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SITTING DAYS—2003

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

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
FORTIETH PARLIAMENT
FIRST SESSION—SIXTH PERIOD

Governor-General

His Excellency Major-General Michael Jeffery, Companion in the Order of Australia,
Commander of the Royal Victorian Order, Military Cross

Senate Officeholders

President—Senator the Hon. Paul Henry Calvert
Deputy President and Chairman of Committees—Senator John Joseph Hogg
Temporary Chairmen of Committees—Senators Hon. Nick Bolkus, George Henry Brandis,
Hedley Grant Pearson Chapman, John Clifford Cherry, Hon. Peter Francis Salmon Cook,
Alan Baird Ferguson, Stephen Patrick Hutchins, Linda Jean Kirk, Susan Christine Knowles,
Philip Ross Lightfoot, John Alexander Lindsay (Sandy) Macdonald, Gavin Mark Marshall,
Jan Elizabeth McLucas and John Odin Wentworth Watson
Leader of the Government in the Senate—Senator the Hon. Robert Murray Hill
Deputy Leader of the Government in the Senate—Senator the Hon. Richard Kenneth Robert Alston
Leader of the Opposition in the Senate—Senator the Hon. John Philip Faulkner
Deputy Leader of the Opposition in the Senate—Senator Stephen Michael Conroy
Manager of Government Business in the Senate—Senator the Hon. Ian Gordon Campbell
Manager of Opposition Business in the Senate—Senator Joseph William Ludwig

Senate Party Leaders

Leader of the Liberal Party of Australia—Senator the Hon. Robert Murray Hill
Deputy Leader of the Liberal Party of Australia—Senator the Hon. Richard Kenneth Robert Alston
Leader of the National Party of Australia—Senator the Hon. Ronald Leslie Doyle Boswell
Leader of the Australian Labor Party—Senator the Hon. John Philip Faulkner
Deputy Leader of the Australian Labor Party—Senator Stephen Michael Conroy
Leader of the Australian Democrats—Senator Andrew John Julian Bartlett

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

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(1) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
(2) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. Warwick Raymond Parer, resigned.
(3) Chosen by the Parliament of South Australia to fill a casual vacancy vice John Woodley, resigned.
(4) Chosen by the Parliament of Queensland to fill a casual vacancy vice John Andrew Quirke, resigned.
(5) Appointed by the Governor of Tasmania to fill a casual vacancy vice Hon. Brian Francis Gibson AM, resigned.
(6) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. John Joseph Herron, resigned.
(7) Chosen by the Legislative Assembly of the Australian Capital Territory to fill a casual vacancy vice Hon. Margaret Reid, resigned.

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

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

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

Minister for Justice and Customs
Minister for Fisheries, Forestry and Conservation
Minister for the Arts and Sport
Minister for Small Business and Tourism
Minister for Science and Deputy Leader of the House
Minister for Regional Services, Territories and Local Government
Minister for Children and Youth Affairs
Minister for Employment Services
Special Minister of State
Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence
Minister for Revenue and Assistant Treasurer
Minister for Ageing
Minister for Citizenship and Multicultural Affairs
Parliamentary Secretary to the Prime Minister
Parliamentary Secretary to the Minister for Transport and Regional Services
Parliamentary Secretary to the Treasurer and Manager of Government Business in the Senate
Parliamentary Secretary to the Minister for Foreign Affairs
Parliamentary Secretary to the Minister for Defence
Parliamentary Secretary to the Minister for the Environment and Heritage
Parliamentary Secretary to the Minister for Finance and Administration
Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry
Parliamentary Secretary to the Minister for Family and Community Services
Parliamentary Secretary to the Minister for Health and Ageing
Parliamentary Secretary to the Minister for Industry, Tourism and Resources

Senator the Hon. Christopher Martin Ellison
Senator the Hon. Ian Douglas Macdonald
Senator the Hon. Charles Roderick Kemp
The Hon. Joseph Benedict Hockey MP
The Hon. Peter John McGauran MP
The Hon. Charles Wilson Tuckey MP
The Hon. Lawrence James Anthony MP
The Hon. Malcolm Thomas Brough MP
Senator the Hon. Eric Abetz
The Hon. Danna Sue Vale MP
Senator the Hon. Helen Lloyd Coonan
The Hon. Kevin James Andrews MP
The Hon. Gary Douglas Hardgrave MP
The Hon. Jacqueline Marie Kelly MP
Senator the Hon. Ronald Leslie Doyle Boswell
The Hon. Ian Gordon Campbell
The Hon. Christine Ann Gallus MP
The Hon. Frances Esther Bailey MP
The Hon. Dr Sharman Nancy Stone MP
The Hon. Peter Neil Slipper MP
Senator the Hon. Judith Mary Troeth
The Hon. Ross Alexander Cameron MP
The Hon. Patricia Mary Worth MP
The Hon. Warren George Entsch MP
SHADOW MINISTRY

Leader of the Opposition                              The Hon. Simon Findlay Crean MP
Deputy Leader of the Opposition and Shadow Minister for Employment, Education and Training and Science Jenny Macklin MP
Leader of the Opposition in the Senate, Shadow Special Minister of State and Shadow Minister for Home Affairs Senator the Hon. John Philip Faulkner
Deputy Leader of the Opposition in the Senate and Shadow Minister for Trade, Corporate Governance, Financial Services and Small Business Senator Stephen Conroy
Shadow Minister for Employment Services and Training Anthony Albanese MP
Shadow Minister for Veterans’ Affairs and Shadow Minister for Customs Senator Mark Bishop
Shadow Minister for Children and Youth Senator Jacinda Collins
Shadow Minister for Industry, Innovation, Science and Research and Shadow Minister for the Public Service Senator Kim Carr
Shadow Assistant Treasurer David Cox MP
Shadow Minister for Ageing and Seniors and Assisting the Shadow Minister for Disabilities Annette Ellis MP
Shadow Minister for Workplace Relations Craig Emerson MP
Shadow Minister for Defence Senator Chris Evans
Shadow Minister for Citizenship and Multicultural Affairs Laurie Ferguson MP
Shadow Minister for Urban and Regional Development and Shadow Minister for Transport and Infrastructure Martin Ferguson MP
Shadow Minister for Resources and Shadow Minister for Tourism Joel Fitzgibbon MP
Shadow Minister for Health and Deputy Manager of Opposition Business Julia Gillard MP
Shadow Minister for Consumer Protection and Consumer Health Alan Griffin MP
Shadow Treasurer and Manager of Opposition Business Mark Latham MP
Shadow Minister for Information Technology, Shadow Minister for Sport and Shadow Minister for the Arts Senator Kate Lundy
Shadow Attorney-General and Shadow Minister for Justice and Community Security Robert McClelland MP
**SHADOW MINISTRY—continued**

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<td>Shadow Minister for Cabinet and Finance and</td>
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<td>Shadow Minister for Heritage and Territories</td>
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<td>Shadow Minister for Primary Industries</td>
<td>Senator Kerry O’Brien</td>
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<td>Shadow Minister for Regional Services, Shadow</td>
<td>Gavan O’Connor MP</td>
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<td>Shadow Minister for Local Government and Shadow</td>
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<td>Shadow Minister for Retirement Incomes and Savings</td>
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<td>Shadow Minister for Communications</td>
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The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 12.30 p.m., and read prayers.

ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL (No. 1) 2002
AUSTRALIAN HERITAGE COUNCIL BILL 2002
AUSTRALIAN HERITAGE COUNCIL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2002
In Committee
Consideration resumed from 14 August.

ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL (No. 1) 2002

The CHAIRMAN—The committee is considering the Environment and Heritage Legislation Amendment Bill (No. 1) 2002, as amended, and amendments (1) to (40) on sheet 3045 moved by Senator Allison. The question is that the amendments be agreed to.

Senator ALLISON (Victoria) (12.31 p.m.)—I need to continue my explanation of the amendments put last Thursday. Amendments (3) to (8) are to do with public consultation by the minister. Amendment (8) clarifies that, if the Australian Heritage Commission finds a place has national heritage values, the minister cannot refuse to list the place or all of its national heritage values unless it has complied with the additional public consultation process. Amendment (9), which is about the inclusion of a place on the National Heritage List, changes the current provisions concerning the making of the final listing decision so as to be consistent with the amended nomination and assessment process. It relates to the standard listing procedure only and not to the emergency listing procedure, which is outlined in amendment (16).

Amendments (10) to (16) are on emergency listing. Amendments (10) to (15) are relatively technical and do not have any substantial impact. They clarify the wording concerning the emergency listing process. Amendment (16) alters the decision making process for places included on the list via the emergency listing process, to account for the additional consultation process. Amendments (17) to (18) are relatively technical and account for the additional consultation process. Amendments (19) and (20) concern disclosure of the Australian Heritage Commission assessments and advice, and they ensure that the heritage council’s assessments can be disclosed during the additional consultation period.

That is really the crux of our set of amendments—the need for disclosure of heritage council decisions with regard to which sites are of heritage significance. We think that at the very least the government ought to agree—in fact it did agree, in my talks with Minister Kemp and his advisers over the last few months—that this disclosure keeps the government accountable. It does not stop the minister from deciding not to list. It does not stop the minister from saying, ‘That listing won’t happen at this point in time.’ What it does is allow there to be disclosure of a difference between what the heritage council says ought to be listed—that is, what is assessed to be of heritage value—and that which the minister determines.

I do not know whether, Senator Hill, you have had a chance to look at these more carefully over the weekend—and I am sure you have spent most of it on this legislation—but I remind you that this was the fourth in a line of different models that we attempted to persuade the government to address. Clearly, I
think most of us in this place would like to see the heritage council determine what is on that list. We do accept that there is a political judgment to be made in some circumstances. However, the very least that should happen is that this requirement for disclosure be passed. Amendments (21) to (40)—and I remind you, Senator Hill, in case you missed it before, that the government did agree with us at some earlier stage but now chooses not to—mirror those discussed previously in relation to Commonwealth heritage listing processes.

Before finishing my remarks on this debate, I thought I would point to some of the statements that have been made on listing. As I said, it is a crucial part of this whole bill. The protection or otherwise of heritage sites can be politicised, a matter just for the minister to determine, or a process whereby there is public involvement when there is disagreement. So when the council determines that a site is worthy of listing and the minister decides otherwise, I think it is reasonable to say that there should be a process which involves the public. I will quote from the joint letter that was sent to me from the Humane Society, the WWF and the Tasmanian Conservation Trust. It contains a set of recommended amendments, and I think they are important. They say: The bill should be amended to include a requirement that the minister be compelled to designate all heritage values of a place as national heritage values or Commonwealth heritage values if he or she is satisfied that they meet the national or Commonwealth heritage criteria. Further, there should be a presumption in favour of the inclusion or retention of a place or values on those lists if there is uncertainty regarding whether the place satisfies the listing criteria or continues to have certain heritage values.

I quote from that document because it is typical of the positions that were put by conservation groups. It does go to the absolute discretion of the minister to list or otherwise. As I said, this seems to me to be central.

The Democrats did understand the political reality and it is the case that this provides better protection for heritage—there is no question about that. But again, at the end of the day it comes down to the will of the minister to apply that protection. We think that, in terms of accountability and of being able to publicly demonstrate what is going on, this amendment is reasonable—even more than reasonable. This was compromise No. 4 as far as we were concerned. I strongly urge the minister to consider supporting it. We thought there was no opposition to this at the end of the day by the government, but it seems that the minister has changed his mind. I would be interested in the minister indicating to the Senate what his deliberations have been on this matter.

Senator HILL (South Australia—Minister for Defence) (12.38 p.m.)—The government does not support the package of amendments before the chamber now but it does support the general direction of many of those amendments. As I said on the last occasion, there has been a very long process of debate on the listing process not only between the political parties involved but with the various interest groups. Whilst I could go through each of the amendments and express the government’s concern about particular aspects of them, I do not know that it is a constructive use of time in the circumstances, whereby I can say that at least a number of these amendments have been picked up—but, we would argue, improved—in amendments that are to be debated further along the line.

So, in terms of the efforts Senator Allison has made in improving—from her perspective—the listing processes, if the Senate does pass the foreshadowed amendments she will see that they have achieved some of the out-
comes she has been seeking. In those instances, efforts have been made to improve the drafting so that, if the bill is passed in terms of the foreshadowed amendments rather than these amendments, the government will be more confident that they will achieve the outcomes which Senator Allison and others within the heritage community have been seeking. That would be my response to the block of 40 amendments we are looking at.

Senator BROWN (Tasmania)  (12.41 p.m.)—The Australian Greens support the amendments and think they are good ones. I think it is the proper place for me to ask the minister, because it crosses some of these amendments, for a response in general to the report by the Australian National Audit Office for January to June 2003. It is an audit activity report which I am sure the minister has. Page 74 says that the office made six recommendations to Environment Australia which aim, firstly, to improve the consistency and quality of referrals made under the act, which is the act we are dealing with; secondly, to address the risks from referrals of staged developments that may circumvent the objects of the act; thirdly, to improve awareness of the requirements of the act; fourthly, to strengthen monitoring and review arrangements; fifthly, to finalise compliance and enforcement procedures and guidelines, ensuring that there are timely and effective responses to all potential breaches of the act; and, finally, to enhance the quality of public reporting on the administration of the act. The report says that Environment Australia has agreed with all the recommendations. Could the minister explain how Environment Australia is going to remedy those shortcomings that were listed by ANAO?

Senator BROWN (Tasmania)  (12.44 p.m.)—Thank you. If the minister has any written response to that report, I would be pleased to see it. Because it crosses a number of parts of the legislation, I ask the minister about the report in this morning’s Age on the erection of the Telstra tower on the Patriarchs group of rocky mountains on Flinders Island. I quote from that report by Melissa Fyfe, the environment reporter:

An 850-metre-long swathe—in places 12-metres wide—has been cut through a patch of the rare dogwood *Pomaderris intermedia*, listed under the Tasmanian Threatened Species Protection Act. The Tasmanian Department of Primary Industries, Water and Environment is investigating the incident.

Telstra said its contractors were told only to make a 45-centimetre trench for a power line under an existing narrow track.

Another plant, *Isopogon ceratophyllus* or horny cone bush, listed as vulnerable under the legislation, was also bulldozed, along with many centuries-old slow-growing grass trees.

The 30-metre tower, part of Telstra’s mobile phone roll-out on the island, was approved despite the area’s zoning as visually significant under the island’s planning scheme.

It goes on to say how the local plant expert Mr John Whinray, a very famous local resident, had come across the environmental destruction—and there is a picture of the
cobra greenhooded orchid recently found on Flinders Island by Mr Whinray.

Could the minister tell me what progress has been made in discovering why Telstra made the extraordinary swathe—and there is a picture of it—through this particular high conservation area on Flinders Island? Could he tell me whether the species that are endangered there have federal listing or listing under this legislation? What is there in this legislation that is going to specifically whack people like Telstra and/or its contractors who create havoc like this which cannot be undone? Mr Whinray points out that he does not think that what has been done there will ever be undone.

This follows on my noting of the Auditor-General’s report about the difficulty of sometimes getting to the very people who might breach components of the act—and if Telstra does not know then who does? If Telstra is able to behave in such an environmentally irresponsible fashion, then what can we expect of other enterprises which do not have the wherewithal of Telstra or their stated avocation for the environment?

Senator HILL (South Australia—Minister for Defence) (12.47 p.m.)—I have asked for specific advice relating to that matter. I do not have that to hand but will get it. This is obviously another instance where the heritage—and it sounds as if this is principally natural heritage values—is protected by both the state and the Commonwealth according to the values that are protected. If they are national heritage values then, as defined, they would be protected under the Commonwealth legislation, and there are very significant penalties attached to that legislation for breach. Whilst I am not very familiar with the Tasmanian legislation, I assume there are penalties attached to that legislation if it relates to an asset that is protected by the state of Tasmania. But in relation to the detail of this particular action and whether it affects any Commonwealth values, that is something that I need some specific advice on and I will report to the Senate when I get that advice.

Senator BROWN (Tasmania) (12.48 p.m.)—I thank the minister for that because I am very interested to hear what information there may be on this matter. On the matter of Tasmanian heritage, it is spotty down there. The breach is very often what is honoured and extensive habitat, for example, of rare and endangered plant and other species which are listed on both the national protected list and the Tasmanian protected list are repeatedly bulldozed in Tasmania under the regional forest agreement.

The minister might like to comment at this stage because it is the next one that is very important. He will be aware that there has been an application to Dr Kemp, the Minister for the Environment and Heritage, to approve the Meander Dam at the headwaters of the Meander River. The planning authorities in Tasmania decided not to go ahead with this project because, amongst other things, the area is a threatened habitat and a particularly rich one for the endangered tiger quoll in Tasmania, which, if my understanding of this is correct, is listed under this piece of legislation, the EPBC.

Not accepting the umpire’s ruling on this, the Tasmanian Labor government of Premier Jim Bacon, who is the Minister for National Parks, hurried through legislation after the land and environment umpire had said, ‘No, you cannot proceed with the dam,’ to override the heritage legislation in Tasmania so that it will proceed. Now the gatekeeper on this is the federal minister. I do not see how on earth, if we are to have faith in this legislation for the protection of the species and Australia’s heritage, he could give the go-ahead for the flooding of a prime habitat—as
found by the planning commission in Tasmania—for the tiger quoll, a large carnivorous marsupial with its healthiest stronghold in Tasmania. The matter is now before the minister for the environment, Dr Kemp.

I know there is a great deal of anxiety about this particular habitat in the headwaters of the Meander River both locally and statewide. It is a very important test case as to whether this EPBC Act that we are dealing with is going to be honoured by the Australian government. I wonder whether the minister could tell the committee what the progress is as far as the minister making the decision is concerned—and I think it can only have one conclusion. Can he tell us whether there is a time line and what the process is that is being undertaken to ensure that this process is not listed by political actions, like those high-handed actions of the Tasmanian Premier and government just a couple of weeks ago?

Senator HILL (South Australia—Minister for Defence) (12.52 p.m.)—I am advised that the process is advanced and that Dr Kemp determined that the proposed action was a controlled action in terms of the EPBC legislation. That triggers an evaluation process which has been taking place. Dr Kemp will have to make a decision, ultimately, on whether the project can proceed in terms of EPBC legislation. Advice to him on that issue from the department has not yet been received but I understand it is not too far away.

Senator BROWN (Tasmania) (12.53 p.m.)—I wonder if the minister would be good enough to provide the committee with the terms of reference of the minister’s inquiry to the department, which species are involved in that terms of reference, what the process is for making an evaluation and indeed if there is a time line. By terms of reference, I mean the minister’s briefing, in whichever way it might be, as to what he needs to know about the issue of the Meander Dam and the threat it poses to this important habitat for the tiger quoll—and, I understand, a number of other species—and what other matters are entered into.

The other matter that impressed the Tasmanian planning commission was the failure of the government and the lobby group involved to be able to show that there were the financial benefits that were touted from this dam. There was very good evidence that it was not going to be as financially beneficial as pointed out. I know the minister will have the planning commission’s full report on his desk. And I know that financial matters like that will be subservient to the environmental consideration being made by the minister about such an important endangered species as the tiger quoll. I would be very pleased to hear if there is an expected date of decision and what the parameters are of the advice the minister has sought.

Senator HILL (South Australia—Minister for Defence) (12.55 p.m.)—The reference is on the web site and the details of the proposed action and the triggers as identified by the proponent are referred to in that reference. Detail, as it relates to any particular known endangered species, should have been included in that reference and be on the web site. As I said, the advice of the department to the minister was that it amounted to a controlled action and therefore triggered the Commonwealth legislation. Dr Kemp, I am told, accepted that advice. That leads to a process, as set out in the legislation, that enables public submissions to be lodged. No doubt the proponent has put further information, and that information is being evaluated by the department. Advice will be given to Dr Kemp. In the end he is obliged to take into account other circumstances, which is the balance that is created within the EPBC Act, and no doubt he will do so.
At the time of the drafting of the legislation that was one of the differences the government had with Senator Brown because Senator Brown was of the view that other circumstances should not be taken into account in the final evaluation process. It might be that the state government is putting an economic argument to Dr Kemp through his department; I do not know. As I said, that is work in progress within the department at the moment. I was asked whether we had an indication of a closing date and I am told that we do not but I have also been told that the matter is expected to be completed in the reasonably near future.

Senator Brown (Tasmania) (12.57 p.m.)—I thank the minister for that. Yes, I am very strong on the environment being given pre-eminence when it comes to environmental legislation. I would remind the minister that it is not unusual thinking. The World Trade Organisation legislation, which the government signed and put through this parliament in 1986, was made on the basis that economic considerations were paramount, and the environment and social justice were considered zip when it came to making decisions by that international body. Australia’s authority. So there is a precedent for not being across the board in an assessment of a piece of legislation. In this case, the environment should be seen as pre-eminent. That being said, can the minister tell the committee what the other considerations are—I know they will be listed on the web site—and whether these include the economic considerations and, of course, those political considerations which come down to lobbying from the pressure groups in Tasmania who are in favour of the dam, including both of the big political parties? I wonder if the minister could say how the financial assessment, which is the chief one of those other considerations, is being made by the department? Does it have expertise? Is the minister seeking other advice, or is he going to go on the advice of the planning commission in Tasmania or will he simply take the advice from the biased point of view of the Tasmanian government?

Senator Hill (South Australia—Minister for Defence) (12.59 p.m.)—The usual practice is that the department would seek verification of a submission that did argue some economic benefit. Exactly how the department is doing that in this instance, I do not know. If Senator Brown wants to know, I can make those inquiries and see what information is available. If Dr Kemp is uncertain about any particular issue in the advice given to him by the department, he can require further work to be commissioned. In the end, it is his decision and he must be satisfied. I am sure Dr Kemp will ensure that he will make these very difficult decisions on the best evidence available. Whilst we have great respect for the states, the statutory obligation is on the Commonwealth if it is a matter of national environmental significance, and I would expect that Dr Kemp would exercise that responsibility with great care.

Senator Brown (Tasmania) (1.01 p.m.)—I would be pleased if the minister would furnish me with the information about how the assessment is being made and who is involved, so I thank him for making that offer. Secondly, because water policy is so important at the moment and this decision cannot be extricated from that, how is the government going to assess—because it must be built into this decision—the cost to the community of an environmental flow down the Meander River below this dam in the future, because that is a cost against the dam? Could the minister also explain how the current evolution of government water policy is going to affect this decision by the minister on the Meander Dam? There are
very big environmental as well as other social and economic factors involved there.

Senator HILL (South Australia—Minister for Defence) (1.02 p.m.)—I do not know the answer to that. The evolution of Commonwealth water policy is, firstly, to determine that important natural values are not lost through overextraction—in other words, that extraction for commercial, recreation or other uses is maintained at a sustainable level—and, furthermore, that the usage of such water goes to highest value outcomes. The determination of that is never easy, particularly if you are trying to equate, for example, a recreational benefit against a commercial benefit. But, because of our prejudices, we think there is room for the market to assist in that regard, certainly between commercial uses, and thus we are seeking to encourage and support regimes that properly cost water, that allow transfer of water to higher value outcomes and that in other ways seek to reduce waste and low-value usage. But all of that is after assessment and support for maintaining the flows that are at least necessary to preserve the health of the natural system.

