of Transport and Regional Services; if so: (a) when was that material sent to the Minister, or his office; and (b) what was the purpose of providing details of this application or its assessment to the Minister or his office.

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

Yes.
(a) 17 September 2001.
(b) To advise the Minister of approval of the project.

New South Wales: South East Packaging Operation, Moruya
(Question No. 860)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 6 November 2002:

(1) When did work commence on the expansion of the South East Packing Operation funded through the Dairy Regional Assistance Programme (DRAP).
(2) (a) What was the nature of that work; and (b) when was it completed.
(3) If there was a variation in the estimated cost of the work and the actual cost, what was the level of the cost variation.

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

(1) 1 March 2002.
(2) (a) Construction and fit-out of packing room, including associated Development Application approvals. (b) The project is not due for completion until 4 February 2003.
(3) The proponent has not advised the Department of any changes in estimated costs following the approval of Dairy RAP funds.

New South Wales: South East Packaging Operation, Moruya
(Question No. 861)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 6 November 2002:

(1) (a) How many direct and indirect jobs were estimated to result from the provision of $32,617 through the Dairy Regional Assistance Programme (DRAP) to help fund the South East Packing
Operation announced in round 1 of 2001/2002 the Dairy Regional Assistance Program; and (b) what was the anticipated duration of these jobs.

(2) (a) What was the basis for these job creation estimates; and (b) who made the estimates.

(3) Was there any review or analysis of these estimates as part of the application assessment; if so: (a) who did that assessment; and (b) what was the result of that assessment.

(4) (a) What assessment was undertaken of the capacity of the proposal to improve the skills base of the region; (b) who undertook that assessment; and (c) what was the result of that assessment.

(5) (a) What assessment was undertaken of the capacity of the proposal to tackle disadvantage and encourage growth in the region; (b) who undertook that assessment; and (c) what was the result of that assessment.

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

(1) (a) 6 direct and 12 indirect jobs. (b) The 6 direct jobs are full-time permanent positions.

(2) (a) The estimation of job creation outcomes was outlined by the proponent in their application. (b) The proponent.

(3) Yes. (a) The Department. (b) The project was approved.

(4) (a) The application was assessed against Dairy RAP guidelines. (b) The Department. (c) The project was approved.

New South Wales: South East Packaging Operation, Moruya
(Question No. 862)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 6 November 2002:

(1) What was the nature of the business undertaken by the South East Packaging Operation located in Moruya, New South Wales, prior to its successful application for funding through the Dairy Regional Assistance (DRAP) Program.

(2) (a) How many people were employed on a full-time basis; and (b) how many people were employed on a part-time basis by the packaging company prior to its receipt of funding through the DRAP program.

(3) (a) Where was the above packing facility located; and (b) how long had it been in operation prior to the above grant being approved.

(4) Has the packaging facility been relocated following its successful application for funds through the DRAP program.

(5) If the plant has been relocated: (a) what is that new location; (b) when was the plant shifted; and (c) when did the packaging plant commence operations at this new location.

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

(1) The South East Packaging Operation at Moruya is a new business enterprise.

(2) (a) Not applicable. (b) Not applicable.

(3) (a) Not applicable. (b) Not applicable.

(4) No.

New South Wales: South East Packaging Operation, Moruya
(Question No. 863)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 6 November 2002:
(1) When was an application made through the Dairy Regional Assistance Programme (DRAP) to fund the South East Packing Operation lodged with the South East NSW Area Consultative Committee (ACC).

(2) Who lodged the application.

(3) On what date was it lodged.

(4) Can a copy of the original application for assistance for this project from the DRAP programme be provided together with any related documentation.

(5) What was the funding sought through the application.

(6) When was funding for the project approved.

(7) (a) What was the total cost of the proposal; and (b) what commitment was given by the applicant to meet at least 50 per cent of these costs.

(8) Did this proposal contain an evaluation process to ensure that agreed project outcomes were met; if so, can a copy be provided of the evaluation details; if not: (a) were details of any proposed evaluation mechanism sought; and (b) was this material provided; if not, why not.

(9) If such an evaluation process was not included in the application, why was the application approved.

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


(2) The proponent, Advocate Support Group Pty Ltd.

(3) See question (1) above.