Senator BROWN (Tasmania) (1.04 p.m.)—The Meander River currently has a natural flow but has water extracted for various downstream purposes. If a dam comes along, can the minister foresee circumstances in which the environmental flow of a river such as that will have a price put on it?

Senator HILL (South Australia—Minister for Defence) (1.05 p.m.)—I think what I said is better than trying to attach to environmental flows a somewhat artificial financial figure. Our preference—and Senator Brown indicated the direction of the government’s proposed reforms—is that an assessment be made of the flows that are necessary, not just simply the quantity of water but the timing of the flows and so on, to conserve the natural system and those environmental values that are obviously important to us all and that commercial exploitation is subject to that necessary minimum. It is not easy to apply in practice, but I think approaching it in that way is actually better than the approach that I think is being advocated by Senator Brown.

Senator BROWN (Tasmania) (1.06 p.m.)—The obvious question that comes from that is: how do you make an assessment that you can take away part of the flow of a natural watercourse and maintain its natural health? That is absurd. As soon as you start to interfere with the ebb and flow and the rise and fall of a river’s natural reaction to precipitation and other factors, you start to have an impact on the environment. I want to correct the minister here: it is not within the realm of human capability to be able to subtract water from a river and still maintain its natural environmental health. What has to be judged here is how much detrimental impact you will have on the environment by taking water away and how far you will allow that to go.

Maybe as a result of the discussion about the Snowy Mountains getting 28 per cent returned to it—and I saw in this morning’s Age that even that is not sure—there is some magic percentage below 100 at which you can draw a line and the river will not be affected. That is absurd; it is not true. What you are measuring is how much detriment to the environment you are going to allow to happen. There is no argument or debate in that; it is just a fact—it is just how life is on this planet. There is a lot of obfuscation and green wash that gets in there to say that we can take away 72 per cent of a river’s flow and we have done the right thing to ensure what is called an environmental flow, which is a misnomer for a massive impact on the environment—that is, the water will get down there in a way that we can tout as a
good thing for it and maybe we will not have to look at the damage that continues to occur through taking that water away.

The Meander Dam is going to be the first in-stream dam on this river. It is one of those rarities in Australia these days where there is not a dam on the river—but it is coming. The people who are proposing that would put their shoulder behind another dozen or so dams being proposed in north-east Tasmania and down the east coast in the near future. I do not think that the minister is right in saying that there is going to be an outcome which says you measure what is good for the environment and then people can pay for what else is required to come out of the river. It will be the other way around: people will fight over the water they can get out of the river and the highest bidder will pay. Under those circumstances, it leaves the environment with no leverage, unless the government has policy. I am trying to establish what the government’s policy is for defending the inevitable impact of subtraction of water out of rivers. Where is that defined? Is it true that it is not defined but left for an environmental grab-bag at the end of the day: the old leftover mentality of the age of materialism and resource extraction? I think that that is the case. If it is not, I would be pleased to hear from the minister as to the defined policy his government has in ensuring that the current circumstances for rivers around Australia are maintained or improved when it comes to the environment and that we just do not get terminology like minimal impact, mitigation or environment flow—whatever that might mean.

Senator HILL (South Australia—Minister for Defence) (1.11 p.m.)—I am not sure that I can say much more. I have outlined the structure of the best practice proposal that the Commonwealth is taking to the forthcoming COAG meeting. It is obvious that, whenever water is extracted, it does have some consequences on the environment. If you adopt a policy of no extraction of water from Australia’s river systems, that would be an uncomfortable experience for all of us who live in Adelaide, which is now totally reliant on extraction from the River Murray. How do we try and assess what quantity can be extracted sustainably? That is not an exact science, but you obviously take the advice of specialists and, in the end, make a judgment on the basis of that advice. If you find that you have made a mistake, as we have on many river systems in Australia that perhaps had not been thought through in quite that way, then you have to find a way of winding back the level of extraction. That is not easy either. One way in which you may do it in the public interest is to purchase water for environmental outcomes.

I have a little more information in relation to the Meander Dam proposal, in part to modify slightly my earlier answer. I am now told that, in the first instance, the proposal was assessed by the Tasmanian government on behalf of the Commonwealth under an assessment bilateral agreement. However, the Commonwealth then stopped the clock on the assessment process by requiring further information. Further submissions have been made by both the proponent and the Tasmanian government and they are being taken into account. I am further told that, in this instance, the department sought independent economic advice from ACIL Tasman. No doubt that will also be taken into account by the minister when he gets to make his ultimate decision.

Senator BROWN (Tasmania) (1.13 p.m.)—The Commonwealth required further information from the proponent and the Tasmanian government. That is two proponents. Why didn’t they require it from the opponent—that is, the environmental defenders of the Meander’s natural values?
Senator HILL (South Australia—Minister for Defence) (1.14 p.m.)—I am told that the Tasmanian Conservation Trust was in fact given access to the additional information provided and was given the opportunity to comment on that. The TCC, which I understand has been a principal objector in this process, does seem to have been kept informed throughout and given the opportunity to respond.

Senator BROWN (Tasmania) (1.15 p.m.)—Were the Meander Dam to proceed it would involve an alteration to the flow obviously and an extra impost on the river. Who will pay for that environmental impost on the river that is inevitable if the dam goes ahead? Or is it a given that nobody will pay for it because it has no dollar significance to the Commonwealth government—I know it does not to the Tasmanian government—or to the proponents?

Senator HILL (South Australia—Minister for Defence) (1.15 p.m.)—As I said, that matter has not yet been determined. It is under consideration by the department and will ultimately be determined by the minister. Certainly, in some circumstances that I can recall, obligations have been placed on the proponent as part of the cost towards enhancing some other related or unrelated environmental benefits. I am not judging this, and I certainly would not want to prejudge it, but there are mechanisms to require a proponent to spend money on a beneficial environmental outcome as part of an approval process.

Senator BROWN (Tasmania) (1.17 p.m.)—On a different river system, has there been any approach to the Commonwealth about the Apsley River in eastern Tasmania, which drains the southern boundary of the Douglas Apsley National Park, with a view to extracting water from that either in the park or downstream for purposes of the developments on the coast just to the east of that river?

Senator HILL (South Australia—Minister for Defence) (1.17 p.m.)—I do not have information on that particular matter and I will seek it.

Senator ALLISON (Victoria) (1.17 p.m.)—Minister, we raised questions here last week on the subject of those Norfolk Island sites. Could you indicate whether any further information is forthcoming on those? In particular, are you able to give the Senate the commitment that the nine properties with Crown tenure on Norfolk Island—the ones that were nominated for entry onto the RNE back in 1997 that we talked about—will be transferred onto the Commonwealth Heritage List before they are sold?

Senator HILL (South Australia—Minister for Defence) (1.18 p.m.)—There is a long answer to that question, which goes back to the whole process of land reform on Norfolk Island. In relation to the nine properties that Senator Allison has referred to, I am told that it is not a straightforward issue. I gather that each of these properties has a different mix of tenures and none of them will be wholly owned by the Commonwealth. That obviously does not affect the listing under the RNE but whether they would be eligible for listing under the new legislation as a Commonwealth property would depend on whether that bit of the land that is in Commonwealth tenure at the moment meets the standards as set out in the legislation.

I have a lot more here on the complexity of the issue, which is probably not what Senator Allison wants to hear. The bottom line is that I cannot give an assurance that the processes that are under way in Norfolk Island under their so-called land initiative will be put on hold whilst these matters are assessed under this new piece of legislation if
it passes in this place. That is an issue that is not totally within our control in any event.

Senator ALLISON (Victoria) (1.21 p.m.)—Perhaps the minister could clarify what he means by ‘land initiative’? Is this another term for selling the land? I would be interested in the complexity you are talking about. Maybe that document could be tabled, Minister, if you think that is appropriate. I am assuming from your response that you cannot stop the sell off of this land—otherwise known as land initiative. Firstly, is that correct? Secondly, is it possible at least to have a commitment from the government that those nine areas would be assessed prior to the land initiative or sell-off of those properties? If it is not possible to do that, why not?

Senator HILL (South Australia—Minister for Defence) (1.23 p.m.)—I am a little surprised, Mr Temporary Chairman, but I am told that the assessment of the nine places will be completed by the Australian Heritage Commission before the enactment of the new legislation; thus any Commonwealth pieces that have been added to the RNE would be eligible to come under the new legislation if they meet the criteria set out in the new legislation.

Senator ALLISON (Victoria) (1.23 p.m.)—I am not sure that I understand the implications of that statement. If they are assessed before the enactment of the legislation, that is one thing; but what happens if they are sold between the time of the assessment and the enactment of the legislation? That is the key point. I would have thought that if they are sold before the enactment of the legislation they do not have any protection from it. So there is not much point in being assessed unless there is also a commitment to transfer the properties onto the Commonwealth Heritage List or, if they are no longer Commonwealth, to transfer them onto the National Heritage List. We are talking here about what effect the sale of this land will have and whether this legislation picks up those sites in any form.

Senator HILL (South Australia—Minister for Defence) (1.24 p.m.)—That goes to the timing of the implementation of the land initiative. Whilst I have quite a bit of information on that, I do not know that I have a specific answer to the question that has been asked. I might take that aspect on notice and give Senator Allison a response a little later today.

Senator BROWN (Tasmania) (1.25 p.m.)—Senator Allison mentioned that the paper that the minister was quoting from might be tabled. That would help clear the air, so I wonder whether the minister would like to table it.

Senator HILL (South Australia—Minister for Defence) (1.26 p.m.)—I can provide further information on the nine properties that were of concern to Senator Allison, which deals with the tenure and the complexity of each site. I will table that document. It is headed ‘Norfolk Island Landscape Area nominations’. I have some information on the processes under the land initiative. I need to seek some further advice as to whether I can table that. I suspect that I can. It seems to be factual; nothing unkind is said in the note about the Australian Democrats or anything like that. Having said that, I still do not think it specifically answers the last question asked by Senator Allison. She asked whether she could be assured that the Commonwealth pieces of land within the nine properties that she has outlined would not be sold before assessment under the new legislation. So it would be after enactment and assessment. This is assuming that they met the criteria under the old Australian Heritage Commission Act assessment regarding
whether they should also be included within a Commonwealth list.

Senator ALLISON (Victoria) (1.28 p.m.)—I ask one other question on this matter. To some extent it is hypothetical, but we are dealing with hypothetical situations because we do not know when this land will be sold. All we know is that it is up for sale. Minister, if an assessment is done which indicates that the commission feels the values of the property are such that it should be listed, is the government prepared to take whatever action is necessary to do so?

Senator HILL (South Australia—Minister for Defence) (1.28 p.m.)—Because each of these properties that Senator Allison is referring to includes a range of tenure, although that does not affect listing under the existing Commonwealth legislation, only those parts that are Commonwealth owned would be eligible for listing under the new legislation, and that requires a separate assessment as to whether those pieces that are Commonwealth owned would individually be eligible for inclusion. I suspect that that is not a straightforward issue. It would be something that would be considered during the assessment process. I think that is fairly clear cut but I do not know the timing in relation to the proposed sale of any of those Commonwealth pieces. That falls under a different portfolio than that of Dr Kemp. Nevertheless, I will seek some advice on the matter.

Senator ALLISON (Victoria) (1.30 p.m.)—It would be useful if the minister could seek some advice on whether, if the properties for which the Commonwealth previously had ownership and responsibility are not to go on the Commonwealth list, the proposal might include covenants or other protections on that land.

Senator BROWN (Tasmania) (1.30 p.m.)—At this juncture I would like to ask the minister about Point Nepean and the Commonwealth’s role in that, and its place of shade under the EPBC Act. The minister will be aware that it is a highly contentious matter which is unresolved but the Commonwealth does have a role. There is huge public contention about the future of Point Nepean and I wonder whether the minister could tell the committee what the current state of play is and what the influence of this legislation will have on the outcome for the environment and cultural heritage of Point Nepean.

Senator HILL (South Australia—Minister for Defence) (1.31 p.m.)—The vast majority of the land is being transferred to the Victorian government and it will, as I understand it, form an extension of their national park. A small piece of land is to be transferred to the local council, and I do not think that is of particular concern to Senator Brown. But there is a remaining area, in which a number of the historic buildings are located, which the Commonwealth wishes to dispose of—it no longer being of need, in defence terms. That process is ongoing. The Commonwealth has given certain commitments in terms of restraints on the use of that property to ensure that the heritage values are preserved. The EPBC legislation does not trigger sales per se; it triggers actions that are potentially contrary to national heritage values. Therefore it would be the issue of usage of the land, as it might affect any national heritage value, that could cause that legislation to be triggered—and it has not reached that stage at this time.

Senator BROWN (Tasmania) (1.33 p.m.)—Does the Commonwealth not see the need for national heritage in the sense of a competing needs spectrum? The minister just said that the historic buildings at Point Nepean are now surplus to the Commonwealth’s needs. There is again this idea—in this market fundamentalist age—that if there
is not a dollar coming out of it, or a use which contributes in this case to government performance outside the cultural and natural environment, then there is not a value put there. I ask the minister how on earth he could believe that if he is going to dispose of such heritage it is not going to be eyed off for a different function. Is he not, by his own philosophy, saying to people with money— that is, to the market—‘See what you can do with this piece of national heritage’? Does not the very fact of divesting it immediately expose it to market control of its future? Doesn’t the government see other values, outside the market, which are important to communities and to the nation when it comes to heritage? I think this is right at the crux of what we are debating here today. Ought not that value to the nation have been assessed more clearly before the government began to divest itself, saying that there was not a need for this heritage being in national ownership? I think many constituents would say, ‘There is a need for it, a very important need.’ It is not based on the dollar sign but on other aesthetic, historical, cultural and environmental values which are part of the needs of a healthy community, when you view it from all aspects.

**Senator HILL (South Australia—Minister for Defence) (1.36 p.m.)**—Certainly the government see important heritage value in this site. It is a very important built and cultural heritage asset that the government would wish to see conserved. Where the government differ from Senator Brown is that we do not necessarily see public ownership as the only way to conserve such an asset. In fact we are finding that public ownership in some circumstances is not always the best way, if you look at the state of quite a lot of Australian built heritage that is in public ownership—that governments have trouble funding the proper maintenance and conservation of these assets. If it is therefore possible to find a private sector purchaser who is prepared to fund the proper conservation of these assets whilst at the same time gaining some economic return for them, we believe it may be possible to achieve a win-win outcome: not only is the heritage preserved but it is also properly conserved. That is the approach that the government are taking to this particular asset.

**Senator ALLISON (Victoria) (1.37 p.m.)**—Minister, you said that there was protection for these sites, but isn’t it the case that the only protection is that those who might buy this land are obliged—at least in the first instance—to not object to the heritage protection application, and that of course if the sites are then on sold there is no guarantee that a third party would be obliged by that requirement? Or has the government now upgraded its protection of those sites?

**Senator HILL (South Australia—Minister for Defence) (1.38 p.m.)**—There are a number of ways in which the values can be protected against a subsequent purchaser, and the government has that matter under consideration. As Senator Allison knows, expressions of interest were called and the government received a number of expressions of interest which it has been considering. The government is now determining its next step forward. But, without detailing that next step because that would be premature, the government has taken on board this and certain other issues that were raised at the estimates committee and will ensure that the values are properly protected for not only this generation but future generations as well. Of course, if this property was listed as a Commonwealth asset under the legislation that is before the chamber today and was sold by the government, it would be sold subject to those heritage values and the protections that are set out in clause 341ZE of the bill.
**Senator BROWN (Tasmania) (1.40 p.m.)**—The question there obviously is: why not apply those standards as set out to the sale of this Point Nepean property? What is the covenant that is being placed on the property? And if there was not a covenant placed on the property before the sale was mooted, why not? Is that fair to prospective purchasers? What is going to be done now to ensure that the heritage values are protected? What is the form of covenant—and it has to be a covenant in perpetuity—that the government is applying to the agreed high values of this property?

**Senator HILL (South Australia—Minister for Defence) (1.40 p.m.)**—I cannot answer that at the moment because that is a matter that is currently under government consideration. What I have said is that this government is equally determined to ensure that the heritage values are conserved, for not only this generation but future generations, and will ensure that any sale process properly takes that requirement into account.

**Senator BROWN (Tasmania) (1.41 p.m.)**—Can the minister tell the committee how else other than by covenant the government might ensure those values are protected by the inevitable string of private developers that will come along over the next century or two when these heritage properties go into the private domain, as the government wants them to be?

**Senator HILL (South Australia—Minister for Defence) (1.41 p.m.)**—That is speculative. There are a number of ways in which it can be done. As I said, the government has those matters under consideration and has taken considerable legal advice on the issue. The important point at the moment is that I can assure the Senate that the government is equally as concerned to protect those values that attach to a very important part of Australian history as any senator on the other side or on the independent benches.

**Senator BROWN (Tasmania) (1.42 p.m.)**—But the point here is that that assurance has not been felt in the community. There are, as the minister knows, enormous misgivings about the future of these properties at Point Nepean. I again ask: what is it that can give assurance to the community, short of a spelt-out covenant which is properly screwed down? Can the minister state how he is going to assure these values? We have here a process which is under way—it is not being considered; it is under way. There is great community apprehension about it. The minister says, ‘No, be assured the heritage values will be protected.’ It is a very simple thing, then, to say how that is going to happen. I ask the minister to let the committee know how that assurance can be justified. What is it that we or, more importantly, the community down there can hear from the minister that is going to spread the assurance he has to the bosoms of all those who are very worried indeed about Point Nepean?

**Senator HILL (South Australia—Minister for Defence) (1.43 p.m.)**—As I said, all that has occurred so far is to seek expressions of interest. There certainly are purchasers who believe that they can obtain an economic return from the property whilst, at the same time, conserve the heritage values in the short term and the long term. There is a lot of money that needs to be spent in the short term. The Commonwealth is actually expending quite a little at the moment, but there is a great deal more that is going to be needed to be spent if these buildings are going to be properly conserved. The government is considering these matters and, before moving to the next step in relation to a disposition of the asset, the details will be made clear. But whilst the alternatives are being considered it seems to me that it would
be unhelpful for me to speculate upon them at this time.

Senator Allison (Victoria) (1.45 p.m.)—I have a specific question. I thought we had an understanding on this, but it seems not to be the case. Firstly, could the minister confirm that the quarantine station, at least, is on the Register of the National Estate. It was my understanding that the assessments had been done and that this site would be transferred to the Commonwealth list. Perhaps the minister could advise whether or not that will be the case. Minister, have you considered whether section 14 of the EPBC Act could be used to put in place conservation agreements covering these parts of the site? As I understand it, they would cover current and future purchasers of the site. Wouldn’t that be a way of dealing with providing heritage protection?

Senator Hill (South Australia—Minister for Defence) (1.46 p.m.)—I am not sure about the undertaking to which Senator Allison has referred; therefore I will seek advice on that. I have said that our advice is that there are a number of ways in which to protect the conservation values against subsequent purchasers and the government is considering those alternatives at the moment.

Senator Brown (Tasmania) (1.46 p.m.)—The minister has said that the government is looking at a number of ways of protecting, variously, heritage and conservation values. The minister has said that people who are interested in developing the sites of these heritage buildings can conserve the heritage values and get on with their projects. What is missing, if that is the case, is the government’s list of heritage requirements and the means by which they are going to be strapped down in perpetuity. The developer has no trouble with the heritage values being protected. The government is going to protect the heritage values. We have a process under way, but the government has no extant plan. It should have one. It should be saying to the public at large that is concerned about Point Nepean: ‘Here is your guarantee. Look at this. Our cards are on the table.’ But it is not doing that. It is saying, ‘Trust us—coming down the line is some sort of formula that you will be happy with.’ People do not accept that because, when that has been said in the past on matters like this, it has been found to be hollow, full of shortcomings and a let-down for those people who see the conservation of heritage values as important.

If we are dinkum about this the developers that are interested, the government that is giving assurances and the public that is worried should all be informed on the same basis. The problem is that the government and the developers know what is going on but the public does not. It is time the public was let into this. I do not feel at all reassured by what the minister has had to say. Where is the heritage values guarantee—the HVG? People do not believe the government is going to protect the heritage values and they certainly do not believe that developers who buy at a prodigious cost and develop at a prodigious extra cost to make a profit are going to have heritage values right at the forefront of their minds. It just does not work that way. I say to Minister Hill and, through him, Minister Kemp: for goodness sake come out with this insurance plan on the heritage values. It is missing. You should have it at the front. If you are happy with it you should be able to give it to the public, but you do not have one that guarantees these values. So far the clearest assurance I have had is that the developers—people who want to make this into a project—can conserve the heritage values. I would like to see that.

Senator Hill (South Australia—Minister for Defence) (1.50 p.m.)—I do not
quarrel with the call for assurances of this type. That is not an unreasonable call from community interest groups. I know that the National Trust and such bodies are deeply interested in this issue. Senator Brown will not accept it, but the government is also and that is why it has been taking advice on the site from the Australian Heritage Commission. What I cannot do at the moment is detail the protections the government will implement because, as I have said several times already today, that matter is still under consideration. But the information about the form of protection would be made publicly available before the next stage of the process. I think it is reasonable that, before we proceed to the next stage of the disposal process, the public be made aware of the protective regime we will put in place to ensure that the values are protected against subsequent purchasers.

**Senator LUNDY (Australian Capital Territory) (1.51 p.m.)**—I too would like to take the opportunity to follow up questions asked of the minister late last week, in particular the general question about the sale of Commonwealth land, its transfer to freehold land and the timing of decisions about the transferring of any item on the list within that process. Could the minister provide details of what specific Commonwealth assets could be caught in that time zone? It is a similar question to that about the Norfolk Island properties. Does that relate to any other Commonwealth assets that are scheduled for sale but also have items on the Heritage List, and what are the timing and implications for them?

In particular, I ask the question about the police cottage at Yarralumla Bay here in Canberra. My understanding is that this is an asset that has already been sold. Could the minister clarify the heritage status of the police cottage and tell me what is happening with the transferring of that particular item on the Heritage List—that is, if it is going to be transferred from the old to the new and, perhaps prior to that, what its current status is?

**Senator HILL (South Australia—Minister for Defence) (1.53 p.m.)**—I am told that the Australian Federal Police cottage is leased by the Commonwealth government. It has been nominated for entry in the Register of the National Estate. Therefore, it is identified as an indicative place, which means that the data provided to or obtained by the commission have been entered into the database and placed at some stage in the assessment process. The commission has not made a decision on whether the place should be entered in the register. Under the bill we are debating, if the place is inscribed in the Register of the National Estate on completion of the assessment, the minister must have regard to this when making any decision under the EPBC Act, to which the information is relevant.

**Senator LUNDY (Australian Capital Territory) (1.54 p.m.)**—You mentioned the EPBC Act. Can you clarify what you mean by raising that in particular? Also, even though the police cottage has an indicative status or place, what are the options forward for that process and what is the time frame that exists around that decision having to be made? Can you also elaborate on the criteria, if this bill is passed, for the ministerial assessment of its worthiness? You said the cottage is leased and I understand that it is a Commonwealth lease, but it has been sold off as part of that precinct—that pocket of the water police station and the cottage. If you could just clarify those questions, that would be helpful at this stage.

**Senator HILL (South Australia—Minister for Defence) (1.56 p.m.)**—I think I need some further information on this one. Senator Lundy might know more about this.
than I do. It seems it was sold by the Commonwealth and leased back, and it is being utilised by the Commonwealth under that lease. If that is correct, it is no longer a Commonwealth asset for the purposes of the new legislation. If somebody wants to nominate it for listing under the new legislation, as any other asset, they have the opportunity to do so. I am not quite sure of what is now being asked of me.

Senator BROWN (Tasmania) (1.57 p.m.)—I would just bring to the minister’s attention one other matter. I will be asking about Recherche Bay later in the day. The minister will be aware that there is a very significant plan for the protection of the Lake Condah area in Victoria with the anticipated national heritage listing being one of the central parts of that project. Could the minister tell the committee whether that listing will be in or will be considered for the very much reduced list of places on the national heritage register if the amendment to this legislation were to pass?

Senator HILL (South Australia—Minister for Defence) (1.58 p.m.)—I can provide some information for Senator Brown on the issue of Recherche Bay. Whether it satisfies him or not we will no doubt find out. The site has been nominated for the Register of the National Estate. The Tasmanian Heritage Council has been considering this place for the Tasmanian Heritage Register, which was maintained by the council under the provisions of the Tasmanian cultural heritage act. The Australian Heritage Commission has been awaiting the heritage assessment by the Tasmanian Heritage Council for the Tasmanian Heritage Register to avail itself of information produced by this process before proceeding with an assessment for the Register of the National Estate.

On 13 August this year, the Tasmanian Heritage Council deferred their assessment of the nomination for Recherche Bay to September this year. When this assessment is available, the commission will decide how it will proceed in this matter on the basis of the Tasmanian documentation. If the commission is not satisfied that the documentation is sufficient for its purposes, it will consider what additional action is required to obtain the necessary information.

Progress reported.

QUESTIONS WITHOUT NOTICE

Australian Defence Force: Allowances

Senator CHRIS EVANS (2.00 p.m.)—My question is directed to Senator Hill in his capacity as the Minister for Defence. Can the minister confirm that as of today Australian troops in East Timor will no longer be classified as being on warlike service? Doesn’t this have significant tax implications for those affected? Can the minister confirm that as a result of this change the average infantryman could suffer a $190 a week cut to their take-home pay from next week? Is the minister aware that there is widespread confusion amongst troops in East Timor and their families in Australia over this change, with Defence simply advising individuals that they may be eligible for an exemption under the Income Tax Assessment Act? Can the minister now confirm whether troops in East Timor are eligible for an exemption, or do they face a $190 a week cut to their take-home pay from today?

Senator HILL.—The taxation circumstances differ between an operation that is warlike and one that is non-warlike. In many ways it is a celebration that the government has been able to accept advice from the ADF that the circumstances in which our forces are operating in East Timor can no longer reasonably be classified as warlike. It is true that the tax consequences now change, but it has occurred in circumstances that most Australians would be very pleased to hear about.
Speaking generally, if it is a warlike operation then the whole of the salary as well as the allowances are tax free; if it is not warlike, that does not apply. So, yes, there will be a taxation consequence as a result of the government accepting that advice and making that decision, but it has not been made for any taxation reason; it is simply a reflection of the circumstances of the particular operation. Considerable advice was in fact given to the forces that this decision was being made and about when it was to come into effect.

Senator CHRIS EVANS—Mr President, I ask a supplementary question. I thank the minister for his answer. Minister, I am still not clear from that whether you are confirming the advice from Defence that soldiers may be eligible for exemptions under section 23AG of the Income Tax Assessment Act and whether you expect them to make those applications while patrolling the West Timor border. It is not clear to them and it is not clear to me. Why have the troops in East Timor been left in a situation where they do not know what the impact will be on their pay packet from today, and their families do not know what income their family member will be earning for them in the coming weeks? Can you please clarify what the effects of the tax changes will be on the income of those troops and make sure that information is delivered to the troops serving in East Timor?

Senator HILL—As I understand it, this has been made clear to all of the forces and nobody has suggested it was unclear. In fact, to ensure that the government was reasonable to the forces, who we very much value and appreciate, we decided that even though the decision on warlike conditions was changing in the middle of a rotation the allowances could continue as though the declaration had not been made. So the normal thing would be that when the operation ceased to be warlike not only would the taxation consequences change but also the allowance would be reduced. We decided that, because this was mid-rotation, the best thing to do in the circumstances for the soldiers’ wellbeing was to continue the $125 per day allowance until the end of this rotation. (Time expired).

Health: Commonwealth-State Health Agreements

Senator LIGHTFOOT (2.05 p.m.)—My question is directed to the Minister for Health and Ageing, Senator the Hon. Kay Patterson. Will the minister outline to the Senate the government’s new record offer of $42 billion for state run hospitals? Is the minister aware of attempts by state premiers to mislead the Australian public about the Commonwealth’s increase in funding?

Senator PATTERSON—Thank you for giving me the opportunity of putting on the record the actual facts rather than the misleading information we saw in the newspapers over the weekend. Under the new health care agreements we are going to be giving the states $42 billion, which is a $10 billion increase and 17 per cent over and above inflation. How on earth this can be a decrease beggars belief. But it does not matter: Mr Beattie uses taxpayers’ money to take out a full-page ad to say we are going to decrease funding to Queensland. Queensland will be getting $2.1 billion more—in fact, Queensland gets a 20 per cent increase over and above inflation as well as being the first state to benefit from increases from the GST. If Mr Beattie wants to tell the truth, he ought to use taxpayers’ money to tell the Australian public, in particular Queenslanders, that they will be getting $2.1 billion more—a 20 per cent increase over and above inflation. To use taxpayers’ money in the way he has to misrepresent the facts is disgraceful.
If you want the information about each state: New South Wales will get $3.1 billion; Victoria, $2.4 billion; Western Australia, $1 billion; South Australia, $800 million; Tasmania, $220 million; and the ACT, $148 million. It was very interesting on Friday morning when Mr Corbell came out and said he was going to sign up to the agreements. What happened? He had been left out of the loop: the New South Wales Premier, the Queensland Premier and the Victorian Premier had forgotten to tell Mr Corbell that they had a little plan—they had a little stunt they were going to put on, and Mr Corbell was left out of it. He was hung out to dry and had to run around on Friday saying, ‘Oops, I didn’t mean to tell people I was going to sign up.’

The state budgets have factored in the growth that the Commonwealth is offering them, so this is grandstanding. This is a stunt which always occurs when the Commonwealth is making its offer to the states. We are requiring the states—for the first time in the history of Australia—to say what they will spend this financial year and at least match our growth. The Commonwealth has had to put up in front for five years what it is going to spend on state hospitals. The states contribute to the hospitals and they run the hospitals. The states have never been put under the hammer like this before. They do not like it. They do not like having to tell the Australian public what they are going to spend. The Australian public is not aware of what some states have spent for the last two years.

We hear Mr Carr saying that issues affecting general practitioners are affecting emergency departments. That is totally untrue. If he listens to what the President of the AMA says, to what the President of the Queensland branch of the AMA says and to what the College of Emergency Medicine says, the number of patients going to emergency departments is not affected by issues associated with GPs. Those doctors working at the coalface tell us that there is an increase, but it is an increase in the number of people at the very high need end, those people who get admitted to hospitals. The figures from emergency departments show that a significant number of people go into hospital as a result of going into an emergency department. About one per cent of people who go to a GP end up in an emergency department. A much higher proportion of those people who would be categorised as normally going to a GP and who front up at an emergency department end up in a hospital.

The states ought to admit that they need to reform. We have indicated that we need to address some issues. They need to move on, sign up to the agreements and sign up to the reform agenda which we have been working on for 12 months and which has been absolutely hijacked and put aside in the debate over funding. (Time expired)

Senator LIGHTFOOT—Mr President, I ask a supplementary question. Will the minister further outline the benefits of the government’s record offer of funding to state public hospitals, including emergency departments?

Senator PATTERSON—The states are supposed to commit to looking after people who are sub-acute or not in need of acute care as part of the health care agreements, but the states are saying that one of their problems is that there are older people who are in hospital who do not need acute care. We have offered them, through the health care agreements, $253 million to assist them in addressing the issue of people who are in hospital who are not assessed as needing to go to a nursing home but who require assistance—step down care or transitional care—before they go home. This would mean that fewer people would have falls or
take the wrong medication and that more
people would go home and stay home rather
than being readmitted to hospitals. If the
states were to sign up to the health care
agreements, we could move on and address
those issues—the issues that they have been
raising over a 12-month period, which I have
agreed to discuss with them. We now have
areas in which we can work—coordinating
care for cancer patients, quality and safety—

(Time expired)

Health: National Health Summit

Senator WEBBER (2.11 p.m.)—My
question is also to Senator Patterson, the
Minister for Health and Ageing. I must say, it
is very pleasing that she could find time in
her busy diary to attend the parliament,
unlike the health summit. I ask: why did the
minister squib the chance of arguing the
government’s health policy to the high-
powered health summit in Canberra this
weekend? Doesn’t the minister’s refusal to
attend this weekend’s health summit confirm
the paucity of her case and the fact that her
case is unable to stand up to the scrutiny of
truly independent health policy experts? Isn’t
the minister’s continual blaming of the states
merely a diversionary tactic and doesn’t her
non-attendance mean she cannot sell her own
policy because it is so defective?

Senator PATTERSON—I didn’t hear all
of the question. I didn’t need to hear it be-
cause I could have predicted what the ques-
tion was about. Some weeks ago the people
organising the conference—Professor Dwyer, Mr Sullivan, Ms Illiffe and a few
other people—came to my office to talk to
me about the summit. I said to them that it
would be beneficial if they deferred the
summit until after the states had signed the
health care agreements so we could have a
discussion in calm air—not in the rough,
turbulent air of the pre-signing of the health
care agreements. I said that it would become
politicised.

The people organising the conference
came to me with a program that outlined
people who were going to be speaking, but
guess what? Day after day last week I had
people coming to me saying, ‘My name was
on that program. I was astounded that my
name was there. Nobody has asked me.’ So
the people organising the conference came to
me on the pretext that very senior people
were going to be speaking at this conference,
yet a lot of those people had never been
asked. As I said the other day, I do not know
if that is malevolent, disorganised or dishon-
est, but it is not the way I would run a con-
ference.

Then I got a leaked email which said they
were going to put on a stunt before I was
supposed to speak at the Press Club. Yet this
was not supposed to be a political event. I
am sorry that some people were involved in
that summit who were not involved in its
organisation—and some of them, I am sure,
would not have been aware how people have
taken their names off—and were not aware
that they were part of an organised event that
was going to be pro-Labor. I do not believe
that everyone involved in speaking at that
event is of that mind but a number of people
withdrew their names when they saw what
was going to happen. I do not question Pro-
fessor Dwyer’s commitment to reform. I do
question his sense in having that conference
pre the signing of the agreements.

There is every possibility that we can have
reform within the agreements. We have done
it under the old agreements. Mr Carr on the
way to Damascus had some sort of conver-
sion today and talked about a pharmaceutical
scheme that Victoria had initiated, with peo-
ple getting PBS items as they left hospital.
Let me just tell Mr Carr that that was a gov-
ernment initiative which three states have
taken up. New South Wales has not bothered to do it—and they have had five years to do it. Mr Carr needs to get hold of the facts, debate the issues appropriately and also sign up to the agreements and then continue in a way that we will do—because I have a reasonable relationship with those health ministers—to undertake reform in order, for example, to streamline care for cancer patients, to deliver better quality services to people with mental health illnesses, to ensure that people who are old but who do not need to go to a nursing home have a transition from hospital to home and to improve quality and safety. These are all items that we addressed in that reform process.

Professor Dwyer has never once accepted the fact that we have improved doctor numbers. During those reform debates they said we did not have enough medical graduates. In conjunction with Mr Ruddock, I produced 107 new doctors in about three months to work in the public hospitals to relieve the stress on their interns. Never once did they say that this was part of the reform discussion. I am happy to talk about reform. I am not happy to talk about it when the agenda is being driven in a political way. I am happy to talk about it when they have signed the agreements and we can actually have a sensible discussion. The forum was advising the states not to sign the agreements. How on earth could I support that?

Senator WEBBER—Mr President, I ask a supplementary question. Isn’t this the third time the minister has failed to front at health meetings or summit this year? Not just once was she too busy to meet with health professionals. Why has the minister shown such a lack of confidence in her own case? Is it that the continuing drop in private health insurance numbers under her watch is eroding the basis of the Commonwealth’s offer and means growing pressure on our public health system?

Senator PATTerson—For Senator Webber’s information, I have gone to every scheduled health ministers’ meeting. I do not go to stunts that the states put on; I go to scheduled health ministers’ meetings. I went to the one two weeks ago and I asked the states to talk about reform. I identified the areas where our officers had said, ‘We can do it and no more money is necessary.’ It was about cancer care coordination, quality and safety, delivering better mental health care and the Pathways Home program for older people. Did the states want to discuss those issues? Did the health ministers want to discuss them?

I told them that if they did not discuss reform I would go out and tell people that they would not discuss it. They would not discuss it. They still wanted to talk about money. We are giving the states $10 billion more, a 17 per cent increase, when they sign up, and they are going to sign up—Corbell has indicated that they are going to sign up! He just fluffed it on Friday and gave the game away. This is all a stunt. It is all grandstanding. They will sign. It happens every time we have it. Every health minister who has gone through a health care agreement—Michael Wooldridge, Carmen Lawrence—suffered the same effects of the states putting on a stunt. (Time expired)

Indonesia: Terrorist Attacks

Senator CHAPMAN (South Australia) (2.18 p.m.)—I direct my question to the Minister for Justice and Customs. Will the minister update the Senate on recent significant developments in the hunt for those responsible for the Bali bombings?

Senator ELLISON—Last week we saw a significant development in relation to the arrest of Hambali. That was an exercise which was carried out by the United States government and the Thai authorities and it demonstrates yet again the importance of
cooperation in the region in the fight against terrorism. Mr Hambali is a crucial figure in relation to investigations which are continuing in South-East Asia. It is alleged that he is the architect of the Bali bombings. He is also believed to have met with two of the September 11 hijackers, and their activity resulted in the catastrophic events in New York.

He is also suspected of an involvement in the recent bombing of the Marriott hotel and is blamed for around 19 deaths in Indonesia on Christmas Eve 2000 when 20 bombs went off simultaneously in a number of churches. He is also believed to have directed a bomb attack on a train station in Manila in December 2000 that killed 22 people. When you look at those situations you can see the importance of the arrest of this man.

The American authorities have stated that they will cooperate with the Australians, and I can confirm that the Australian Federal Police will be seeking approval from the relevant authorities to interview Hambali concerning the Bali bombings and other plots and events he has been allegedly involved in. This has been a great breakthrough. Hambali has been a key figure in investigations in South-East Asia and this has come about as a result of great cooperative efforts through our intelligence agencies.

It does highlight the crucial nature of the relationship we have with the United States of America. In our fight against terrorism we are crucial allies of that country and, as the Deputy Secretary of State, Richard Armitage, has said, they will cooperate with Australian authorities in relation to information gained from Hambali concerning alleged terrorist events. This is extremely important for Australian intelligence agencies and the Australian Federal Police in the war against terrorism in South-East Asia.

When one looks at the great work that has already been done we see that there are currently 36 people in custody in Indonesia for offences relating directly to, or ancillary to, the Bali bombings. We have recently seen the cooperative efforts of the Australian Federal Police with Indonesian authorities in relation to the bombing of the Marriott hotel in Jakarta and we have seen great progress made in that investigation. All this demonstrates the importance of working together with other countries in the fight against terrorism. Our relationship with the United States will stand us in good stead in relation to this.

I also want to congratulate the Thai authorities on the work that Thailand carried out in this matter. We have had an excellent working relationship with the Thai authorities and continue to do so. Thailand has played a crucial role in the war against terrorism and also in the fight against transnational crime. This has been a great breakthrough. We applaud it and we congratulate the Thai and American authorities on the arrest of Hambali.

**Health: National Diabetes Services Scheme**

Senator MACKAY (2.22 p.m.)—My question is to Senator Patterson, the Minister for Health and Ageing. Does the minister know there are around 1,500 Australians who suffer the most acute type of diabetes, so-called ‘brittle diabetes’, and need to use an insulin pump rather than manual injection methods in order to maintain their glucose levels? Is the minister aware that the insulin pump costs around $6,500 and that ancillary items for the pump, including cannula lines and needles, cost about $2,700 annually? Why has the Howard government refused to list either the pump or its ancillary equipment on the National Diabetes Services Scheme, putting this life-saving treatment
out of reach of those Australians with brittle diabetes who cannot afford it? Does the minister realise that her department has approved criteria for limiting the number of claims that could be made by insulin pump users but has been stopped in its tracks by her refusal to approve the listing of the pump ancillaries on the subsidy scheme?

**Senator Patterson**—As I have said before in this place, there are huge demands on the public purse in terms of health. Every time we turn around there is another issue that is very worthy and very demanding of the health fund. I remind honourable senators that the medication we have just put on the PBS for arthritis will cost $100 million a year for 9,000 people. We need to always look at the enormous demands there are on the health bill. Two applications have been received from the manufacturer of the latest generation of insulin infusion pumps for consideration of subsidy for the consumables of these pumps to be included in the National Diabetes Services Scheme. A decision on subsidising these products will take into consideration the health benefits provided by the products, the overall cost to government and the competing priorities for health expenditure. Insulin infusion pumps deliver a constant dose of insulin that is particularly beneficial to people with type 1 diabetes who cannot adequately control their blood glucose levels.

An expert advisory panel convened by Diabetes Australia has provided advice on the health benefits of the new generation of these products. The panel concluded that the new products are superior to the currently listed products, with a lower incidence of blockage and kinkage and a lower risk of diabetic side effects. However, the cost of consumables is high, at around $200 per month for each patient, and the overall cost to government of subsidising these could run into tens of millions of dollars per annum, depending on the uptake of pumps among diabetics. The challenge is to find a way of managing the costs while ensuring the most effective use and the best health outcomes. We are committed to ensuring that Australia continues to play a leading role in diabetes research and service provision. Our strategies ensure that both health professionals and people with diabetes are well positioned to improve the prevention, early detection and management of diabetes.

The total 2003-04 budget estimate for Commonwealth spending on diabetes initiatives is $300 million. Our commitment to diabetes is evidenced by this government championing the establishment of diabetes as a national health priority area in 1996 in response to the increasing burden of diabetes on the Australian community. People with diabetes are served well by the government’s two key programs that provide subsidised access to a range of essential diabetic products and services, the National Diabetes Services Scheme and the Pharmaceutical Benefits Scheme. These schemes provide insulin, diagnostic agents and syringes at heavily subsidised prices. Government expenditure on diabetic products for these schemes for 2002-03 was nearly $260 million, an increase of $27 million or 11.5 per cent over the previous year. In 1999 the government committed $2.3 million per annum to the National Diabetes Strategy, which is endorsed by all Australian health ministers. The strategy provides a focus to coordinate the wide-ranging activities being undertaken across Australia to improve the early detection, prevention and management of diabetes.

In the last 18 months this government has introduced a world first program to improve the care of people with diabetes through general practice, with funding of over $43.4 million over four years. It is a very successful program for diabetes management in general
practice, and I think it is a great initiative of the Howard government. The program represents a national approach to improving the prevention, early diagnosis and management of people with diabetes through the provision of incentive payments to general practitioners.

Senator MACKAY—Mr President, I ask a supplementary question. Minister, isn’t it the case that since the inception of the National Diabetes Services Scheme by the Hawke government in 1987 subsidy of lifesaving technology for Australians with diabetes has in fact been the responsibility of the Commonwealth government? Minister, isn’t it also the case that there would be considerable savings to the taxpayer if the pump and ancillaries were subsidised because there would be fewer Australians needing treatment for renal failure, cardiovascular disease and retinopathy? Why does the minister’s incompetence in dealing with serious health policy or practice mean that diabetes sufferers are losing out under the Howard government?

Senator PATTERSON—Thank you very much—it is very easy to take a cheap shot. But I have actually got the responsibility of the enormous demands on health—as I said, for example, there is one medication costing $100 million for 9,000 sufferers of arthritis, and we have just extended it to two others for non-Hodgkin’s lymphoma and for chronic myeloid leukaemia, which will cost $700 million over four years. It is very easy for Senator Mackay to get up and choose one item, one group. As much as their demands and their concerns are very important, I have the responsibility—not the easy task that Senator Mackay has got of taking one group and identifying it—and the challenge of finding a way of managing the costs while ensuring the most effective use of and best outcomes for those products. On that scheme she mentioned, the government expenditure on diabetic products for 2002-03 was nearly $260 million. It increased by $27 million or 11.5 per cent over the previous year. (Time expired)

Health: National Health Summit

Senator ALLISON (2.28 p.m.)—My question is also to the Minister for Health and Ageing. Given that the minister has refused to attend the national health summit, calling it a stunt, which participants does the minister suggest are political stooges? Is it Catholic Health Australia, who said: Last year over 60 per cent of people with a diagnosed mental disorder did not receive an appropriate service and up to 2,000 elderly hospital patients waited for nursing beds ...
And later:
Yet the Commonwealth wants to sign new agreements devoid of any plans to improve health services...
Minister, given that those at the summit represent clinicians and health providers, who actually do know what is going on at the patient level, which group do you identify as political stooges?

Senator PATTERSON—Mr President, it is very unhygienic for Senator Allison to put words into my mouth. I did not call them stooges. I have never called them stooges, and I ask her to refrain from saying that I called them stooges. What I have said is that it is a pity that some of these people who went to the forum were probably not aware of what was happening behind the scenes. I have actually said on air today that I know that Professor Dwyer is very committed to the issue of reform, I just happen to disagree with the way he is going about it. I know that Francis Sullivan is very committed to reform. I just happen to disagree with the way he is going about it. There is Ms Iliffe and all the others who were involved in organising this event. Everybody can decide they are going to have summits, and there are sum-
mits all the time with people who are experts.

The thing is that I asked them when they came to me, if they were really committed to reform, to have this discussion outside the debate about the health care agreement funding. It gets confused, it gets lost and it gets politicised when a summit is held two weeks before the health care agreements are determined. They came to me and said, ‘We’re not going to have politicians speaking at it. It is not going to be political.’ Then I suddenly found a leaked email that said that I had refused to speak—I had not actually had an invitation to speak at the stage when the email went around—and then I found out that Mr Carr was going to speak. I was then told, ‘He’s only speaking at lunchtime. He is not on the program.’ Today, I find that he is speaking. Really, you have to begin to wonder. I am not saying that people are stooges; I am saying that they are naive, at the least, to think this was an appropriate way and a genuine attempt to discuss reform.

We have had a process with nine committees, and I stuck my neck out and I told them. When the health minister said, ‘We want to have a discussion about reform,’ I said, ‘As long as it is reform on both sides, I will engage in this debate.’ We have had that debate over nine months, but it got lost in November, December, January, February and March in a debate about funding. When Mr Craig Knowles was health minister, he said to me twice at that meeting and in front of all those ministers, ‘We can do better with the money we’ve got. We don’t need more.’ We are giving them more, 17 per cent more. We spend $40 billion a year on health between the state and the federal governments. I believe we can do it better.