(4) No. The application contains commercial-in-confidence material.

(5) The initial amount of funding sought was $51,190 (GST exclusive).

(6) Funding for the original application was not approved.

(7) (a) $117,190 (GST exclusive). (b) The applicant committed $56,000 in cash and $10,000 in kind towards the project.

(8) Yes. Provided below are the details of the evaluation process:

- Reports as follows:
  * Business establishment
  * Business Start up
  * Six month operational
  * Final

- The project to be monitored by the South East Area Consultative Committee. The proponent to report to the Committee’s Moruya based project officer.

- Independent audit to be conducted at the end of first period of trading.

(a) Not applicable. (b) Not applicable.

(9) Not applicable.

Agriculture: National Food Industry Strategy

(Question No. 870)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 7 November 2002:

(1) When did the Minister determine to outsource the administration of the National Food Industry Strategy to National Food Industry Limited.

(2) When was the company established.

(3) What is the structure of the company.

(4) What is the role of the company.

(5) What premises does the company occupy.
6. What public funding will the company receive.
7. What measures are in place to ensure accountability for public expenditure.
8. What role does the department have in the implementation of the National Food Industry Strategy.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

2. The company Supermarket to Asia Ltd was established on 1 November 1996 and it was renamed “National Food Industry Strategy Ltd”, with a new constitution, on 2 September 2002.
3. The structure of the company is a company limited by guarantee.
4. The role of the company is set out in the company’s constitution as follows:

“2. OBJECTS
2.1 The objects for which the Company is established are to promote, develop and implement strategies (including the National Food Industry Strategy) to ensure the Australian Food Industry continues to provide significant contributions to Australian economic growth, exports, employment and investment, and without limitation to:

(Science, Technology, Education & Training)
(a) assist in making Australia a recognised centre for innovation in food product, process and systems development, anticipating and meeting consumer needs and attracting follow through investment;

(Exports)
(b) assist in growing Australian Food Industry exports, enabling Australian Food Industry participants to optimise opportunities for profitability, investment and employment;

(Business Environment)
(c) assist in creating a globally competitive business operating environment for the Australian Food Industry to enhance competitiveness and improved food industry investment;

(Environmental Sustainability)
(d) assist in promoting growth in the Australian Food Industry through ensuring long term resource availability and responsible management of environment, energy and waste support; and

(Incidental Objects)
(e) undertake anything incidental to any of the above objects.”

5. The company occupies premises located at 3rd floor, Boeing House, 55 Blackall Street, Barton ACT.
6. The company will receive up to $76.5 million of Commonwealth funding under the National Food Industry Strategy, over the financial years 2002/03 to 2006/07.
7. The contract between NFIS Ltd and the Commonwealth has been developed after extensive consultation with legal and audit experts and with the advice and approval of the Department of Finance and Administration.
8. The role of the Department of Agriculture, Fisheries and Forestry in the implementation of the National Food Industry Strategy is as follows:
(a) Management of the outsourced contractual arrangements with NFIS Ltd;
(b) Management of three NFIS programs which involve government to government negotiations (Technical Market Access Program, International Food Standards program and Food Safety and Quality Assurance program);
(c) Support for the Minister for Agriculture, Fisheries and Forestry as Chair of the National Food Industry Council; and
(d) The Secretary of the Department is also a member of the National Food Industry Council and other senior executives of the Department are members of its sub-committees.
Fisheries: Southern Bluefin Tuna
(Question No. 871)

Senator O’Brien asked the Minister for Fisheries, Forestry and Conservation, upon notice, on 7 November 2002:

(1) Has the department participated in negotiations with Indonesia in respect to Southern Bluefin Tuna in any of the following financial years: (a) 1999-2000; (b) 2000-01; (c) 2001-02; and (d) 2002-03; if so, can details be provided of these negotiations, including dates, locations and participants.

(2) What changes to management arrangements have resulted from these negotiations.

(3) What action has the Minister taken to encourage and facilitate Indonesia’s engagement in the Commission for the Conservation of Southern Bluefin Tuna.