You have only to go across to Canberra Hospital to find a young man working over there who has just received our Cochran collaboration prize looking at best practice. By a simple method of identifying patients at risk and deciding which patients should wear a stocking, which patients should wear a stocking and take a drug and which patients should wear a stocking and take a different drug, he has reduced deep vein thrombosis by 25 per cent. Imagine the savings to that hospital. Imagine the savings to those people in terms of pain and suffering and being in hospital for four or five weeks with deep vein thrombosis. That is the sort of reform we need, reform at the interface between primary health care and acute care.

I am not going to be embroiled in a discussion when I asked them to hold the summit after the funding arrangement and when I indicated to them that I was committed to reform. I did that with those eight health ministers—at great risk to me. I had a reasonable working relationship with them—and I still have—and after the health care agreements are signed I will work with them. The ministers have already come to me and said that they want to work with me. When they have stopped this argy-bargy, when the premiers have let them get on with debating and discussing reforms with me—like the $6½ million we have just given Tasmania for after-hours care to reduce the number of people who call doctors out unnecessarily and which will take the strain off the doctors and relieve public hospitals of people appearing at night when they do not really need to—we can have the sorts of reforms that help not only doctors and patients but also public hospitals. When we have got over the argy-bargy about funding, we can move forward in a sensible way.

Senator ALLISON—Mr President, I ask a supplementary question. Professor Dwyer said:
All of us are fed up with trying to improve the health care system with this current divisiveness.
Is Professor John Dwyer naive, is he politicised and, if so, why did you suggest that? Minister, you said today that you are willing to deny the states the 17 per cent so-called extra funding if they do not sign the health care agreements and that you will cut the offer by $1 billion over four years. Does the minister consider that political brinkmanship with taxpayer dollars is an acceptable trade-off for the sick and elderly who are queued on trolleys in emergency departments?

Senator PATTERSON—Senator Allison will never be in the position I am in—never ever. She will never be a minister. She will never have to actually make a decision. She finds it very difficult to make decisions. It is very hard to get Senator Allison over the line with a decision, but I had to make a decision. We have given the states a 17 per cent increase over and above inflation, a $10 billion increase coming off a much higher base that will actually relieve the pressure on public hospitals through an increase in membership of private health insurance funds. We have seen a significant increase of 9.5 per cent in patients going into private hospitals, with a 2.6 per cent increase in patients going into public hospitals. What I have said about Professor Dwyer is that he is very committed to reform. I just do not agree with the way he is going about it.

Medicare: Bulk-Billing

Senator FORSHAW (2.35 p.m.)—My question is directed to Senator Patterson, the Minister for Health and Ageing. Can the minister explain why at least 59 towns in New South Wales do not have any bulk-billing GPs? Has the minister seen the article in today’s Daily Telegraph which names nine of those towns, including major regional centres such as Coffs Harbour, Leeton and Griffith, which are without a bulk-billing doctor? Can the minister explain to the people of those centres, along with the people from towns such as Hillston, Lake Cargelligo, Holbrook, Grenfell and Macksville, what she will do to make sure that families in those towns and regions have access to a doctor who bulk-bills?

Senator PATTERSON—I have said a number of times in this chamber that we inherited an absolute mal-distribution of general practitioners when we came into government. We had far too many doctors located in the cities and far too few in country areas. The honourable senator asked me why they are not bulk-billing. There are myriad reasons. There is a plethora of reasons why doctors do not bulk-bill. You only have to look at that article by Sue Dunlevy in today’s Daily Telegraph that was referred to. A doctor from Griffith—and I have forgotten her name—said in response to a question at the Medicare inquiry that doctors should not have to bulk-bill. I cannot remember the exact words, but in effect she said that doctors should not have to bulk-bill, that it is not free and that doctors should charge. As I have said over and over again in this chamber, there are as many billing practices as there are doctors. Some doctors, whatever you paid them, would not bulk-bill. Ms Gillard will find that out as she moves around talking to general practitioners. There are some who will never bulk-bill.

What we have done is to put $562 million into increasing the number of doctors in rural areas. We have seen an 11.3 per cent increase in the number of general practitioners in the last four or five years. Last year alone there was about a 4.8 per cent increase in estimated full-time doctors—this was a turnaround. We have a program of overseas trained doctors. We have a program to give doctors incentives to undertake their general practice training in a rural area. If a doctor does their training in a rural area, they get $10,000 for their first year, $20,000 for their second year, $30,000 for the third year—
Senator Conroy—Why isn’t it working?

Senator Patterson—Somebody said it is not working. The figures show a turnaround of an 11.4 or 11.8 per cent increase in general practitioners in rural areas. Now there are some areas where doctors make a decision together that they are not going to bulk-bill and of course whether they ought to be doing that is a question that should be looked at. There is some pressure on doctors when they come into an area not to bulk-bill. A Fairer Medicare package is about increasing the number of doctors and getting more GP registrars on the ground. There are 234 new medical student places and those people who come out of their training will work in areas of work force shortage, as either a specialist or a general practitioner. We now have university departments of rural health, initiated by Michael Wooldridge, which will be a great legacy of the Howard government, and we see young people studying to increase the numbers of doctors working in rural areas.

Also A Fairer Medicare package will give doctors in rural areas incentives to bulk-bill people on a health care card. What I have said for years—which the Labor Party just seems to have discovered—is that there are people in rural areas who are not bulk-billed, have never been bulk-billed and some of them, whatever you do or I do, will not be bulk-billed. What we can do is put incentives in place to increase the likelihood that people—at least those on a health care card—will be bulk-billed. That is part of the Medicare package. It is about increasing the work force.

When you go out and talk to people in rural areas, bulk-billing is not the main issue: access is the main issue. That is why we have after-hours services. I will challenge Jacinta Collins—I do not know whether she has been out to Horsham and Ararat lately—to go out there and she will find that the Western Division of General Practice has now got an after-hours service to reduce the stress on rural doctors, and that service has resulted in a 50 per cent reduction in call-outs. Go to the Hunter Valley where we have just put over $14 million into an after-hours service to provide those very people that you have mentioned access to doctors and to reduce the stress on doctors so that they actually decide to stay and continue to practise in rural areas. The Labor Party did nothing about rural doctors. Not a penny was spent on getting doctors into rural areas. (Time expired)

Senator Forshaw—Mr President, I ask a supplementary question. I might point out, Minister, that I have visited some of these towns in New South Wales and when you came to government they had doctors that bulk-billed and they do not today. They have been reducing the number of bulk-billing doctors under your government.

The President—Order! Can we have the supplementary question?

Senator Forshaw—I ask, Minister: given that there are around 50 GPs listed in the White Pages for Coffs Harbour, how have you and your predecessors allowed a situation to arise to the point where there are no doctors in that city of 61,000 people who bulk-bill today?

Senator Patterson—One of the things that happens is that doctors think very seriously before they change their billing practices and they talk to their patients. In the seven years before we came into government, the GPs rebates went up by nine per cent. That was in a period when we had high inflation and high interest rates. Since we have come to government we have actually increased GP’s rebates by 20 or 24 per cent but overall there is a 30 per cent increase in the rebate when you include the practice incentive payments. What has happened is that
over a period of time we have increased by 30 per cent GP’s remuneration under low inflation and low interest rates compared with Labor.

Doctors have made some decisions because, as bulk-billing went up, some of them have said to me as I have moved around, ‘We have people coming who don’t need to come into our practice. We want to send them a message.’ I do not think Ms Gillard or I are going to be able to change some of their behaviours irrespective of who is in government. What I am doing is putting incentives in place to increase the likelihood that people will be bulk-billed. (Time expired)

**Family and Community Services: Child Support Legislation**

**Senator HARRIS** (2.42 p.m.)—My question is to Senator Vanstone and relates to section 159 of the Child Support (Assessment) Act 1989. Minister, the section says:

(1) A person who:

(a) makes a statement to an officer that the person knows is false or misleading in a material particular; or

(b) omits from a statement made to an officer any matter or thing without which the statement is, to the knowledge of the person, misleading in a material particular;

is guilty of an offence ...

Minister, if such a statement is made to a senior case officer and that case officer uses that material disrespectfully, how does a person address or remedy that? Is there any process in the Department of Family and Community Services for the department to assess whether a senior case officer continually uses statements that have subsequently proven to be false or misleading?

**Senator VANSTONE**—Thank you, Senator Harris, for your question. The question you put to me is: what is the situation where a case officer uses information that is given to them which is false or misleading? Your question, however, was silent on the point that the case officer in all probability simply does not know that it is false or misleading. That is why the offence is here. In other words, people will go—it does happen, regrettably—to Centrelink or to the Child Support Agency in this case and they do not always tell either the truth or the whole truth. I believe the majority do, but in all walks of life you will find people who do otherwise. The second part of the offence indicates that someone might tell the truth but not the whole truth and that might be a material fact that should have been taken into account. Of course, if that person is caught in any compliance net then they should expect to run the risk of being prosecuted.

I see that the legislation says that a person making a misleading statement ‘is guilty of an offence punishable on conviction by imprisonment for a period not exceeding six months’. Just by way of information, Senator, in my own state you can apparently shoot someone through the eye and walk away with $100 fine and a three-year suspended sentence and never see a day inside. So on that basis I would be surprised if someone here ever saw a day inside the slammer—that is in a sense another issue. But it does cause significant concern the way that, in some cases, the judiciary do not apply the full extent of the law that parliament gives them the opportunity to.

The second part of your question was: what if a case officer persistently uses incorrect information which they know to be incorrect? That is what I understood the second part of your question to be, and I see you indicating that that is correct. If there is a circumstance where a case officer is using information they know to be incorrect, the person who knows that to be happening should be reporting that to the people in charge of the Child Support Agency. If they are unhappy with that they can report it to
my office or to Larry Anthony’s office. Larry is the minister responsible for the Child Support Agency. I can assure you that we will follow it up. It should not happen. If a case officer does understand that information is incorrect, he should not be acting on it. You give us the information and we will follow it up and report back to you as soon as we can.

Senator HARRIS—Mr President, I ask a supplementary question. I thank Senator Vanstone for her answer. Section 4(3)(b) of the act states:

(3) It is the intention of the Parliament that this Act should be construed, to the greatest extent consistent with the attainment of its objects:

… … …

(b) to limit interferences with the privacy of persons.

Minister, there is today a workshop being carried out in Parliament House in relation to all aspects of fatherhood. One of those sessions will look at family law. How is your government going to address this situation where repeated decisions that are made by the Child Support Agency do impact on the privacy of people? Can the minister give the chamber—(Time expired)

Senator VANSTONE—Privacy law can obviously create difficulties. It creates difficulties for law enforcement and there are times when people want to tear their hair out and say, ‘How did this ever happen?’ When it is explained that privacy law limited the access of law enforcement or compliance people to information it frustrates them. Equally, there are cases where because of compliance or because of the law one or other party feels as though their privacy has been invaded in a way that it should not have been. If you know any breach of section 4(3)(b) as you relate it, if you believe that there are cases—obviously you refer to groups of fathers who believe that the Child Support Agency information does sometimes do that—please raise it with me or Minister Anthony.

I conclude by saying that I was pleased to be part of a parliament that introduced the Child Support Agency on Labor’s initiative. At that point, unfortunately, we had a disgustingly large proportion of people not paying maintenance. Now we have the reverse and the parliament should be happy about that. (Time expired)

Taxation: Family Payments

Senator WONG (2.48 p.m.)—My question is also to the Minister for Family and Community Services, Senator Vanstone. What explanation has the minister obtained from her department as to why thousands of high-wealth families are accessing family tax benefit A, a payment intended only for low and middle income families? In particular, has the minister sought an explanation as to why 778 families earning over $100,000 per year are also obtaining a social security income support pension or allowance in addition to the maximum rate of family tax benefit A? Is the minister aware that under her flawed family tax benefit system only a customer estimate of income is made when claiming and no verification of current income actually occurs when a claim is lodged and payments commence? Could this loophole explain why so many wealthy families have accessed the payment?

Senator VANSTONE—I thank the senator for the question. It gives me the opportunity to give some information that I have acquired as a consequence of a table that was given to an estimates committee, and the estimates committee was notified that we were not satisfied that the information in that was correct. I notice that, despite that qualification being given to the estimates committee, Mr Swan has nonetheless proceeded to release the table and to assume the worst as a consequence of it. The table indicates that
there might be—and much has been made of this—15 millionaires in receipt of family tax benefit. I understand why people initially say, ‘Well, how could that be?’ I have made a point of looking at those first 15 in the first instance, and have asked for an inquiry in relation to all of the payments that have been raised. I do note that Mr Swan does not accept there could be any legitimate reason for these payments being made.

I go first to four of the 11, I think they are, because I recall last week in this place and elsewhere Mr Swan saying that I, because I am the representative of the government in this area, was one of the meanest, nastiest people because we were reviewing child disability allowance saved cases—and this was a dreadful thing to be doing. In fact, four of the people who have incomes which might include fringe tax benefit or capital gains—it is not necessarily taxable income; it is adjusted taxable income—are child disability allowance saved cases people. As it turns out, the very people that Mr Swan was complaining about being reviewed last week he is now complaining are not in receipt of any benefit. Why are those saved cases in receipt of family tax benefit when they have these high incomes?

Senator Wong, I would not expect you to know this because you were probably genuinely in primary school when this happened. In 1993, 10 years ago—that is a reasonable assumption; you might look younger than you are; I don’t know—the child disability allowance did not have an asset or income test on it. However, after 1993 Labor effectively put an asset and income test on it for future recipients, but they saved the people prior to 1993 and said, ‘You do not have to worry, we will not put it on you.’

There are 586 saved child disability allowance cases involving people in receipt of family tax benefit who have incomes of over $100,000. Four of them have incomes of over a million dollars. That is as a consequence of a Labor decision in 1993 which we have not gone back on; we have continued to protect these people. You can see from that, Senator, that there is a perfectly legitimate explanation for some of those cases. I do not imagine there will be a legitimate explanation for all of them. However, one other legitimate explanation is that people had expected to have either very low or reasonable incomes and during that year they had a very significant capital gain. It might not happen in your state or mine but it is very likely to happen in the state of New South Wales.

Senator Ian Macdonald—They might have won a Labor Party raffle.

Senator VANSTONE—As my colleague interjects, they may have won a Labor Party raffle—and a Labor senator was the campaign manager but could not remember for four or five days that the raffle did not happen. In fact, I think you were the last to come on board in that respect and indicate that the raffle referred to had not happened. (Time expired)

Senator WONG—Mr President, I ask a supplementary question. Minister, could the payments also be explained by admissions in Senate estimates by your department that no independent verification is made of foreign income received by families, or that share market margin lending losses are not factored into the income test? What responsibility do you take for loopholes such as these in the payments system which you introduced?

Senator VANSTONE—I neglected to tell the senator in answer to her first question that there are over 1,300 families in receipt of incomes of $100,000 or more who have more than four children and who, if those children are under 13, would be entitled to get family tax benefit with such an income. By way of further example, equally some of
these people will have, when their income is reconciled at the end of the year, a debt raised against them and we will be collecting that money back. That is another explanation and in that sense the system works. But I am not satisfied just with the knowledge that there will be a number of perfectly reasonable explanations for this, including Labor saved policy. I have asked for an inquiry to be held and where there are any loopholes you can be sure that I will be looking to close them. Senator Wong, you were not here during the Skase chase, but one of my greatest motivations is to make sure that rich people do not get lesser treatment under the law than anyone else. I am just the person to pursue these people. (Time expired)

Electoral Roll: Integrity

Senator MASON (2.54 p.m.)—My question is directed to the Special Minister of State, Senator Abetz. Will the minister inform the Senate of measures taken by the Howard government to ensure the integrity of the Australian electoral roll? Is the minister aware of any alternative approaches?

Senator ABETZ—As Senator Mason knows, the Howard government has actively pursued legislation and regulations to improve the reliability and security of the Australian electoral roll. We have even tried to introduce the very sensible measure of doing what every video shop has been doing for the last 20 years, and have asked people, when they enrol, to show some proof of identity.

Sadly, there are alternative approaches to the government’s policy of ensuring the reliability and security of the electoral roll. Those opposite have opposed repeated attempts to prevent rorting of the electoral roll, and the newspapers once again confirm why Labor protects electoral roll roters. Just this Saturday, I opened the Weekend Australian to read an article headed ‘Labor roter back in the fold’. And which roter might that be?

None other than the disgraced former Queensland Labor MP and electoral roll roter, Mike Kaiser, the new deputy director of national Labor. And who is supporting Mr Kaiser’s return to the fold? None other than Mr Crean’s favourite pollster, Eric Roozen-daal. Mr Crean is reported as saying, ‘We are delighted with this appointment.’ What of Mr Kaiser’s former boss, Queensland Premier Peter Beattie? On election night 2001 a journalist asked Mr Beattie: ‘Were you too hard on Mike Kaiser?’ Premier Beattie’s reply was as follows:

Look, I know that there will be some people who will say that. But when it comes to matters of principle, when it comes to matters relating to the integrity of the electoral system, then I have to be clear. I was clear, I will be clear and my view about that will not change.

Not change indeed, Mr President! In a Sunday Mail interview just yesterday, this is what Mr Beattie said:

Mike Kaiser is one of the most gifted campaigners this party has ever produced. Also the best roter, might I add. He continued:

I can understand why the federal Labor Party would want him.

So what does Mr Kaiser have planned for the electoral roll this time? This is the man who confessed to committing electoral fraud by signing a false declaration to benefit Labor, and whose greatest distress was felt when he temporarily lost his Labor Party membership. Interviewed this morning on ABC Radio, Mr Kaiser showed no remorse for his actions, only regret at having been caught.

Whether it is ripping off the taxpayer through the $36 million Centenary House rort or avoiding the donation disclosure rules through the Bolkus rafflegate or Markson Sparks, or roting the electoral roll, there is no depth too low for Mr Crean and Labor. Senator Brandis was right when he said that Peter Beattie vowed to drive the roters out
of the party and that Mr Crean has put them in charge. Labor opposed improving the security and integrity of the electoral roll for one reason only—that is, to protect their rorters. But let us give the final word to the Labor Party membership. The vice-president, Julie Bignall, says that calls to forgive and forget Mr Kaiser’s rorting are ‘simply inappropriate’. She continued:

Allowing Mike Kaiser back into the party would be a slap in the face for the vast majority of members who follow the rules and detest the rorting perpetrated by a handful of ex-members. Party members involved in rorting should be kicked out and they should stay out.

Mr President, we on this side agree, and Mr Crean should agree with it as well. (Time expired)

Senator MASON—Mr President, I ask a supplementary question. I was wondering whether the minister could further elaborate on alternative approaches to ensure the integrity of the electoral roll.

Senator ABETZ—It makes it very difficult for this government when those who portray themselves as the alternative government of this nation oppose electoral reform to kick out electoral rorters at every possible turn. We now know why—because electoral rorters seem to earn their stripes by having to resign and then being appointed as the assistant national director of the Australian Labor Party. The stewardship that Mr Crean shows of his own Labor Party is the sort of stewardship that he would show of this nation. If he is willing to appoint Mike Kaiser to the ALP national secretariat it beggars belief who he would appoint to the High Court or the Australian Electoral Commission if he was in government.

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Health Insurance: Mental Illness

Senator PATTERSON (Victoria—Minister for Health and Ageing) (3.00 p.m.)—Last week in question time Senator Marshall asked me a question on private health insurance. I have a brief answer. Under the National Health Act 1953 there is no basis for funds to reject applications for membership having regard to a person’s health status. If the senator can provide details of funds that are purporting to reject applications from people with mental illness, I will instruct my department to raise the matter with the funds.

I note that all people joining a health fund, or upgrading to a higher table of benefits, may be subject to waiting periods of 12 months for pre-existing ailments, illnesses or conditions. The pre-existing ailment rule is intended to protect members of health funds from people joining health insurance once they become sick and claiming benefits for immediate treatment. However, under the National Health Act, funds can only restrict benefits for pre-existing ailments for 12 months after a person joins a fund or transfers to a higher level of cover. After that they are eligible to receive benefits on the same basis as all other members.

In 2000-01 some 100,000 of a total 275,000 hospital separations for mental illness were in the private sector. It is true that most patients compulsorily admitted are treated in the public sector, as many private hospitals do not have the required facilities. However, seven per cent of separations for compulsorily admitted patients in 2000-01 were from private hospitals. I note that the state and territory governments are responsible for the provision and regulation of mental health services in their respective jurisdictions. States and territories are responsible
via their own legislation for determining the requirements that hospitals must achieve, whether public or private, before patients can be compulsorily admitted.

Immigration: Sex Industry

Senator ELLISON (Western Australia—Minister for Justice and Customs) (3.02 p.m.)—Last Thursday I was asked a question by Senator Crossin in relation to an investigation involving two Thai women. I undertook to get back to the Senate with any further information that I could divulge in relation to the investigation. I can say that the AFP Bangkok office has advised that one of the victims has been located. She was unwilling to return to Australia to give evidence or assist further in the matter. Unsuccessful attempts have been made to contact the other victim in Thailand. Evidence of the alleged sexual assaults, which Senator Crossin mentioned, would have formed part of the overall allegation of any charges of sexual servitude considered by the Australian Federal Police. This is worth while remembering when you consider Senator Crossin’s other question about why this was not referred to the New South Wales Police. I can also say that these allegations were not referred to the New South Wales Police by the Australian Federal Police as the two victims had departed Australia voluntarily prior to the matter being referred in November 2002.

ANSWERS TO QUESTIONS ON NOTICE

Question No. 1584

Senator ELLISON (Western Australia—Minister for Justice and Customs) (3.03 p.m.)—Senator Carr asked the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice on 26 June 2003, a question relating to education agents. The answer will appear in Hansard.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Indigenous Affairs: Education

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (3.03 p.m.)—On 14 August, Senator Ridgeway asked me a question without notice regarding year 12 retention rates for Indigenous students. I undertook to provide additional information. I seek leave to incorporate the response in Hansard.

Leave granted.

The answer read as follows—

The Minister for Education, Science and Training has provided the following additional information in relation to the question asked by Senator Ridgeway.

In 2002, the apparent retention rate to Year 12 for Indigenous students was 38.0% compared with 76.3% for their non-Indigenous counterparts. Apparent retention rates for Indigenous students have been improving gradually over time. Year 12 apparent retention rates for Indigenous students were 29.1% in 1996 compared to 38% in 2002.

Indigenous students currently represent 1.2% of Australian domestic higher education students. In 2002, there were 8,871 Indigenous students in higher education, an increase of 2.4% over 2001.

Apparent retention rates of Indigenous students, Australia (%)  

<table>
<thead>
<tr>
<th>Year</th>
<th>1999</th>
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<tr>
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<td>82.0</td>
<td>83.0</td>
<td>85.7</td>
<td>86.4</td>
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<tr>
<td>Year 10</td>
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<td>Year 7/8 -</td>
<td>34.7</td>
<td>36.4</td>
<td>35.7</td>
<td>38.0</td>
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Source: DEST derived from the National Schools Statistics Collection 1999-2002

Indigenous students currently represent 1.2% of Australian domestic higher education students. In 2002, there were 8,871 Indigenous students in higher education, an increase of 2.4% over 2001.
August, Senator Ridgeway asked me a supplementary question without notice regarding government funding for university preparatory programs for Indigenous students at the University of New South Wales. I undertook to provide additional information and I seek leave to incorporate the response in Hansard.

Leave granted.

*The answer read as follows—*
The Minister for Education, Science and Training has provided the following additional information in relation to the question asked by Senator Ridgeway.

ABSTUDY Away-from-base funding was previously approved by Centrelink for the travel and accommodation for students to undertake pre-law and pre-commerce and economics short preparation courses. Centrelink received an application for 2003 and advised the University that it did not meet the guidelines for an away-from-base activity.

The University was further advised that students may be eligible for assistance with fares and the ABSTUDY Living Allowance and Rent Assistance for the duration of the course.

The Engineering Summer School was not funded by ABSTUDY. It was previously funded under the Vocational and Educational Guidance for Aboriginals Scheme (VEGAS).

However, the application from the University for the 2003 Indigenous Australian Engineering Summer School was for retrospective approval in February 2003 for an event which occurred in January 2003 and as such was not be supported.

**Education: Report**

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (3.04 p.m.)—On 13 August, Senator Carr asked me a question without notice regarding payments to Ray Adams and Associates for formatting, indexing and other preparations for the national report. I undertook to provide additional information. I seek leave to incorporate the response in Hansard.

Leave granted.

*The answer read as follows—*
The Minister for Education, Science and Training has provided the following additional information in relation to the question asked by Senator Carr.

**Question:**
Can the minister now confirm that two briefs were prepared by DEST for and addressed to Minister Nelson on the completed national report prior to Easter 2002? On what dates were these briefs actually provided to the minister or his office?

**Answer:**
There is no record on any DEST system, or recollection among senior DEST staff, that any briefs were provided to Minister Nelson on the National Report other than that provided on 23 July 2003.

**Education: Report**

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (3.04 p.m.)—On 13 August, Senator Carr asked me a question without notice regarding the preparation of briefs to Minister Nelson on the national report prior to Easter 2002. I undertook to provide additional information and I seek leave to incorporate the response in Hansard.

Leave granted.

*The answer read as follows—*
The Minister for Education, Science and Training has provided the following additional information in relation to the question asked by Senator Carr.

**Question:**
Did the department commission Ray Adams and Associates for formatting, indexing and other preparations for the national report? Were they paid $6,000 for the work? Was their consultancy in fact completed in April 2002? In light of this, does the government stand by the claim that editing of this work actually began in April 2002?

**Answer:**
DEST commissioned Ray Adam and Associates to undertake grammatical and stylistic editing of chapters of the national report. DEST paid Ray
Adam and Associates $6,000 for this work. The consultancy was completed in May 2002.
Professional editing in preparation for publication began around April 2002, including formatting and indexing, and was undertaken or managed by the DEST in-house printing service, JS McMillan.

Education: Report

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (3.04 p.m.)—On 13 August, Senator Carr asked me a question without notice regarding the reporting of consultancy payments for the national reports in last year’s departmental annual report. I undertook to provide additional information. I seek leave to incorporate the response in Hansard.

Leave granted.

The answer read as follows—

The Minister for Education, Science and Training has provided the following additional information in relation to the question asked by Senator Carr.

Question:

Has the Minister established who in the Department was responsible for failing to report the $62,000 of consultancies for the National report in last year’s Departmental Annual Report? I refer to the Minister’s admission that there was a ‘misclassification’ of a $22,000 consultancy from Emeritus Professor Grant Harman. What action has been taken to establish who was responsible for the error? Was the failure to report accurate records about these consultancies part of a plan to hide this research from the parliament and the public?

Answer:

No one in the Department was responsible for failing to report the $62,000. As these activities were originally classified as Funding Contracts, PM&C Annual Reporting requirements did not apply.

In response to Senator Carr’s enquiry about the misclassification on 4 June 2003 at the Senate Estimates Committee Hearings (EWRE page 353), the Chief Lawyer replied “... There is nothing untoward about it. We have made it plain that it was incorrectly classified. It is sometimes difficult to work out whether we are purchasing something or actually giving funds to an organisation to do something, and people do get confused...”

As noted in the Department’s response to QoN 1304 asked by Senator Carr on the 19 March 2003, this misclassification has been noted and will be rectified for any future reporting.

ANSWERS TO QUESTIONS ON NOTICE

Questions Nos 1584 and 1585

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (3.05 p.m.)—On 14 August, Senator Carr requested an explanation from me in my capacity as the Minister representing the Minister for Education, Science and Training as to why answers had not been provided to questions on notice No. 1584 and No. 1585, for which notice was given on 26 June 2003. Question No. 1584 was a question for the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs, and I understand that Senator Ellison has tabled an answer to that question today. I can further advise Senator Carr that the answer to question No. 1585 was sent to the Senate Table Office by the Department of Education, Science and Training on Thursday, 14 August.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS

Answers to Questions

Senator WEBBER (Western Australia) (3.05 p.m.)—I move:

That the Senate take note of the answers given by the Minister for Health and Ageing (Senator Patterson) to questions without notice asked today relating to health.

I specifically wanted to tackle the issue of the non-attendance of the Minister for Health and Ageing at the national health summit this past weekend. The minister is quoted in the
Canberra Times on Saturday, 16 August as saying:

I am concerned that the summit is in danger of being hijacked by NSW for its own interests.

How outrageous and reprehensible a proposition it is that someone could seek to attend a national health summit and put forward their own case and speak in their own interests! Isn’t that what a summit is meant to be all about? Isn’t that the way summits are meant to work? Did the minister perhaps think that New South Wales should put forward the Commonwealth’s position? Given that the minister did not attend then it may be right that the Australian people could be forgiven for thinking that New South Wales would put forward the Commonwealth’s position.

The language the minister chooses to use also tells us about her frame of mind when tackling this issue. The minister uses some nice descriptive words about those attending the summit—words such as ‘hijacked’. There is nothing like resorting to the language of fear and personal attack when you are trying to get your message across! What an insult to the many organisations, professions and individuals and the states and territories that attended the national health summit. Here we have a minister saying that because New South Wales is going to advocate a position it is hijacking the summit. Everyone else who wants to attend the summit is therefore, by assumption, just there to behave in a craven way to the interests of New South Wales. I know that the New South Wales minister for health and, indeed, the Premier of New South Wales are very strong advocates for their state and the interests of the people of their state, but I did not realise they were capable of hijacking the entire national health summit.

Perhaps, though, what this really shows is the abject failure of leadership this minister is offering to the health industry throughout this country. Essentially, she is saying that unless she gets her own way she will not engage in any discussion with anyone else on any other issue. Unless you sign up to her one offer you cannot discuss any other reform agenda within the health industry. Basically, it is the good old-fashioned ‘sign or reject’ scenario. You cannot debate the future delivery of health care services or debate a more collaborative approach until you fundamentally accept her offer. She will not even have a reasonable debate with the other ministers for health about ways of modifying or changing her offer. Instead, all of a sudden we have the position being put that she is the one who has made the big increase in health funding and no-one else has ever made any.

I do not know about the other states but in my state of Western Australia the state government delivered a nine per cent increase in health funding in this budget, and in the previous year there was a six per cent increase in health funding. That is a fairly good indication that there are going to be continued real increases in health funding in Western Australia. I accept that a lot of those increases had to recover from the complete sham and debacle under the Court government’s delivery of health services so there is a lot of catch-up to take place, but they are significant real increases in health funding. Western Australia, like most other states, publish these great things called forward estimates, where they actually outline their future plans for health expenditure. Apparently, that is just far too hard for the minister for health.

The minister for health has suddenly discovered the reform agenda that state and territory ministers for health have been trying to get her to talk about for some time. But she only wants to talk about reform on her terms—and that is after you have locked yourself into a funding model and a reform agenda that I do not think is actually going to
deal with things like the decline in bulk-billing. My colleague Senator Forshaw referred in question time today to figures that have shown the decline in bulk-billing in rural New South Wales. Those figures also show that people in towns where GPs do not bulk-bill use emergency departments 60 per cent more often than those in towns where doctors do bulk-bill. So unless the government does something about fixing this fundamental problem about the lack of access to bulk-billing services, it is just cost shifting onto the states. It will send all those people to the A and E departments, lock us into a funding model and then perhaps it might talk about reform if we are lucky. Then there is the question of access to GPs throughout Western Australia. The minister, in talking about her reform agenda, does not actually want to go to the heart of how the reform agenda is failing. (Time expired)

Senator Barnett (Tasmania) (3.11 p.m.)—I am so pleased to be standing here to discuss and debate health with the Labor opposition, in particular to debate Senator Webber’s comment at the end of her speech about access to GPs. This is the key: access to adequate health care. There have been a lot of smoke and mirrors and a lot of misleading and deceptive statements in the media by the Labor Party with respect to health. Let us get a few facts on the table and make a few of these things clear. The first is about the Minister for Health and Ageing, Senator Kay Patterson, and her willingness to attend health ministerial meetings. She has attended every— I repeat, every—scheduled ministerial health meeting. She does not attend events that are set up for political purposes. That is really the point. She does not particularly support the summit that has been referred to today in question time when she knows she is going to be set up and browbeaten. She does support summits that are debating these important reform issues in the health arena, and she is more than willing to participate in those. She has participated in my state of Tasmania and, I know, throughout Australia in terms of the key stakeholder groups. But she wants the clean air of a post-Australian health care agreement, and not to be browbeaten and used as a political pawn in this whole debate.

Let us focus on this health care agreement and what has been proposed. This is a historic offer, unprecedented in Australian political history: a $42 billion offer that is a $10 million increase on the amount in the previous five years. Those are the facts; they are on the table. If you believed what you read from the Labor Party in the media you would think there are actually funding cuts. What nonsense! What absolutely outrageous misinformation, deception and misleading comments. There is going to be a 17 per cent increase in real terms. We are talking about a 30 to 40 per cent increase.

In my state of Tasmania we are talking about a $220 million increase on $700 million—it is going to increase to $920 million over the next five years. What does that mean for Tasmania and Tasmanians? It is no good just having point scoring and political debate unless you look at what the impact is on the people. I will tell you. We have a waiting list for surgery in Tasmania of over 6,000 people. I know what will happen to that waiting list if they take up the offer: it will go down. Two things have to happen. First, they have to sign up to the offer and the agreement. Secondly, the waiting list will go down and waiting times will also go down. But the key issue here is whether Labor are going to hold good and support the 30 per cent health insurance rebate. The question for those on the other side of the chamber is: will they? I seek an interjection—in fact, I would welcome it—saying, ‘Yes, we will support the 30 per cent private health insurance rebate.’ By their silence I
suggest that is not the case. That is because their counterparts in the state Labor governments—certainly in Tasmania, in the ACT and, as far as I am aware, in the other states—have said, ‘No, we want to reallocate those funds elsewhere.’ That means abolishing the 30 per cent health insurance rebate. That means 44 per cent of the Australian population, and in Tasmania that means 208,000 Tasmanians, will be detrimentally affected and will have to pay an extra $750 per family and lose that 30 per cent rebate.

It also means that waiting lists in the public hospital system will blow out. People will move out of private health insurance and into the public hospital system. That is going to be very damaging and hurtful. You will see the waiting times blow out and the waiting lists lengthen immeasurably. This will be the impact of Labor policy. We have a great health system in Australia. I am not saying it is perfect—we can always improve—but we have a mix of private and public that works well. I call upon the Labor opposition to reconsider their position with respect to the 30 per cent rebate. With respect to getting GPs into rural and regional areas, we have a host of policies to try to make that happen and we seek the support of the Labor opposition. We have the runs on the board in terms of an 11 per cent increase in getting GPs into those areas in the last few years. That has increased under us. It went down under Labor. We have the runs on the board and we have further policies and reforms to make things even better. (Time expired)

Senator MOORE (Queensland) (3.16 p.m.)—I also rise to take note of answers given by Senator Patterson this afternoon in the ongoing discussion about what is going on in health in our community. The Minister for Health and Ageing, backed up very strongly by her colleagues, said that she preferred to talk ‘in the calm air’ about the issues to do with health reform. We are now together in the calm air and we have been informed that the minister ‘does not wish to take part in any organisation, information or meeting that is purely a stunt’—only a stunt, manipulated by the ALP, about health issues. I would hope that people would agree. But this is certainly not a stunt; we are sharing information about health.

We need to know what actually constitutes a stunt according to the minister. It seems to us that perhaps anything that does not agree with the minister, does not accept the ministerial policy or is not humbly grateful for the government’s options is automatically a stunt. Minister Patterson, we do not agree that a stunt is correspondence from current GPs working in remote and regional parts of the community who have been forced over the last six or seven years to seriously reconsider their options for providing health care to their communities and have had to face the decision to stop bulk-billing—not a choice they wanted to make but one that has been forced upon them. That is not a stunt; that is a decision forced upon them by policies of the current government.

You cannot always say, as the minister frequently does in this place, that every ill to do with the medical system in this country can be immediately traced back to what happened under previous governments. It is too late to use that excuse all the time, particularly as we heard today in answers that we can create a large number of doctors overnight—or perhaps within three months. Hopefully that process can continue.

It is not a stunt when you listen to people who work in the community such as those we have heard from through the Senate Standing Committee on Community Affairs inquiry into poverty and financial hardship, in which many senators from all sides of the house are sharing. We hear from community workers who work with families in low-
income areas who cannot access doctors. We are not talking about remote areas in this case; we are talking about areas in the immediate suburbs of Wollongong where children affected by outbreaks of scabies cannot attend school. They have been forced through poverty, lack of support in their community and no immediate access to health care to have their schooling reduced because they cannot go back into their community because they are sick. They are sick because they cannot get medical help. Not only can they not get to see a doctor; they cannot get the pharmaceutical help they need to fix their problem. That is not a stunt; that is reality.

It is not a stunt when we hear about whole communities in rural New South Wales that have had to admit, not proudly, that they have no bulk-billing doctors. As we have heard from Labor senators who know them well, these are areas that used to have bulk-billing doctors. What has happened is that, as I said earlier, doctors have had to review their practices in good faith simply because they have not been able to continue to provide that service to their community—not in 1991, 1993 or 1994 but now. That is not a stunt.

We need to understand that there has to be some calm in the process. We need to know that there has to be some trust. Minister Patterson, we agree that, as your current statement says, ‘We can do it better.’ We can do it better, but that does not automatically mean doing it your way and it does not mean imposing penalty clauses when your policies are not accepted by other people who share your concerns about providing effective medical services to the community. We can—we must—do it better, but that demands cooperation. That does not demand direction; it demands cooperation and a willingness to take part in all kinds of meetings, not just those which can be controlled by the participation and the agenda of the government. Minister, that is effective health policy and that makes sure that people across the country can be involved, not just those who share one particular view of the world. That is not a stunt; that is effective policy being implemented. (Time expired)

Senator KNOWLES (Western Australia) (3.21 p.m.)—Here we are debating the health issues again and talking about some stunt that was pulled at the weekend. It is interesting. Senator Webber asked a question about this of Senator Patterson and I—admittedly in an unparliamentary fashion—interjected and asked Senator Webber to confirm whether or not she had attended that stunt at the weekend. Her lack of response indicates to me that she did not. If she had attended something she thought was so important as to ask the minister for help about, she would have been the first to accept an interjection and say, ‘Yes, I did attend.’ But clearly Senator Webber did not attend and was prattling on about something she has had no contact with and no information about—nothing—but saying how wonderful it was. I find that pretty amazing. I cannot talk about a show unless I have seen it, so I go and see it. If Senator Webber thought this was so important, why didn’t she go? She then tried to tell everyone else that they should go. That is the squib’s way out by saying, ‘I do not want to go—I do not want to use my weekend—but you should go.’ That is absolutely preposterous.

The minister is saying to the states that we have Medicare agreements for the expenditure of public funds and part of that comes from the Commonwealth government. We have to say that over recent years much of the money that has gone from the Commonwealth to the states has gone into the states’ Bermuda Triangle, never to be seen or accounted for again. With this agreement the minister has gone to the states and said, ‘Be-
cause money has disappeared with no apparent accountability in previous agreements, for this agreement I want accountability; I want to see how it’s going to be spent.’ Under the new agreement the states will have to recommit to the Medicare principles, and specifically the availability of free public hospital treatment for all Australians who seek it, and will have to publicly commit to a specified level of funding for each year of the next agreement. Guess what? They will not do it. Why won’t the states simply agree to a set amount of increase per year in public funding? They only have to agree to commit to a new financial and performance reporting framework. If you were dinkum, you would not think that that would be too hard. What is wrong with asking the states to agree to a reporting framework and a financial system that is clear and transparent to all who put in the money—that is, the taxpayers? But, no, the states will not do that.

So why should Minister Patterson go off to some frolic at the weekend with a bunch of people who may be well intentioned but who are putting the cart before the horse instead of saying, ‘Let’s look at the way in which this can work once the agreements are signed’? Nothing that happened last weekend is going to change the proposal that is on the table and to which the states have to agree or not agree.

By not signing and continuing to carry on, the states look set to deprive the hospital system of over $3.6 billion over the next five years. I would say that $3.6 billion amounts to a lot of explaining that they will have to do to their constituents. I will make sure that I do my bit to have it exposed that the states are going to deprive their constituents of $3.6 billion in Commonwealth funding because they want to play politics—just because it is all Labor states against a coalition federal government. That is not acting in the best interests of their constituents, but they do not seem to care about that and never have. This is all about trying to get the Commonwealth government because it is not of their political persuasion. That is naive; it is stupid. It is not in the interests of constituents, and the state governments are the ones who will have to account for it. If they do not want to sign up for a 17 per cent increase over five years, that is their business; but they will be held accountable for it. I look forward to the day when they are held accountable and they all lose office.

Senator KIRK (South Australia) (3.26 p.m.)—I also rise to take note of answers given today in question time by the Minister for Health and Ageing, Senator Patterson, in relation to the crisis in Australia’s health system. The federal government’s attitude to health has been nothing short of appalling. It has consistently attempted to shift the buck to the states, as we have heard here today, rather than implement reforms that will genuinely improve the deep-seated problems in our health system.

We heard today in question time that, as reported in the Daily Telegraph, in at least nine towns in New South Wales it is simply not possible to visit a GP who bulk-bills. It is more than likely that the figures in rural and regional parts of the other states would reflect these figures. The Daily Telegraph reported that pensioners and general patients often pay almost twice the Medicare rebate amount to see a doctor. For these people, the decision to visit a doctor is not simply one that relates to their health; it also becomes a financial consideration. These people often have to pay up to $44 for the consultation before they can turn up and see a doctor. This is the situation in which Australia’s health system finds itself under this government.

Labor has committed to strengthening Medicare and bulk-billing, which would take
the pressure off the hospital emergency departments. We heard today that it has been shown that, in towns where doctors do not bulk-bill, emergency departments are used 60 per cent more than in towns where bulk-billing is available. The government’s proposed changes to Medicare would do nothing to stop this outrageous misallocation of resources that leaves the states with nothing short of a task for Sisyphus. The Premier of New South Wales, Bob Carr, reported yesterday that some 9,000 people went to emergency rooms in hospitals across New South Wales last year for coughs and colds, some 3,500 for ear infections and some 900 for treatment for ear wax—all of which could, and should, have been treated by general practitioners.

Senator Patterson has refused to address the correlation between bulk-billing and overflowing emergency rooms. These issues go fundamentally to the quality of health care Australians are able to access. What we need is an approach from the Minister for Health and Ageing that will address the problems of the health care system—the 60,000-odd Australians who have dropped out of the government’s so-called solution to private health cover which has done nothing to stop overflowing emergency rooms and help towns where bulk-billing has disappeared altogether. The government has its priorities fundamentally wrong. The federal government is effectively blackmailing the states into signing the Australian health care agreement by the end of the month. The actual agreement would mean a cut of the order of $75 million over five years to public hospitals in South Australia and would deny public hospital treatment to some 35,000 South Australians—my constituents.

Senator Patterson is even refusing, as we heard today, to sit down and discuss the stalemate at the next Council of Australian Governments meeting in Canberra, due at the end of this month. In addition, in my state of South Australia Trish Worth, federal member for Adelaide and the Parliamentary Secretary to the Minister for Health and Ageing, last month had the nerve to send a letter to her constituents asking them to make appeals to the state Premier, Mike Rann, to sign the Australian health care agreement. She also had the nerve to imply that the South Australian Minister for Health, Lea Stevens, would welcome pressure on the South Australian state government to sign the fundamentally flawed Australian health care agreement.

The minister’s parliamentary secretary did not once mention the need for reform of the system nor the minister’s continued refusal to meet with the states or her complete lack of interest in attending the Australian health care summit, a gathering over the weekend of some 200 health professionals from across Australia. This was not a stunt; it was a serious meeting of people who are concerned about the crisis in Australia’s health system. Senator Patterson’s non-attendance at the weekend summit shows her complete lack of concern for the urgent need for reform of Australia’s health care system. What better opportunity to show a genuine commitment to sorting out the health system—a genuine commitment that will simply never be given by the present government.

Senator ALLISON (Victoria) (3.32 p.m.)—I also take note of the answers given by the Minister for Health and Ageing, both to the ALP and to us. I think that in this case the minister is being extraordinarily hypocritical—not only that, but she may actually be threatened by serious debate about policy. In an attempt to belittle what is a very serious debate at this time, the minister chooses to describe it as naïve and politically motivated—Senator Knowles added to that and called the meeting at the weekend a ‘frolic’. The reason we have a serious debate going on outside this place is that we do not see a
great deal of it from this government. This government seems to think it has all the answers. What does it do? It puts a Medicare package on the table. Who says it is a good solution? Nobody: not a single body, except maybe the private health insurance groups. Not a single other individual or group has stood up and said, ‘What a great idea. This is a fantastic package; we can buy into it.’ When it comes to policy, this government likes to do it by itself and does not like to think that anybody else may be having a discussion about it.

With regard to politicisation, if there is one sector that has politicised this debate, it is this government. Let me go to the media release that was put out by the alliance. The final paragraph says:

The harsh reality is that while both state and federal governments have expressed their strong support for a reform agenda, so far they have failed to deliver. The conference will be held in time for suggestions made to seriously examine the state premiers when they meet with the Prime Minister for the COAG meeting at the end of August 2003.

That is the political statement. It says that both the state and the federal governments have failed. If all these people are part of a great conspiracy for the Labor Party then obviously they have their wires crossed when it comes to putting out their press release, because they are not politicised—they are not interested in which party says what. What they want are outcomes. That affects all of us one way or the other. Those of us who are ill and need hospital care, those who are frail and aged who need age care and rehabilitation, those who need care in the community because of chronic illness or frailty—these are the people who want outcomes; they want policy that is based on sound advice and they are sick to death of the divisiveness and the arguments between both levels of government, for starters.

What we should be able to expect from the Minister for Health and Ageing is vision—some pulling together and leadership on how limited resources can best be spent. We want some leadership to facilitate the implementation of health strategies that health providers and policy developers accept as best practice. For Senator Knowles’ benefit: I was not able to get to the national health summit yesterday afternoon but I was there last night and I talked with a great number of people. They are extremely worried about the future of health in this country. We need leadership to facilitate the implementation of health strategies that health providers and policy developers can acknowledge as being best practice. What was said yesterday, is being said today and will be said again tomorrow is not likely to be terribly different, in terms of its generality, from papers that have been written over the past 30 years. I would also encourage Senator Knowles to look up those papers—they are on the web site; she does not need to go to what she describes as a frolic. Over and over we have heard from clinicians and researchers about the ways money is spent inefficiently and against patients’ best interests, merely because of administrative fragmentation and responsibility fragmentation.