Senator Ian Macdonald—The answer to the honourable senator’s question is as follows:

(1) Since 1999 (and earlier) there has been frequent contact between Australia and Indonesia regarding southern bluefin tuna. It is not feasible to provide a full list; opportunities have been taken during bilateral visits, at international meetings, through correspondence, through diplomatic representations in Jakarta and other available avenues. Ministers and Australian government officials, across a number of portfolios, have also undertaken negotiations when opportunities arose. For example, in June 2002, Professor Djalal, Special Adviser to the Indonesian Minister for Marine Affairs and Fisheries, visited Australia to attend an APEC meeting in Canberra where officers of the Department of Agriculture, Fisheries and Forestry took the opportunity to speak with him about Indonesia’s involvement in southern bluefin tuna. See also (3) below.

(2) The management arrangements for southern bluefin tuna are established under the Commission for the Conservation of Southern Bluefin Tuna (CCSBT). One of the aims of the CCSBT is to ensure that all countries that fish for southern bluefin tuna join the CCSBT or cooperate with its management measures. The CCSBT recognises the importance of Indonesia participating in and cooperating with the CCSBT given that the southern bluefin tuna spawning grounds straddle the Indonesian Exclusive Economic Zone and the high seas. The CCSBT has, over several years, been encouraging Indonesia to join the CCSBT.

(3) Since the eighth meeting of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) in October 2001, Australia has been acting on behalf of the CCSBT as the main point of contact regarding Indonesia’s participation in the CCSBT.

During the bilateral meeting in February this year between Minister Dahuri, Indonesian Minister for Marine Affairs and myself, Indonesia’s participation in the CCSBT was discussed. Minister Dahuri advised that Indonesia was willing to join and co-operate with the CCSBT; however, there were difficulties with finding the necessary financial resources to pay for its membership contribution.

Since that meeting, Australian officials have met with Indonesian officials and with CCSBT members regarding Indonesia’s participation.

In the lead up to the ninth meeting of the CCSBT, October 2002, I endorsed Australia’s approach to the meeting which included pursuing ways to facilitate Indonesia’s involvement.

At the ninth meeting of the CCSBT, Indonesia (who was participating as an observer) informed the Members of its aim to be a full Member in the future, and that it wished to join the CCSBT, in the first instance, as a “Cooperating Non-Member” when this became possible.

Australia presented to the meeting a draft text of a resolution to establish a “Cooperating Non-Member” status within the CCSBT. Significant progress was made in negotiating the text of the resolution and the text is expected to be agreed out-of-session. The next step is to negotiate with Indonesia on appropriate commitments as a “Cooperating Non-Member” with the aim of settling arrangements prior to the tenth meeting of the CCSBT in October 2003.

Marine Affairs and Fisheries Working Group
(Question No. 873)

Senator O’Brien asked the Minister for Fisheries, Forestry and Conservation, upon notice, on 7 November 2002:
On what occasions has the Australian Indonesian Ministerial Forum Fisheries Working Group met and can details be provided of these meetings, including dates, locations and participants.

What is the role of the Working Group.

Senator Ian Macdonald—The answer to the honourable senator’s question is as follows:

The Marine Affairs and Fisheries Working Group, under the auspices of the Australia-Indonesia Ministerial Forum (AIMF), was established by Ministerial agreement in 2001. The Working Group has met once since its establishment, in Jakarta on 10 April 2002.

Various Australian Commonwealth Government officials including officials from the Department of Agriculture, Fisheries and Forestry (AFFA) and various Indonesian Central Government officials, primarily from the Ministry of Marine Affairs and Fisheries (MMAF), attended this meeting. The next Working Group meeting is scheduled to take place prior to the forthcoming AIMF, currently scheduled for early 2003.

The role of the Marine Affairs and Fisheries Working Group, as agreed to by Australian and Indonesian officials in April 2002, is as follows:

- To provide a forum for the discussion of marine affairs and fisheries issues that are of mutual interest and are related to the following themes:
  - Poverty Reduction;
  - Combating illegal, unreported and unregulated (IUU) fishing;
  - Marine, coastal and small islands development and management;
  - Marine and fisheries research;
  - Fisheries management;
  - Aquaculture;
  - The marine environment;
  - Marine biotechnology;
  - Fishery products, safety, quality, product development and trade promotion;
  - Education, training and capacity building; and
  - Other marine cooperation.