The Senate inquiry into public hospital funding is an excellent testament to the ideas that have been generated and discussed for Australia in the recent past. If the Minister for Health and Ageing sponsored the development of options by nine working groups of health policy analysts then why isn’t the minister announcing reforms, together with the associated expenditure? Surely, it is indicative of a failure of leadership if the health minister cannot come up with solutions that improve the health outcomes of Australians. Minister, what we need are solutions. If the minister for health at a national level cannot effect change then perhaps it is
time to revisit the responsibilities of the federal health portfolio. If it is all too political, then perhaps we need a fixed formula—an independent body to provide this funding and allow the states, through block funding perhaps, to provide services. We have had enough of the rhetoric of the Commonwealth purchasing services on our behalf, and we need to move on from there. The Democrats have called for an independent arbiter in the health funding round since February this year, and I note that more recently this approach has been endorsed by the Australian Health Reform Alliance. We should proceed down that path to avoid some of this bickering and some of the accusations of politicisation. (Time expired)

Question agreed to.

NOTICES

Presentation

Senator Stott Despoja to move on the next day of sitting:

That the Senate notes that:

(a) 16 August to 24 August is National Science Week 2003;

(b) National Science Week is an annual nation-wide celebration of science, innovation and technology with the aim of inspiring curiosity, discussion and debate about science and its impact in our world;

(c) during National Science Week numerous universities, private companies, museums, galleries and research centres will offer members of the public access to their facilities and staff;

(d) National Science Week events are being held in every state and territory and will look at topics as diverse as the science of sex, drugs and rock’n’roll to that of code breaking machines and burping sheep; and

(e) as 2003 is the Year of Freshwater, this will be the focus for National Science Week 2003 and school students are encouraged to ‘investigate freshwater’ during the week.

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

That the time for the presentation of the report of the Employment, Workplace Relations and Education References Committee on the refusal of the Government to respond to the order of the Senate of 21 August 2002 for the production of documents relating to financial information concerning higher education institutions be extended to 17 September 2003.

Senator Ridgeway to move on the next day of sitting:

That the Senate—

(a) notes:

(i) the great loss suffered by the Indigenous community and the Catholic communities of New South Wales and Victoria following the death of Mrs Alice Ellen Kelly on 30 June 2003, and

(ii) that Alice was a senior custodian of the Muthi Muthhi people of south-western New South Wales and is survived by 10 children, 53 grandchildren, 109 great-grandchildren and 5 great-great grandchildren; and

(b) recognises the contributions made by Alice to the Indigenous and non-Indigenous community during her lifetime, including:

(i) the integral role in preserving the Aboriginal heritage of the Muthi Muthhi people in the Mungo National Park area,

(ii) imparting vital anthropological and archaeological knowledge of the Willandra Lakes area,

(iii) receiving the Aboriginal Woman of the Year award in 1988, and

(iv) participating on many government and non-government committees concerned with land preservation and cultural heritage, including the World Heritage Committee.

Senator Ridgeway to move on the next day of sitting:
That the Senate notes:

(a) with sadness, the death of Mr Charlie Donovan on 23 July 2003;
(b) that Charlie was a pioneer Indigenous sportsperson in athletics and in rugby league during the 1950s and 60s and played with Canterbury Bankstown, Parramatta, and South Sydney Rugby League Football Clubs; and
(c) Charlie’s love of the South Sydney Rugby League Football Club with whom he played and later worked as a volunteer gear man for many years, with the club recently rewarding him with a ‘Life Membership’ award.

Senator Ridgeway to move on the next day of sitting:

That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on forestry plantations be extended to 8 October 2003.

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 Services Reform Amendment Bill 2003 be extended to 21 August 2003.

Senator Barnett to move on the next day of sitting:

That the Senate notes:

(a) that children in Australia who have type 1 or insulin dependent diabetes face the future of long-term health and social consequences of this disease and its complications;
(b) that people with type 1 diabetes also have to inject themselves between two and five times each day, monitor their blood glucose levels (BGL) and maintain the balance between too high BGL which leads to complications and too low BGL which can lead to hypoglycaemia, in which the person can lose consciousness;
(c) the complications of type 1 diabetes which include:

(i) cardio-vascular disease such as heart disease,
(ii) kidney disease,
(iii) ulcers and limb amputation, and
(iv) retinopathy that is still the leading cause of blindness in Australians under the age of 65;
(d) that of every 100 Australians with diabetes it is estimated that:

(i) over 75 will develop heart disease,
(ii) 43 will have severe kidney disease by the time they are 50 years old,
(iii) 60 to 70 will have mild to severe forms of nervous system damage,
(iv) 24 will develop retinopathy after 5 years, almost 60 after 10 years and all 100 after 20 years, and
(v) one will have had an amputation, as a result of diabetes;
(e) type 2 diabetes is costing Australians a staggering $3 billion a year with the bill for each sufferer averaging nearly $11,000 in expenditure and benefits according to the Ausdiab Study (26 September 2002) but, on a per person basis, the cost of type 1 diabetes is higher, with people with type 1 diabetes accounting for 10 per cent of the diabetic population but 42 per of the economic burden;
(f) that Australia has one of the highest rates of type 1 diabetes in the world;
(g) the important work of the Juvenile Diabetes Research Foundation to highlight the concerns of Australians with type 1 diabetes and, specifically, the watershed event ‘Kids in the House’ held in Parliament House, Canberra, during the week beginning 17 August 2003;
(h) the outstanding work by Australian researchers to find a cure for type 1 diabetes through pancreatic islet cell transplantation;
(i) that research is essential to finding a transplant procedure that is safe and available to children with type 1 diabetes; and
the need for support from the Australian Government to establish:

(i) a national clinical islet cell transplant centre to advance islet cell transplantation, and

(ii) a research grant to attract the world’s best scientists and ensure Australia’s position at the forefront of global research.

Senator Hutchins to move on the next day of sitting:

That the following matters be referred to the Community Affairs References Committee for inquiry and report by the first sitting day of the 2004 winter session:

(a) the history of post-transfusion Hepatitis in Australia, including when Non-A, Non-B Hepatitis (Hepatitis C) was first identified as a risk to the safety of blood supplies in Australia and internationally;

(b) the understanding of Hepatitis C by blood bankers, virologists, and liver specialists during the past 3 decades, including when Hepatitis C was first identified as a virus transmissible through blood;

(c) when the first cases of post-transfusion Hepatitis C were recorded in Australia;

(d) when the Australian Red Cross and the plasma fractionator Commonwealth Serum Laboratories first become aware of infections from blood contaminated by Hepatitis C, and the actions taken by those organisations in response to those infections;

(e) the process leading to the decision by the Australian Red Cross not to implement testing (such as surrogate testing) for Hepatitis C once it became available;

(f) the likelihood that Hepatitis C infections could have been prevented by the earlier implementation of surrogate testing and donor deferral;

(g) the implications for Australia of the recent criminal charges against the Canadian Red Cross for not implementing surrogate testing for Hepatitis C in the 1980s;

(h) the Commonwealth’s involvement in the provision of compensation to victims of transfused Hepatitis C, including the use of confidentiality clauses in those compensation payments;

(i) the high infection rate of Hepatitis C for people suffering from haemophilia;

(k) the extent to which Australia has been self-sufficient in blood stocks in the past 3 decades;

(l) the implication for Australia of the world’s most extensive blood inquiry, Canada’s Royal Commission (the Krever Report);

Senator Mackay to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) the Special Minister of State (Senator Abetz) has launched a petition in Tasmania calling on the Australian Broadcasting Corporation (ABC) to overturn its decision to cancel the program Behind the News, and

(ii) this decision by the ABC was taken in response to insufficient funding to allow the ABC to deliver its full range of services; and

(b) given the Government’s direct responsibility for the lack of funding, calls on Senator Abetz to more usefully use his
ministerial influence to lobby his colleagues, the Minister for Communications, Information Technology and the Arts (Senator Alston) and the Prime Minister (Mr Howard), to provide sufficient funding to the ABC to allow the show to be continued.

**BUSINESS**

**Rearrangement**

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (3.38 p.m.)—I move:

That general business notice of motion no. 525 (relating to the proposed amalgamation of parliamentary departments) be considered before the resumption of government business orders of the day today.

Senator BROWN (Tasmania) (3.38 p.m.)—by leave—Could the Manager of Government Business tell us why this motion is being brought on in this manner—that is, for discussion on the same day? It would have been at least polite to have given us warning that it was coming on the next day or a day later in the week. I am ready and able to debate the matter, but it is an important debate. It has been on the Notice Paper. I am wondering why it has been brought on for today.

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (3.39 p.m.)—by leave—I am at a bit of a loss in that I was not present in the Senate on Thursday. Apparently there were some discussions between parties—I presume at whips’ meetings on Wednesday, if not Thursday—and there was an agreement that it be postponed until today. The motion that is now before the Senate is to postpone it until a little later today. As I understood it, everyone at the whips’ meeting indicated that they were happy for it to be dealt with today. So it is news to me that someone has a problem with it.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (3.40 p.m.)—by leave—Mr President, you would be aware that late last week I approached you on behalf of the opposition and requested that this matter not be debated on Thursday of last week but be postponed to this week. I understood that there had been communicated to me a similar sentiment on your part also, Senator Brown, that this matter be deferred for debate until this sitting week. Mr President, I was grateful that, having received that approach from the opposition, you quickly acted to ensure that the matter did not come on for debate on Thursday, and as I understand it your office was involved in communicating that to parties and senators in the chamber.

This is not a straightforward matter. It was dealt with by the House of Representatives at the end of the last sitting week, as Senator Brown and other honourable senators may be aware. But it seemed sensible in the circumstances, given the broad sentiment around the chamber, that we ought to deal with it now. I hope my having provided that information might assist the chamber. It is possibly easier for me to provide it to the chamber, Mr President, than for you to do so.

The PRESIDENT—Thank you, Senator. Question agreed to.

**COMMITTEES**

**Environment, Communications, Information Technology and the Arts Legislation Committee**

**Extension of Time**

Senator FERRIS (South Australia) (3.42 p.m.)—by leave—At the request of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee, Senator Eggleston, I move:

That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts Legislation Com-
mittee on the provisions of the Postal Services Legislation Amendment Bill 2003 be extended to 19 August 2003.

Question agreed to.

Economics Legislation Committee

Meeting

Senator FERRIS (South Australia) (3.42 p.m.)—by leave—At the request of the Chair of the Economics Legislation Committee, Senator Brandis, I move:

That:

(1) the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 5 pm, to take evidence for the committee’s inquiry into the provisions of the ACIS Administration Amendment Bill 2003 and a related bill; and

(2) the Economics Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 19 August 2003, from 3 pm to 3.30 pm.

Question agreed to.

NOTICES

Postponement

Items of business were postponed as follows:

General business notice of motion no. 530 standing in the name of Senator Cherry for today, relating to compensation for Indigenous workers in Queensland, postponed till 20 August 2003.

Postponement notification announced:

Business of the Senate notice of motion no. 1 standing in the name of Senator Brown for 19 August 2003, relating to the disallowance of Amendment 41 of the national Capital Plan (Gungahlin Drive Extension), to be postponed till 4 November 2003.

Senator HUMPHRIES (Australian Capital Territory) (3.44 p.m.)—Pursuant to standing order 67, I request that the question for

the postponement of business of the Senate notice of motion No. 1 be put.

Senator BROWN (Tasmania) (3.44 p.m.)—by leave—I inform Senator Humphries that there have been a number of postponements for this disallowance motion. This is the last one that I will be seeking. I assure him that I will be bringing it forward on the dates specified if this postponement is agreed to. Otherwise I would take the matter to a vote.

Senator HUMPHRIES (Australian Capital Territory) (3.44 p.m.)—by leave—I am quite happy to consider accommodating senators who have a need for postponement for certain reasons. I do not know what Senator Brown’s reasons are for this postponement. I do know that I took the opportunity in about May of this year to ring Senator Brown after an earlier postponement and ask him about the reasons or the timing of his intention to bring this matter on for debate. Senator Brown advised me then that it would be brought on for debate in the last two sitting weeks in June. I accepted that assurance on his behalf, but I note that subsequently the matter was not debated in that period but postponed until this period of sitting.

Senator Brown is aware of my interest in the matter. It is a matter that affects the people of the ACT very directly and very pertinently, given the importance of the route proposed for the Gungahlin Drive extension. I think that postponement and delay are acceptable to a point, but I think that point has been reached and passed. I believe that in this sitting period the matter should be dealt with and, for that reason, I urge the Senate not to support the postponement of the matter.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (3.46 p.m.)—by leave—I think there is some good sense in what Senator Humphries
has said, but I also accept the general approach to postponements that works cooperatively around the chamber. My expectation is that this matter will come on tomorrow. I think the original postponement was effective as of tomorrow—I can be corrected if I am wrong about that—but Senator Brown has given notification of a further postponement and that is the issue which should be before the chamber today.

It seems to me that the sensible thing to do here, without wasting an inordinate amount of time, is for Senator Brown, if it were able to be done by leave, to withdraw the notification of this current postponement. This would mean effectively that a question for postponement will come back before the chamber tomorrow. You can correct me if I am wrong, Mr President, and no doubt you will quickly do so, but I think my understanding is correct. I know that Senator Lundy, as well as Senator Humphries and Senator Brown, has an interest in this and there may be a way that it can be worked through to see agreement being reached. Hence, the delay may well only be 24 hours, which is probably acceptable.

I think the general point made by Senator Humphries has substance and I think the chamber needs to take account of that. But surely, without getting into a long drawn out, knockdown debate about this now, the sensible way would be for Senator Brown to agree to withdraw the notification before the chair and see if it can be worked through to agreement to bring on the debate at the earliest possible opportunity. If it cannot be agreed, obviously we can go to determining the matter substantively tomorrow. That is my suggestion to the chamber through you, Mr President, which I think might be a sensible way of dealing with this. At worst, it is only delaying this matter for final determination tomorrow as opposed to today, but it may be able to be agreed upon amongst senators in the chamber. If it finds favour with the government as well, it seems to be a sensible way through in this circumstance. We are expecting the postponement to come before us tomorrow anyway. Senator Brown’s notification has brought forward the matter to today that we were expecting to deal with tomorrow. If that is withdrawn, we can deal with the matter, as I understand it, and there would be the substantive question of dealing with that tomorrow. With a bit of luck and a little bit of goodwill, perhaps we can work that through in a cooperative way.

The PRESIDENT—Senator Faulkner, if Senator Brown were to withdraw, by leave, his notification today, he would then be able to put a motion for postponement tomorrow. The situation is that if the notification is withdrawn the matter will come up tomorrow; if it is not withdrawn it will come up in November.

Senator FAULKNER—With due respect, Mr President, you have put quite succinctly what I was putting not so succinctly.

Senator BROWN (Tasmania) (3.50 p.m.)—In the spirit of what Senator Faulkner has been so sensibly putting forward, I seek leave to withdraw the notification, and we will see what happens in the next 24 hours.

Leave granted.

CHILDREN: DOMESTIC VIOLENCE

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (3.51 p.m.)—At the request of Senator Stott Despoja, I move:

That the Senate—

(a) notes that:

(i) the impact on children who witness domestic violence is consistent with symptoms of Traumatic Stress Disorder,

(ii) the effects of domestic violence on mothers and their children are regarded
as so debilitating that some form of separation from the perpetrator must occur, and

(iii) both the Family Law Council (2002) report titled, Family Law and Child Protection, and the Family Court’s Magellan Project have recognised that children who are subject to serious abuse are not protected in the current Family Court system from continuing abuse; and

(b) urges the Government to:

(i) give urgent consideration to amending the Family Law Act 1975 to ensure that child safety is prioritised, including by giving consideration to requiring judges to prioritise child safety when determining the child’s best interests as the first condition of meeting those interests,

(ii) establish a Federal Child Protection Service for the family law system, as recommended by the Family Law Council’s 2002 report, in order to perform the function of investigating child abuse concerns and provide information arising from such investigations to courts exercising jurisdiction under the Act,

(iii) increase funding to develop cooperation between state and territory child protection authorities in order to provide the level of investigation and reporting required to improve current child protection services, and

(iv) improve the current lack of coordination between state and territory authorities and courts exercising jurisdiction under the Act.

Question agreed to.

DOCUMENTS

Work of Committees

The PRESIDENT—I present Work of Committees for the period 1 January to 30 June 2003 and consolidated statistics for 1 July 2002 to 30 June 2003.

Ordered that the report be printed.

Environment: Carbon Dioxide Emissions

The PRESIDENT—I present a letter from the Premier of New South Wales, Mr Carr, responding to a resolution of the Senate of 24 June 2003, relating to carbon dioxide emissions.

Tail Docking of Dogs

The PRESIDENT—I present a letter from the Minister for Agriculture, Fisheries and Forestry, Mr Truss, responding to a resolution of the Senate of 26 June 2003, concerning tail docking of dogs.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (3.53 p.m.)—by leave—I move:

That the Senate take note of the document.

The motion, which I moved, was passed by the Senate on 26 June and was supported by the Senate, which called on the federal Minister for Agriculture, Fisheries and Forestry, Mr Truss, to obtain consensus at the 30 June meeting of the Primary Industries Ministerial Council on the implementation of a national ban on the tail docking of dogs for cosmetic purposes. In effect, the minister’s response has completely ignored that resolution. He is simply saying that responsibility for the issue rests with the states and territories and each jurisdiction of the states and territories has agreed to confirm its position on a ban out of session from the PIMC meeting in April.

That agreement by the jurisdictions was not met by the state of New South Wales; it did not confirm its position out of session and it did not confirm its position at the 30 June meeting. It is incorrect for the minister to say that this rests with the states and territories. He is a member of the Primary Industries Ministerial Council and he is quite certainly able to work to obtain consensus. He has basically ignored the complete thrust of the Senate resolution, which is urging him...
to act to generate a consensus rather than to simply say it is a matter for the states and territories and they have not got their act together yet. That is the whole point of having national leadership on an issue.

It is my concern that the Senate’s will and indeed the Senate’s call to the minister have been ignored completely in the response that he has provided. It is not the most pressing issue on the planet, I must confess, and it is not even the most pressing animal welfare issue; nonetheless, it is a straightforward issue. It should be straightforward. The Primary Industries Ministerial Council has repeatedly indicated, since last year, that a national position on banning tail docking was imminent. At the April 2003 meeting, it reiterated its commitment to ending tail docking of dogs but, once again, failed to reach consensus. Instead it indicated that it would sort that out on 30 June but, once again, there was no consensus reached.

It appears quite clear that the New South Wales government, for whatever reason, is dragging its heels on this issue. A number of state and territory governments have gone forward—the ACT government has in particular and I congratulate it on doing so. The Queensland government has put in place similar regulations to be automatically enacted in October 2003, so there are some good actions there by those Labor governments. But, unfortunately, the Labor government in New South Wales is continuing to refuse to provide a clear position.

This is a clear example of why we do need a more clear-cut national approach and oversight of animal welfare issues. If this rather minor animal welfare issue cannot be dealt with effectively by the Primary Industries Ministerial Council, then it highlights once again why we need the ability for a national approach to be put in place. At the moment we have a circumstance where most states will not go forward unless everybody agrees, and that is the case with every state as I understand it. They support the implementation of this ban but they do not want to do it unless every state and territory agrees. New South Wales, unfortunately, is not agreeing for whatever reason. That is not just a poor reflection on New South Wales but a poor reflection on the paucity of the whole approach to animal welfare in Australia where, unless you can get universal agreement, nothing happens.

This is a very uncontroversial policy, except with a very small number of breeders. It has been advocated for many years by the Australian Veterinary Association and the RSPCA, who are very much on the moderate side of the spectrum in terms of animal welfare organisations, as well as by others who are committed to animal welfare issues. Despite all that and despite the obvious animal welfare benefits involved and the clear support of the Veterinary Association for the removal of this practice, we still have no movement forward. The federal minister has basically washed his hands of it, which again indicates why we need to get a clearer national regime for animal welfare issues. Quite frankly, the risk is there that if New South Wales continues to stall and the federal government refuses to take a position and allows them to stall, then we could have things sliding backwards very quickly and other states would then start backing out. That is something that would very much be a lost opportunity for straightforward, simple, positive change in one area of animal welfare purely because one state government refuses to commit itself and because the federal government will not play any sort of leadership role at all.

For the minister to say, as he has in his response, that the finalisation of this issue is a priority for the Primary Industries Ministerial Council simply is not borne out by the re-
cord. If it had been a priority then they would have sorted this out a long time ago. If it is a priority for the council, as the minister says, he is part of that council—I think from memory he chairs it, although I may be wrong—and he certainly can ensure that a priority means a priority and that we get resolution. I urge the minister to reflect once again on the content of the Senate resolution and do something to act in accord with it.

Question agreed to.

**ASSENT**

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

Product Stewardship (Oil) Legislation Amendment Act (No. 1) 2003

AUSTRALIAN PROTECTIVE SERVICE AMENDMENT BILL 2003

Report of Senate Legal and Constitutional Legislation Committee

Senator **FERGUSON** (South Australia) (4.00 p.m.)—On behalf of the Chair of the Legal and Constitutional Legislation Committee, Senator Payne, I present the report of the Senate Legal and Constitutional Legislation Committee on the Australian Protective Service Amendment Bill 2003, together with the Hansard record of proceedings and submissions received by the committee.

Ordered that the report be printed.

Senator **LUDWIG** (Queensland) (4.01 p.m.)—by leave—I move

That the Senate take note of the report.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

PARLIAMENTARY DEPARTMENTS: PROPOSED DEPARTMENT OF PARLIAMENTARY SERVICES

The **PRESIDENT** (4.01 p.m.)—I move:

1. That, in accordance with section 54 of the Parliamentary Service Act 1999, the Senate resolves that:

   a. the Joint House Department, Department of the Parliamentary Library and Department of the Parliamentary Reporting Staff are abolished with effect from 31 January 2004; and

   b. a new joint service department, to be called the ‘Department of Parliamentary Services’ be established from 1 February 2004 to fulfil all the functions of the former joint departments;

   c. to reinforce the independence of the Parliamentary Library by strengthening the current role of the Library committees of both Houses of Parliament;

   d. to bring forward amendments to the Parliamentary Service Act 1999 to provide for a statutory position of Parliamentary Librarian within the new joint service department and conferring on the Parliamentary Librarian direct reporting responsibilities to the Presiding Officers and to the Library committees of both Houses of Parliament;

   e. to ensure that the resources and services be provided to the Parliamentary Library in the new joint service department be specified in an annual agreement between the Departmental Secretary and the Parliamentary Librarian, approved by the Presiding Officers following consideration by the Library committees of both Houses of Parliament; and

   f. to consider, after the establishment of the joint service department, that department providing human resources and financial transaction-processing activities for all the Parliamentary...
departments, subject to such an arrangement being proven to be both cost-effective and efficient.

(2) That this resolution be transmitted to the House of Representatives.

Since 1901 the Australian parliament has had five separate and distinct departments—Senate, House of Representatives, Joint House, Parliamentary Library and Parliamentary Reporting Staff. Over the last 102 years there have been various attempts to streamline the administration.

Early last year the former President and the Speaker commissioned the Parliamentary Service Commissioner, Mr Andrew Podger, to examine the efficiency of the administration of the parliament with a view to improving the management of security at Parliament House and, in addition, the commissioner was to consider any measures which would make the administration of Parliament House more efficient and more cost effective.