- To facilitate practical cooperation on priority issues.
- To facilitate cooperation on commercial matters.
- To provide a progress report to the AIMF, reviewing the effectiveness of cooperative actions.

Trade: New Markets
(Question No. 934)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 18 November 2002:

With reference to advice on page 102 of the department’s annual report for 2001-02 that, ‘15 new markets were opened as a result of technical access work and access to 12 existing markets was improved’: (a) which 15 new markets were opened to Australia; and (b) which 12 existing markets offered improved access to Australia, in the 2001-02 financial year.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(a) The following table shows the 15 new markets that were opened in 2001-02 as a result of technical market access work:

<table>
<thead>
<tr>
<th>Country</th>
<th>Commodity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Egypt</td>
<td>Cattle: Breeding</td>
</tr>
<tr>
<td>Indonesia</td>
<td>Pigs: Semen</td>
</tr>
<tr>
<td>Malaysia</td>
<td>Camelsids</td>
</tr>
<tr>
<td>Malaysia</td>
<td>Cattle: Feeder</td>
</tr>
<tr>
<td>New Caledonia</td>
<td>Horse: Semen</td>
</tr>
<tr>
<td>New Zealand</td>
<td>Fruit: Tomatoes</td>
</tr>
</tbody>
</table>
Country Commodity
New Zealand Plant: Fruitfly - Area Freedom (Ord River)
Peoples Republic of China Camels
Poland Cattle: Breeding
Poland Cattle: Embryos
Poland Cattle: Semen
Poland Fish and Fish Products
Poland Meat Edible: All Meat
Qatar Cattle: Breeding
Singapore Eggs and Egg Products

(b) The following table shows the 12 existing markets where access was improved in 2001-02:

<table>
<thead>
<tr>
<th>Country</th>
<th>Commodity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brazil</td>
<td>Dairy</td>
</tr>
<tr>
<td>European Union</td>
<td>Fish and Fish Products</td>
</tr>
<tr>
<td>European Union</td>
<td>Meat Edible: Beef</td>
</tr>
<tr>
<td>Fiji</td>
<td>Meat Edible: Casing</td>
</tr>
<tr>
<td>France</td>
<td>Meat Edible: All Meat</td>
</tr>
<tr>
<td>Japan</td>
<td>Fruit: Intransit Treatment</td>
</tr>
<tr>
<td>Mauritius</td>
<td>Cattle: Slaughter</td>
</tr>
<tr>
<td>Peoples Republic of China</td>
<td>Cattle: Embryos</td>
</tr>
<tr>
<td>Peoples Republic of China</td>
<td>Cattle: Semen</td>
</tr>
<tr>
<td>Peoples Republic of China</td>
<td>Grain: Barley</td>
</tr>
<tr>
<td>Peoples Republic of China</td>
<td>Grain: Wheat</td>
</tr>
<tr>
<td>Vietnam</td>
<td>Cattle: Breeding</td>
</tr>
</tbody>
</table>

National Animal Welfare Strategy

(QUESTION NO. 935)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 18 November 2002:

With reference to the National Animal Welfare Strategy:

(1) When did the development of a National Animal Welfare Strategy commence.
(2) At commencement, what was the expected completion date for the strategy.
(3) When will the strategy development conclude.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(2) In recognition of the need to move slowly in concert with key stakeholders in developing the strategy and thereby maintain stakeholder ownership, a completion date was not specified when development of the strategy commenced.
(3) It is hoped that development will conclude in late 2003.

Quarantine: Detector Dog Teams

(QUESTION NO. 938)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 18 November 2002:

With reference to the 2001-02 financial year budget allocation for quarantine resourcing: How many extra detector dog teams were: (a) planned; and (b) deployed.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(a) The number of new detector dog teams planned for the 2001-02 financial year was 42.
(b) The number of new teams deployed was 37. The delays in infrastructure changes at the international mail centre in Sydney necessitated a delay in deployment of the other 5 teams.

**Quarantine: Intervention**

**(Question No. 942)**

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 18 November 2002:

What level of quarantine intervention is currently being maintained for: (a) mail arriving at Australian international mail centres; and (b) for high-volume, low-value air cargo.

**Senator Ian Macdonald**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(a) 100%

(b) 88%