Mr Podger reported on security matters in June 2002 and, as a result, the security function has been largely centralised in the Joint House Department and a Security Management Board has been permanently established, including amongst its membership the Usher of the Black Rod.

In terms of parliamentary administration, the Commissioner has recommended that the three joint departments—that is, the Joint House Department, the Department of the Parliamentary Library and the Department of the Parliamentary Reporting Staff—be merged into a single department.

He also recommended that, to preserve the independence of the Parliamentary Library, a separate position of Parliamentary Librarian be established within the joint department, with that person to have direct reporting responsibilities to the Presiding Officers and the Library committees of the Senate and the House of Representatives.

On 23 October 2002, I tabled the commissioner’s report, with an invitation to senators, parliamentary staff and other interested people to read the report and provide comments.

Separately, the Speaker and I wrote to party leaders and Independent senators and members about the report.

The Standing Committee on Appropriations and Staffing examined the report and submissions made to the Presiding Officers on it.

It reported to the Senate on 23 June 2003 and agreed, without binding any member, that the President put a motion before the Senate recommending the amalgamation of the three joint service parliamentary departments into a single department.

The Appropriations and Staffing Committee recommended that the new position of Parliamentary Librarian be a statutory office, within the new joint department, and the Speaker and I agree with that suggestion.

Section 54 of the Parliamentary Service Act 1999 provides that each House can pass a resolution to alter the structure of the joint departments, but not the chamber departments.

Honourable senators will see that the motion before the Senate provides for a starting date of 1 February 2004 for a new Department of Parliamentary Services.

The starting date is to allow preparation of financial statements; finalisation of asset registers; completion of annual reports for the abolished departments; and settling of certain staffing and administrative details, including a recruitment process for the positions of secretary of the new department and the Parliamentary Librarian.

The Speaker and I have decided that, if each chamber passes motions for amalgamating the joint departments, the position of secretary and the position of Parliamentary Li-
brarian will be advertised nationally. The appointment will be made following a report by the Parliamentary Service Commissioner in accordance with the legislation.

In his report, Mr Podger estimates a saving of around 35 positions in the joint departments. This will mean some initial cost for redundancies, but a significant saving in the longer term. Mr Podger estimates annual savings in the longer term of around $10 million per annum. The Speaker and I do not expect any forced redundancies as a result of this measure.

Duplication of secretaries, corporate, personnel and similar functions in the joint departments will cease, and there are possible future savings in additional rationalisation of chamber department corporate services, subject to those being proven to be cost effective and efficient.

I submit the motion to the will of the Senate.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (4.06 p.m.)—I move the following amendment to the motion before the chair:

After paragraph (1), insert:

"(1 A) That any savings achieved by the amalgamation may be used to offset increases in costs of security measures approved by the Presiding Officers for Parliament House, but if those increases in costs exceed those savings, the appropriations for the parliamentary departments are to be supplemented for the excess."

It is true, of course, as you said, Mr President, that there have been many attempts to amalgamate the parliamentary departments. Former Prime Minister Fisher was one such advocate of this particular course of action, so the efforts to rationalise the five parliamentary departments in fact date back as far as 1908. My own memory of this, of course, really only goes back directly to the efforts that were made during the lives of the Hawke and Keating governments to reform the structure of the parliamentary departments. I note that at the time the Liberal and National parties were strongly opposed to such a course of action, and they had the support during those debates of the Independents and the minor parties here in the Senate. One of the outcomes of the debate during the time of the previous Labor administration was that any proposal in support of amalgamations needed to come back before the chambers for endorsement, and of course that is why you, Mr President, have put that proposal to the Senate. The Senate, obviously, has to agree with any such amalgamation before it can occur.

You were right, I think, Mr President, to outline to the Senate the fact that the former President of the Senate, Senator Reid, and the Speaker commissioned Mr Podger, the Parliamentary Services Commissioner, to examine the administration of the parliament—with a view to improving the management of security here in Parliament House—and also to consider any measures that would make the administration of the parliament and of Parliament House more efficient and more cost effective. It is important to remember that the terms of reference established at the time did not contemplate Mr Podger examining the issue of the merger of parliamentary departments. But, anyway, Mr Podger went ahead and did so. I recall Senator Ray’s questioning recently of former President, Senator Reid, before an estimates committee. His questioning made this point absolutely clear. But, of course, this did not inhibit Mr Podger’s work at all. Mr Podger did it. He went ahead and examined the issue of departmental amalgamations anyway, and he has made recommendations.

You, Mr President, mentioned Mr Podger’s involvement in this. It is quite unclear to me how much responsibility for this Mr Podger really has. The truth is that he
delegated most of the work on this to Mr Len Early, who is well known to many senators because he is a former Deputy Secretary of the Department of Finance and Administration. He in turn shunted most of this work out to PricewaterhouseCoopers. So it was done by Mr Podger in name only; that is all it was. The Senate Standing Committee on Appropriations and Staffing and the Senate Finance and Public Administration Legislation Committee have, thankfully, been able to keep a weather eye on this issue as it has developed.

The situation is that you cannot now examine the issue of security around Parliament House and the question of amalgamation of parliamentary departments separately. I want to deal with that matter in some detail. In the most recent budget, $6.8 million was allocated in the current financial year to sustain the new security measures around the building. In the financial years 2004-05 and 2005-06, an extra $6.2 million was allocated, and in the year 2006-07 an extra $6.4 million was to be spent on security measures. But in the out years—2004-05, 2005-06 and 2006-07—there is no funding provided by government for security measures. In fact, in those years we are required to find the funds for those security measures here in Parliament House through savings measures. That is the trick here. As a result, the five parliamentary departments must, through savings measures, generate $6.2 million in 2004-05 and 2005-06 and $6.4 million in 2006-07.

Of course, the Department of Finance and Administration argues that the savings can be found via the Podger report. The government is saying that the only way you can implement the security measures is by implementing the Podger report. That is not tantamount to blackmail; it is blackmail. The parliament is being held over a barrel on the issue of the safety and security of all those who work in this building. This is not a situation that applies to other agencies and departments in government. Evidence given to our estimate committees confirms that no other department or agency has had to find savings to fund enhanced security measures. Over the four-year period, an extra $374.7 million has been allocated for new security measures and Budget Paper No. 2 directly links parliamentary security funding to savings measures.

This is the situation we face—find these savings. The only mechanism that has been established is the implementation of the Podger report or literally the core functions of all the parliamentary departments will be attacked. The only way of making up these shortfalls would be to attack core functions of the parliamentary departments. That is the situation the Senate and the parliament face in relation to these particular matters. The Senate Staffing and Appropriations Committee has been unconvinced that the level of savings claimed or indicated in the Podger report is achievable. Even if the $5 million can be harvested it will still leave the parliamentary departments with another $1.2 million to be found in savings in the next out year. Hence the sensible amendment that stands in my name:

That any savings achieved by the amalgamation may be used to offset increases in costs of security measures approved by the Presiding Officers for Parliament House, but if those increases in costs exceed those savings, the appropriations for the parliamentary departments are to be supplemented for the excess.

I note that the government accepted that amendment in the House of Representatives.

The plan under the Podger report is that the number of parliamentary departments will go from five to three. You will have one large joint parliamentary department comprising the Department of the Parliamentary Library, the Joint House Department and the Department of the Parliamentary Reporting Staff. That will be combined into a joint par-
liamentary services department. The two
chamber departments will remain in some-
thing like their current form.

I am amazed that the Liberal Party and the
National Party have so diametrically changed
their view in relation to the amalgamation of
the parliamentary departments. Whatever
else you can say about the opposition on this
issue, we have been consistent in our ap-
proach. We have been consistent in relation
to the need for parliamentary departments
since 1908, whether you agree with us or not.
This did not happen right through the
period of the Hawke and Keating govern-
ments most recently because the Liberal
Party and the National Party would not have
a bar of it. Now that the Liberal Party and the
National Party find themselves in govern-
ment you can bet your life no-one will stand
up in the chamber and take the same view
that they so trenchantly argued for—this po-
sition of principle—in this debate. You can
bet your life that they will fold like a deck of
cards. I think that the hypocrisy of this posi-
tion as far as the coalition is concerned is
extraordinary.

We in the Labor Party have been the only
political grouping in this parliament to ac-
tively support the amalgamation of the par-
liamentary departments but we are not will-
ing to see the parliamentary departments
strangled by an approach that is nothing
other than blackmail. That is the approach in
the budget. That is the approach that has
been effectively put to the Presiding Officers
by the Expenditure Review Committee of
cabinet. The President gives reports to esti-
mates committees and to the Senate Staffing
and Appropriations Committee on how the
Presiding Officers have gone at the ERC, but
I must say that I do not think they have dem-
onstrated a huge amount of power in the
processes of government. It seems to me that
they have not been successful in holding the
line.

Mind you, I do not think anyone would
have expected that a different approach
would be applied to the parliamentary de-
partments than is applied to any other de-
partment or agency across the breadth of
government in relation to forcing the parlia-
mentary departments to fund security meas-
ures through offset savings within the par-
liamentary departments themselves. I would
have a different attitude to this if other de-
partments and agencies faced the same sorts
of challenges, but it is only the parliamentary
departments that have had to face that chal-
lenge. I say respectfully to you, Mr Presi-
dent, and the Speaker that your trip to the
ERC was a highly unsuccessful one and we
are now debating the consequences of that
lack of success in the chamber.

If the amalgamation does not occur, you
and Mr Speaker will be required to develop
alternative savings measures to the tune of
$1.2 million on the part of each of the five
parliamentary departments. The conse-
quences of that I do not think are yet well
understood around parliament. Certainly, on
information that has been made available to
us, the consequences are far reaching. The
parliament has been unable to stand up to the
Department of Finance and Administration,
unable to stand up to the ERC and unable to
stand up to executive government and that is
why the amendment has been moved by the
opposition to try to ensure that if the in-
creases in costs for security exceed the sav-
ings of amalgamation, the appropriations of
the parliamentary departments, of which
there will be three, I expect, are supple-
mented for the excess.

Governments have to face up to the fact
that the parliamentary departments do not
have the capacity to find savings on a major
scale. Of course, we know from the infor-
mation provided to us by the Clerk of the Senate
what the impact would be in relation to cuts
in that department. I am pleased that efforts
have been made—and I think they are genuine efforts that have been made—to protect the independence of the Parliamentary Library. That is important and absolutely essential. I am pleased that something that is long overdue will occur—the appointment of a Parliamentary Librarian. It seems to me to be one of the very few positive things that might well come forward from this proposal, although we will make an assessment, I suppose, of what all the consequences and knock-on effects of the amalgamation of the parliamentary departments might be. But there will be a statutory position of Parliamentary Librarian, reporting to the Presiding Officers and the library committees of the parliament, and that is in my view one important and positive development from what has been a very unfortunate situation.

The problem that we face in relation to this matter is that this debate, as it is held in this chamber, leaves the parliament with no choice. That is the difficulty with this situation as it has evolved. It is very difficult to deal in a debate like this with amalgamation of parliamentary departments on the merits of the proposal. Really, we are not debating the merits of the proposal. Really, we have no choice but to agree with the amalgamation of the parliamentary departments. It is just a case of political blackmail from the government.

Senator Brown interjecting—

Senator FAULKNER—The consequences of not agreeing with this proposition, Senator Brown, whether you like it or not, are too awful to contemplate. Finding that level of savings across the parliamentary departments would mean that the way this place has operated in the past could not be contemplated into the future. I do not think that is a responsible course of action for the Senate or the House of Representatives to take. I do think that a strong case can be mounted in relation to the amalgamation of parliamentary departments but not with the sword of Damocles hanging over the heads of those who sit in both chambers.

It is possible that this will develop over time into a positive reform for the parliament. Time will tell. I can assure the Senate that, as far as the opposition is concerned, we will be closely monitoring the amalgamation. We will be using all the accountability mechanisms that are available to us to ensure that this matter proceeds in an orderly way. I note the commitments that have been given in relation to the question of involuntary redundancies. I do not think there is a need for the Senate to express a view on this matter. I can assure the Senate that the Speaker has told the Leader of the Opposition, Mr Crean, that there will be no involuntary redundancies. I, for one, am willing to take the Presiding Officers at their word. I think that is the appropriate way for us to proceed, as opposed to providing an expression of opinion on the matter in this chamber. I commend the opposition’s approach to the Senate.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (4.26 p.m.)—The government supports the motion that has been moved by you, Mr President, which would have the effect of facilitating an amalgamation of three of the parliamentary departments. I think it is a little unfortunate that the Leader of the Opposition in the Senate should once again, in his well-practised style, find every possible political point to create a partisan debate—

Senator Robert Ray—That is what you used to do. What did you do back in 1988 and 1993?

Senator IAN CAMPBELL—In 1988 I had a real job. Mr President, the Labor Party spokesman wants to say that they cannot really support this proposal on its merits.
However, Labor has supported this since 1901 or 1903.

Senator Faulkner—I actually said 1908.

Senator Ian Campbell—Okay, since the early 1900s. The proposal that you have put before us, Mr President, is one that will not proceed without a partisan and rancorous debate, but credit should be given to people who have been proposing and refining this reform for generations.

It was Alfred Deakin who suggested, only two years after the formation of the national parliament, that there must be a more efficient way of running the national parliament. Professor Gordon Reid, in his book *Australia’s Commonwealth Parliament*, which was published in 1988 for the Bicentenary, related the Rt Hon. Andrew Fisher’s approach, taken in June 1910. Andrew Fisher suggested at that time that there should be a single parliamentary department, but this was not proceeded with. In 1933 Mr Pinner, who later became the Commissioner of the Public Service Board, examined the organisation and the working of the departments of parliament. He did so at the request of the Presiding Officers. He made a report that also suggested the adoption of a single department with a single clerk of the parliament who would be ultimately responsible to the President and the Speaker.

That was again suggested by the 1953 Public Service Commission report and by the National Commission of Audit in 1996. So it is not a new idea; it is one that has been pushed by Public Service reformers and politicians decade after decade after decade. So the proposal that is now before us is indeed a credit to those who have worked on it and to you, Mr President, for bringing it before the Senate today. In the other place in 1977, former Speaker Gordon Scholes suggested that the three joint departments should be merged into one. In 1980 former Senate President Sir Condor Laucke and the then Speaker, Sir Billy Snedden, also initiated reviews of each of the five departments and said that there was significant scope for efficiencies.

So this is an area where parliamentarians from both political parties have agreed on the need for reform. And I think it is fair to say in light of today’s debate that they did so without any rancour and without trying to score cheap political points. Over the generations they all agreed that there are efficiencies that can be made. Only recently, the last speaker of the House who was a Labor Party member, Speaker Martin, introduced a bill. In the explanatory memorandum to the bill—which you have probably reread recently, Mr President—he identified savings of about $1½ million per year. So not only has the government, through the Expenditure Review Committee, said to parliament that it would be helpful to make some savings, but also a very recent Labor Party Speaker identified potential savings.

I do not think anybody here would say that the parliament should be exempt from running its affairs efficiently and trying to find savings where possible. The people of Australia read articles in newspapers and hear stories on the television and the radio on a very regular basis about waste by parliamentarians and parliament. I think many of those stories are unfair. They are usually a way for journalists and newspaper proprietors to fill in a bit of space between the advertisements they sell and to denigrate, in their own way—and not a particularly intellectually sound way—the workings of the parliament and parliamentarians.

I do not think, if you look at all government expenditure at a time when you are trying to ensure that taxpayers’ dollars are spent efficiently, that any areas of government expenditure should be exempt. I think
it is quite brutally unfair to seek to score political points against the government on this particular issue—on this particular motion of yours, Mr President—because it detracts from the importance of the reform ‘on its merits’, to use Senator Faulkner’s words. For the record, we will not oppose the amendment moved by Senator Faulkner; in fact we will vote for it.

I now turn to the substance of the reform. It is fair to say that many of the previous proposals for the amalgamation of departments have failed for a range of reasons, but one of them that seems to go through all the literature and discussion on this issue through the last century is the independence of the Senate and, particularly, the Parliamentary Library. Some of the outstanding achievements encapsulated within the proposal before the parliament today are that it safeguards the independence of the library and, as Senator Faulkner has referred to, it establishes the position of Parliamentary Librarian. And I believe your proposal, Mr President, is to make that position a statutory one.

The 1999 reforms to the Public Service, when the Australian Parliamentary Service was established, separated officers working for parliamentary departments from the general Public Service. It was a major reform, one which received bipartisan support at the time, and was something which was long overdue. Indeed, the special role and independence of staff of the parliament was one of the drivers of Andrew Fisher’s approach way back in 1910. I do not intend to go into serious rebuttal of the points made by Senator Faulkner about the ERC and the process. I do not think it adds to the quality of the debate on this particular measure. The Senate can determine exactly what it wants to do in relation to the proposal. If Senator Faulkner or anyone voting for this believe that they are being blackmailed, that is a reflection on them and not a reflection on the government or anybody else in this place.

Senator ROBERT RAY (Victoria) (4.35 p.m.)—This proposal does have a long history. Poor old Senator Campbell does not want to rebut any of the points that Senator Faulkner has made because he is incapable of doing so. This proposal has been around for a long while—Houdini had the first powered flight in Australia in the same year that Andrew Fisher decided to move on this. This proposal was around at the same time that the great American fleet first visited Australia. Indeed, Carlton Football Club was a football power way back then. That is how long ago it was, Mr President.

Over the years there have been five serious attempts to amalgamate the parliamentary departments. A major step forward was when the executive government in 1987 decided to amalgamate 29 departments into 18—17 portfolio departments plus the Department of Veterans’ Affairs. The argument came up that, if government was willing to take all the risks necessary to amalgamate what was an ever growing list of government departments back into 18, why should not the parliament do so? It was frustrated on every occasion, not by a lack of will from the Presiding Officers, not by a lack of encouragement from government, but by an intransigent opposition aided and abetted by the minor parties. That is why it is before us today and was not solved 10 or 15 years ago.

We cannot divorce this issue from security at Parliament House. Not only are the two things intertwined in the argument; they are intertwined in the budget papers. The Presiding Officers, the President and the Speaker, have had to take courageous and drastic action to tighten security in this building. Some of my colleagues come to me and say: ‘We’re not that happy with these new, enhanced measures. We don’t worry so much
about our own security.’ I tell them: ‘Frankly, neither do I.’ I do not care whether they get shot or not, but there are 3,500 people working in this building and half a million to a million visitors. That is where our responsibility lies. That is where the President’s responsibility lies and he has taken up the challenge. Maybe not everything that has been done has been aesthetically pleasing, but it is absolutely necessary. Parliament House is a national icon. It is a natural target, and we must have tough security measures based on the best advice. The best advice has been sought and obtained and proper action has been taken by the Presiding Officers.

The great exception here is that when it comes to the security of Parliament House those savings measures have to be found by the parliamentary departments. It is okay to get $500 million and trundle it into Attorney-General’s and Foreign Affairs. They get given all the money for their enhanced security. The Presiding Officers and the parliamentary departments do not; it is deducted from the other end. They are told: ‘You’ve got to make the savings if you want to put in security.’ Why the inconsistent approach from government? The government spokesman here today has nothing to say on it. He probably says it is a political point. We get no explanation as to why the parliamentary departments are being treated separately. Maybe they are not in a position to defend themselves, as other government departments are directly represented in cabinet.

When I asked a question at the estimates committee, the Department of Finance and Administration could not point to savings in the budget papers, so they took it on notice. I asked: what savings measures, other than for the parliamentary departments, have been made to fund these security matters? What did this duplicitous department answer? They said, ‘Savings and offsets’. I got a deliberately distorted answer to my question—Mr President, you might recall watching the evidence—that included ‘a revenue measure’. I was asking about savings, not about offsets. They can now quote that answer and say I am wrong and that other departments have had to make a contribution. You wonder why at times we get a little hostile and cynical about answers from public servants. The reason is that we get this distorted backsliding when provided with answers. We should have had an accurate answer to the particular question that I asked. All we got was an inaccurate one. That is evasion.

Senator Campbell does not like the term ‘blackmail’. The two issues are linked. Security and the amalgamation of departments is the way it has been put. We have three choices. Firstly, we could not implement the security measures and not amalgamate the departments. That is not a choice we could make. Secondly, we could not agree to the amalgamation and we could find another $6.4 million to $6.8 million in savings per annum. Thirdly, we could agree with the long-held aspiration of the Department of Finance and Administration and amalgamate the departments and possibly make sufficient savings to fund security. Those are the choices we have. We have one other choice: next year when the parliamentary supply bills come before us we can take the appropriate action there. But do any of us want to get involved in that sort of argy-bargy around the end of June when we are trying to negotiate all the appropriation bills and trying to get a proper appropriation for this parliament? I doubt it.

The consequences of non-amalgamation are that nominally each department will have to cough up $1.2 million a year. You might argue that there is a slight capacity in the current Joint House Department to do so, but there is no capacity in the Department of the Senate, the Department of the House of Representatives, and least of all in the Depart-
ment of the Parliamentary Library, to find those savings. We know it. For the last 15 years, parliamentary departments, quite appropriately, have had to pay an efficiency dividend. Every hollow log around has been emptied out. In addition to that, salary rises now also have to be driven by efficiencies. So there are three pressure points on parliamentary appropriations. Whilst we might be able to survive with two of them—that is, the efficiency dividend and funding salary rises—it is not possible to survive with the three of them, without major and drastic cuts. A cut of $1.2 million per year to the library must eventually affect their collection. That does not worry governments too much; parliamentary libraries are really for minor parties and oppositions. But what they should think about is that sooner or later they will be in opposition and they will require a parliamentary library to assist them. Maybe they will not be around, but their successors will be. Maybe people in the coalition do not think too much about their successors.

I will move on to the Podger report. As Senator Faulkner indicated, it was a bit like a cleaning contract. First of all, it was sublet to Mr Len Early and then he sublet it to Price-waterhouseCoopers. It went three rungs down before any real work was done, and I think it has that weakness. We asked the Department of Finance and Administration whether they looked at the financial consultants’ report. They had never read it. It had never been referred to them. They had only read the Podger report; they had not read any of the underlying analysis provided by the financial consultants. Having looked at all the figures, I would have to say the Podger report is a tad rubbery. One document that they provided to the Senate Standing Committee on Staffing and Appropriations comes up with $5.165 million in savings. When I read down that list, I am not convinced. I want to be, but I am not convinced that it will necessarily deliver the level of savings that the Podger report claims and the Department of Finance and Administration gulibly accepts it will without any proper analysis.

Senator Murray—As they did with IT.

Senator ROBERT RAY—As they did with the cluster of IT. You could go on and on. Here is a department that enforces financial probity and had $8 million embezzled straight out the back door just a few years ago, Senator Murray. You would recall that. We also have on the record Senator Reid’s assurance that the Podger inquiry would not even look at the question of amalgamations. They were answers given to me so that we were all reassured on that particular point, but in fact they went ahead and did it.

The one pleasing feature of Podger, clearly, is the attitude to the library. Four major recommendations are contained therein:

The position of Parliamentary Librarian be established at a senior level within the amalgamated service provision department.

That is welcome. It is also recommended that:

The independence of the Parliamentary Library be granted by Charter from the Presiding Officers.

That is welcome.

The independence of the Parliamentary Library be reinforced by strengthening the current terms of reference for the joint Library Committee.

That is another step forward. And, finally:

The resources and services to be provided to the Library in the amalgamated department be specified in an annual agreement between the Departmental Secretary and the Parliamentary Librarian, approved by the Presiding Officers following consideration by the joint Library Committee.

All those are major advances and they are welcomed. If you have a look at the amendment that Senator Faulkner has moved, and
which I strongly support, you see that it really does get to the guts of the issue. We know that the current savings projected out of Podger are not enough to fund the cuts occasioned by the supplemented funds for security. We are saying that, firstly, the government has to supplement those in any event and, secondly, if the Podger savings do not meet the assumed level, government really should supplement the parliamentary departments for those security measures. People may say, ‘Why is this motion before us today?’ The reason the motion is before us today is that former Senator Georges, back in the mid-eighties, moved a motion saying that both houses had to approve any amalgamation proposal. Given the fact that every government member here today supports it—eight or 10 of them—you would wonder how that motion ever got through. The reason it got through was that it got strong support—genuine support—from the minority parties. Senator Harradine was one of those at the time, I recall. They beat us; we copped it sweet, I think.

But the Liberal and National parties voted for that motion. You would not know about it today, because if we point it out they say that we are political point scoring. When we point out their double standards and hypocrisy, apparently, that is political point scoring. But it does have some relevance. We have seen it time and time again on issues: the Liberal and National parties stand up on an issue of principle when they are in opposition, and it means nothing at all to them when they are in government. Let me give a few examples of that. When in opposition they insisted that a 30-day rule for answering questions on notice be imposed on the then Labor government and the executive government. What happened when they came into government? Do they observe the 30-day rule? Of course they do not! I had a series of questions that went unanswered for over 1,000 days. Then, because the parliament was prorogued, they were never answered. I had others that went for 200, 300 and 400 days without an answer. The government voted for a 30-day rule and yet do not abide by it.

For years we listened to their hand-wringing speeches on returns to order, yet we have a whole series of returns to order not fulfilled in this chamber. What was good for them in opposition is not good for them in government. These rules do not apply to Liberals; they are just meant to be imposed on others. Thirdly, let us look at the question of cut-off motions. They imposed them on the previous government. They have made over 400 requests to be absolved from the cut-off motion on legislation since they have been in government. It was good enough for a Labor government to have cut-off motions, yet the Liberals have put up their hands 400 times to be absolved from them. Take the question of committees looking at legislation. They are always whingeing about having bills referred to legislation committees. Who set them up? Who imposed them on the chamber? It was the Liberal and National parties that did these things.

Finally, the ultimate thing is, of course, Senate power. If you go back and look at the speeches of the current Prime Minister and others when they were in opposition, you see that they lauded the Senate. They praised the Senate for its representativeness. They praised the Senate for being the bulwark against the executive government. What happens today? They condemn the Senate as an obstructionist institution. They are constantly campaigning to try to denigrate the Senate because it does not pass all their legislation. Indeed, they try to rort the electoral system—whenever they get a chance to propose it—to try to change the representation in this chamber. I must say, for the record, that I welcome the slight change in their atti-
tude: the coalition are now looking where they always should have looked, and that is at Senate power rather than Senate representation.

So what does all this add up to? It just means that this particular motion will almost certainly go through this chamber today and leave you, Mr President, with a lot of responsibility in implementing it. I wish you well in that. I know how well-intentioned you are in all these matters and that you will try to handle this with great delicacy. But, when Senator Campbell comes in here and says that we are just political point scoring, we do have a duty to point out the double standards of the Liberal Party—the hypocrisy of the Liberal Party—in constantly frustrating amalgamation moves when they were in opposition and so readily embracing them the moment they got a chance in government.

Where are the backbench objectors that we saw 15 and 10 years ago? Suddenly they have become the lickspittle of executive government. Yesterday’s heroes have just become craven toadies today. Eight or 10 of them voted against this way back in 1987 or 1993 and are still here; where are they? They have done the chicken run: shot back to their offices, saying that they have constituents to attend to or something else. The last thing they want to come and do is justify their previous intransigence in this chamber, which would expose their double standards and hypocrisy in opposing these measures in the past. Time and time again, not just on this issue but also on a whole range of issues to do with this chamber, we have seen a 180-degree turnaround. I am proud to say that that has not occurred on this side of the chamber. We supported amalgamations from 1908 right through to 1993, and I am proud of the fact that we are going to do it again today.

Let me finally say, in terms of the amendment which is to be proposed by Senator Brown, that I do not support it, though of course I support the sentiments. The two Presiding Officers have given us a commitment, and I want them to keep it. I do not want them to have to say that they kept it because they were directed to by this chamber. I should correct myself: when I say two, I mean that at least one Presiding Officer—the Speaker—has given an assurance that there will be no involuntary redundancies. As I am entitled to, I want to take the Speaker at his word, and I am sure he will deliver on it. I am concerned that, if the amendment which is to be proposed by Senator Brown is carried, it will be used as an excuse by the Department of Finance and Administration to say, ‘You didn’t try to generate all the savings measures; therefore, we are not going to supplement the budget of the parliament.’ I do not want to give them that particular excuse. We should note that, if the Speaker’s assurance is given to us, people will not be forced to lose their jobs. You cannot say that of all other government departments, so that is reassuring.

In conclusion, this motion is long overdue. It would have been implemented back in 1987 and 1988 if the Liberal and National parties had had any integrity at all. If they had not been such sleazy opportunists, had not opposed for opposition’s sake or had not been involved in such hypocrisy and double standards you would not have had the task today, Mr President, of implementing all this—it would have long been buried. But at least, after today, you can get on with the job and continue to protect this parliament through the good job you have been doing in terms of all the security arrangements, which we all admire you for. You can be assured that in the next estimates round and on the Standing Committee on Appropriations and Staffing we will continue to scrutinise your
I want to finish on one last point. A colleague of mine, Mr Roger Price, has been both agitating and giving notice for the House of Representatives to have a staffing and appropriations committee. It is not my job to interfere in their business, but I think it is long overdue. In the end, whilst it might be inconvenient for the President to have an appropriations and staffing committee, it is a good safety valve. It is a good fall-back position for trying to gauge the reaction of a wide range of senators. If they did the same thing in the House of Representatives, there would then be some level of scrutiny. As it currently stands, it is the only government department not to be scrutinised at all.

Senator BROWN (Tasmania) (4.54 p.m.)—I and the Greens oppose this motion—much as we would like to support you, Mr President—because we think it is wrong. The argument that is being put forward, firstly, by the government, comes down to it being, in Senator Ian Campbell’s words, a ‘credit’ to those who have worked on the proposal. The problem is that the work on the proposal was not done. If you were to use this proposal as an example of the financial thoroughness and excellence of the government then it would lose its ratings right across the board.

As has been said earlier in this debate, the report by Mr Podger was commissioned last year. The report did not stipulate that there was to be an investigation into the cost savings of the amalgamation of the three joint departments. That became an add-on at the time of the transition of Presidents, with the outgoing President, Senator Margaret Reid, your predecessor, having said that she thought it would actually lead to a cost increase if the departments were to be amalgamated. I would trust her assessment—she having been in your job, Mr President—more than I would the arithmetic that has been presented to give us the contrary point of view through the Podger report. There was an extension of a week or so and in that short time, by some sort of mysterious signal, the investigation went on to look at the efficiency to be gained by amalgamating the three departments, not the matters that had been canvassed, which were to do with efficiency in the three departments. Out of that, we got these figures of some 35 staff and perhaps $5 million to $10 million in the long term but not the corroboration that is required to back up those figures, simply because it is not there.

There is no breakdown of the 35 staff positions that would go—they are not stated. There is no recognition that many of these positions have multiple functions: some of them will be retained under the proposed amalgamation; some of them will be lost. How that is going to be rationalised or sorted out is not stated here, and the assessment of $5 million to $10 million is simply pulled out of the air. It is not backed up with the sort of financial rigour you would expect if there were to be a consultant to stand by those figures down the line. When you cannot stand by the figures, you say that, instead of there being that sort of cost saving, it will be in the longer term. What about the shorter term? There is no figure given here at all. There is the real potential for the costs to grow. I think one of the Democrat senators mentioned earlier the cost blow-outs from the Department of Finance and Administration’s much touted savings that we were going to get through rationalisation of IT services. It did not happen.

The best you can do to hedge against that, Mr President, is to get a very thoroughgoing cost-benefit analysis before you move into making the sort of move that is flagged in your motion, but that has not been done. The
opposition has quite clearly got an ideological commitment, going way back, to an efficiency they see could be gained through the amalgamation of these departments. As Senator Robert Ray and Senator Faulkner have said, the government had an opposite ideological commitment. I can tell you what has happened here: there has been an ideological commitment which has overrun all that. It is called market fundamentalism: rationalise wherever you can in parliamentary and government services to the people and, in this case, do it blindly, without the proper analysis that you would expect of a parliament and that a parliament, government and opposition would insist on. None of them are going to insist on that today.

This motion is going to go through for ideological reasons which do not stand up. If that is going to be the case, let us have those reasons put forward. Let us not have the spurious argument that there are going to be cost savings, when they have not been demonstrated. Mr President, I would be very pleased to hear you explain to the chamber where the cost savings have been demonstrated in this process. I will not make that a challenge, because I do not want to make things difficult for you. There are losses involved in it, and they concern the Greens.

The Greens are going to oppose the motion because this move has not been legitimised and does not warrant the changes that are going to occur in this parliament as a consequence. Senator Faulkner has moved:

That any savings achieved by the amalgamation may be used to offset increases in costs of security measures approved by the Presiding Officers for Parliament House, but if those increases in costs exceed those savings, the appropriations for the parliamentary departments are to be supplemented for the excess.

How extraordinary to move an amendment like that but say in the same breath that the whole economic argument, as I heard it, is that it would be unconscionable to leave these departments—and there are five involved now—to find $1.2 million each to meet security needs because those savings cannot be found. This squeeze is being put on by the government, and the opposition has to go along with it. But it says in the amendment that the government should supplement the appropriations if there is a shortfall. I move an amendment to Senator Faulkner’s amendment:

Omit “That any savings achieved by the amalgamation may be used”.

Omit “but if those increases in costs exceed those savings,”.

Omit “for the excess”.

My amendment would have Senator Faulkner’s Labor Party amendment reading:

To offset increases in costs of security measures approved by the Presiding Officers for Parliament House the appropriations for the parliamentary departments are to be supplemented.

Let us have the government come up with the money. Why go halfway like the opposition want to? The principle is exactly the same. Let us take this squeeze off the parliamentary departments. Senator Faulkner argued very cogently that nowhere else is this being done. The government is putting out new expenditure for security elsewhere but when it comes to this parliament—this icon, as Senator Robert Ray so aptly described it—and the great services that are being provided to the nation, not least to us as elected representatives, the parliamentary departments are being squeezed to find the extra money. No, the government has to find that money. That is what we should be insisting on as a baseline.

If this amalgamation is going to go through—and the government wants it—I
would have thought the opposition would make sure that that squeeze was taken off the five departments in this place. They are halfway there to doing it, and my amendment to Senator Faulkner’s amendment will in effect go the whole hog to ensure that we do not squeeze the 3,500 departmental employees in this place that Senator Ray referred to—and I am not sure where those figures come from—who do such a magnificent job for the parliament. I foreshadow that I will move on behalf of the Australian Greens:

After paragraph (1), insert:

“(1 B) That any redundancies arising from the amalgamation must be of a voluntary nature and that no staff will be forced to take involuntary redundancies as a result of the amalgamation.”

Senator Ray and Senator Faulkner both said that the opposition are going to oppose that amendment. They will leave it to the grace, to the word, of the Presiding Officers. I like to see these things formalised. Parliament House can be a very stressful working place for very good staff and employees. An amendment such as that will take a stress burden off a lot of people who are going to go to bed tonight wondering if and how long their jobs are going to last and what sort of pressure is going to be brought upon them to leave voluntarily or otherwise. I recommend both those amendments.

Finally, there have been recommendations put forward by the Clerk to the Senate Standing Committee on Appropriations and Staffing. I simply want to end by reading those out. I think they should go into the *Hansard*. I think this is what we should be supporting. The response from the Clerk states:

This response to the report therefore recommends that no decisions be taken until cost/benefit analyses are undertaken of proposals in the following order, with the successive stages being considered only if the outcome of the previous stages indicate that there is justification for doing so:

- adoption by the departments of common financial management and human resource management systems
- transfer of corporate management functions of the joint departments to one of them or to a shared services bureau
- outsourcing of the processing functions of the corporate management sections of the two House departments, either to an outside provider or to one of the joint departments—and if all that were to work—
- amalgamation of all the joint departments.

The Clerk goes on to say:

Without such analyses, in that order, the Presiding Officers run all the risks of embarking on an expensive and disruptive reorganisation exercise with no way of knowing whether real savings will result. When recommended by management consultants, such exercises invariably result in the consultants and the persons who have carried them out declaring them to be a great success with massive savings, but with no real evidence of any such savings, and with new problems which then have to be disentangled at further cost, while the consultants move on to their next reorganisation project.

Clearly, there are grave concerns that this proposal is not going to have the outcomes that you envisage, Mr President—that there are not going to be cost savings. Implicit in what I would submit to you and to the Senate is that enormous pressure is being brought on staff in this parliament, which of course are going to be self-interested to some degree but which I believe primarily know how this parliament works and how it does not, and which must be astonished that such a proposal as this could go forward without any proper financial analysis. We should at least begin by going back and requiring that a cost-benefit analysis of this far-reaching proposal be done before proceeding with it.
Senator ALLISON (Victoria) (5.08 p.m.)—I want to indicate the Democrats’ strong opposition to this motion. I have listened with great interest to Senator Faulkner’s and Senator Ray’s contributions to the debate and I think that what you say to blackmailers is, simply, ‘No.’ If you give in to them, you give in to poor processes, you give in to lack of analysis—whether it be cost-benefit analysis or any other sort of cost analysis at all, in this approach—and you give in to very poor practices indeed. You give in to a proposal which has absolutely no arguments for it. Senator Ray said in a debate, I think it was last year, that he is an amalgamationist—as if that is some sort of belief that you cannot step outside. There is absolutely no evidence to support this motion. It has arisen from recommendations in a report by the Senate Standing Committee on Appropriations and Staffing in June that the Joint House Department, the Department of the Parliamentary Library and the Department of the Parliamentary Reporting Staff be abolished and replaced by a new joint service department to be called the Department of Parliamentary Services. The Appropriations and Staffing Committee, of which I am a member, made this recommendation without binding any committee member to supporting the proposal, to allow the Senate to decide this matter as a whole. The recommendations come about after an unhappy—I would say—conjunction of events: a review, by the Parliamentary Service Commissioner, Mr Andrew Podger, of aspects of the parliamentary administration and the emergence of a need to finance enhanced security measures at Parliament House.

The proposal, to make one service provision department by combining these three departments, was floated in 1996 and legislation was introduced into the House of Representatives by the ALP government of the time but never brought on for debate. There have been about 10 proposals altogether since Federation and, as Senator Faulkner points out, the first of those was in 1908, but most of the proposals to amalgamate all or some of the five parliamentary departments have come after 1977. Until today, I am sad to say, none of them have been successful, and for very good reasons.

The genesis of this current proposal comes out of the Podger report, as I said, which was commissioned by the Presiding Officers in April 2002 and presented to them in September of the same year. The review originally was to look at the sharing of corporate management and purchasing functions. Then it became pretty obvious that this was not going to produce much by way of efficiencies—which, in the case of purchasing, was already being done and being done very successfully—and Mr Podger used his last term of reference to look at such other matters which may arise during the review. And, lo and behold, the ‘such other matter’ became the old favourite: the proposal to amalgamate the three so-called service departments. That was not authorised by the outgoing or the incoming President. As Mr Evans points out, the Senate President in May 2002 gave assurances that the review had nothing to do with the amalgamation of departments which, in her view, would involve greater costs.

The Podger report had little in it that would enable any sort of informed decision as to the benefits or not of such amalgamations. The consultants who did this work consulted, supposedly, with staff in this place, but the report from that consultation suggests that they were very uninterested in the information that staff were bringing to them and that they clearly did not agree with any ideas that were brought forward or any information or opinions that did not agree with the preconceptions that those consultants had. The cost efficiencies were claimed...
at between $5 million and $10 million a year once they were fully implemented, which equates to roughly from 4.7 per cent up to 9.3 per cent of the current combined department budgets. The Appropriations and Staffing Committee asked for more detailed cost analysis and that produced a further briefing from Mr Podger in March this year. That cost saving was narrowed down to an annual cost saving of between $4.9 million and $5.2 million but still it was unclear as to where this saving was going to be made, and a lot of reference was made to staff and to the middle management group of officers in this place.

So it is our conclusion that the review was very unsatisfactory. In fact, I think it has to be said that the vast majority of members of the Appropriations and Staffing Committee thought this way and expressed that on numerous occasions during our meetings. That is another reason why I am disappointed that the ALP feels they can support this when, in that environment, so much was expressed by way of concerns about this proposal.

As has been said already by other senators, the process was dodgy. It was conducted as a subcontract to a private management consultant who, in turn, subcontracted it to PricewaterhouseCoopers, thereby wasting $170,000 on a consultancy to tell us what we already knew and what were, effectively, back of the envelope figures in the first place. It was properly criticised as being a flawed, superficial consultation and badly argued analysis of the benefits and an inadequate analysis of the costs. The answer to those criticisms was, ‘We won’t really know if the savings are achievable until we do the amalgamation.’ In other words, suck it and see. But, of course, once you have done that, once you have lost staff—whether you have sacked them or whether they have departed voluntarily—it is very difficult to turn that around and undo the work that has been done.

The Clerk of the Senate provided the committee with a list of the kinds of costs that he argued had not been properly taken into account: redundancy payments for the staff who are shed; the need to keep staff longer than would otherwise be the case because of their knowledge of the separate departments; the new position of secretary of the enlarged department and support staff, presuming that the new secretary would be at a higher level than the current departmental secretaries because of their greater responsibility and management of an enlarged department; the proposed new position of the Parliamentary Librarian, which of course we support, but that should be done without these changes; the costs of the implementation of the amalgamation over many areas from new stationery to remaking certified agreements and the costs of inefficiencies arising from the distinct functions of the departments—for example, the need for different treatment of building maintenance staff and research staff in the provision of human resource management services. I think it is fair to say that the committee was not persuaded that even the second round of cost estimates took that into account.

With regard to funding the enhanced security, the Democrats did agree that there was a need for better security for Parliament House, although I must say we do not agree with the current white plastic barriers that are around this place. We think they are neither suitable nor adequate to do the job and, as I have indicated before in the Appropriations and Staffing Committee, I think there were many more aesthetically suitable arrangements that could have been made, but I will not dwell on that matter. What is worse is that the Minister for Finance and Administration announced that the extra security for the financial year 2003-04 would be funded separately but that funding for security for the three financial years after that would
have to come from the parliamentary department’s operating budget. The minister made it quite clear that the savings are to be achieved either by implementing the Podger proposals or by any other means. The cuts demanded are $6.1 million in 2004-05, $6.3 million in 2005-06 and $6.4 million in 2006-07.

It will be immediately obvious that the estimated savings from amalgamating the three departments is very unlikely to be enough to fund the extra security needs. I agree with Senator Brown that it makes the ALP amendment to this motion a very cynical and contradictory one. On the one hand, they say that the savings are probably not there or they do not think they are there but if there is anything extra over and above those savings that is not needed for security then it should go back into the departments. We know that is not going to happen. We know there will be a shortfall because those savings are not obviously there. The $1.2 million a year, which is the Senate department’s share of the funding required for future years, is about four per cent of the Senate’s current budget. The Senate’s current budget is only for staffing, so it would appear that the savings will have to be found by decreasing staff and, therefore, senators’ services. It is all very well to talk about involuntary redundancies—and nobody, least of all me, wants to see anybody sacked in this place—but the downside of that approach is that we will lose people who may not necessarily be in the right positions for this to be a workable arrangement.

Budget estimate questions told us that no other government department or agency is being asked to find savings from ongoing departmental expenses to fund enhanced security costs. No-one has explained to us why this is necessary. Why is it that the ministerial wing is not contributing? It is sharing the costs of security, just as every other department is, but we get no answers to those questions. The Senate department has already absorbed costs for extra security out of its current budget, money which could have gone into enhancing services like the vital but very busy Senate committee system. My colleague Senator Cherry and his committee is feeling the pinch in terms of resourcing from the secretariat. Times are tough at present in this place, and there are often not enough resources to do the work that is needed. Why should the Department of the Senate, Hansard or the Parliamentary Library have to shed functions and staff to find savings to cover the costs of security? It just does not make any sense. We say that security measures should not be funded at the expense of key parliamentary services.

Three heads of department are in favour of amalgamation—the Clerk of the House of Representatives, the Joint House Department Secretary and the Hansard-Parliamentary Library Secretary—and one head made no recommendation. Submissions from the department staff mostly follow along the same departmental lines. In other words, Senate staff groups are not supportive; others are. The Clerk of the Senate declined to recommend a decision on either option until a proper cost benefit analysis was undertaken. He noted the unsatisfactory process, the lack of detailed cost analysis, estimated savings without foundation and savings already made by the Senate department by good management continuing and being of far more significance than the small savings gained by eliminating a small number of corporate management staff. He pointed out that 14 per cent had been cut out of departments over the last four or five years and that there is very little—in fact nothing—still to be gained by cuts. Of course, Mr Evans’s answers to the questions in estimates by my colleague Senator Murray show where other savings can be made, but I will leave him to
talk about that. The Secretary of the Joint House Department endorsed the amalgamation option as ‘achievable’ and having a better chance of success than the shared services centre option also proposed. He noted that an inherent dynamics problem could be created by the new balance of a superdepartment that was bigger than either of the two chamber departments.

Our position is that we have consistently opposed all previous attempts to amalgamate any or all of the parliamentary departments. We think it compromises the independence of the Library, which is noted as a problem in the Senate Appropriations and Staffing Committee report with its warning advice that there is a need to take measures to guarantee the independence of the library. I do not think that the appointments that have been discussed so far will do that. There is often an unacceptable extra layer of management and salaries resulting from amalgamations. There is an enormous cost to staff, and I am talking here about work structure changes, resources and morale. This is something we need to take into account very seriously. When staff know that there are large numbers of redundancies that are about to occur, it can be extremely difficult for them to maintain the work that they have to do and to keep up their morale.

The creation of a superdepartment would have inherent problems as opposed to smaller departments which, we would argue, are better as service specialists and have proved that over the past 100 years. The new joint department would be much bigger than either of the chamber departments, as has already been mentioned. It can be argued that none of these departments is even in the same business. There is certainly a lack of commonality between the Senate and the House of Representatives, not the other way around. We know that the real scrutiny of legislation takes place in this place, and it needs resourcing, and I doubt very much that those in the other place will be sympathetic to the needs and the costs that are associated with proper service in here for real democracy.

The premise that merger equals better is flawed. That is why I cannot understand why the Labor Party is supporting this. Again, there just have not been any serious arguments to say why merging is going to be beneficial. The cost benefits are very small and not warranted, given the other costs. We need to find more innovative and structured ways of achieving practicalities within existing departments rather than having efficiency proposals always imposed from above. We think that the five departments can work out areas of cooperation and shared resources between themselves. They do this now from time to time. Let us have a look at exploring what other opportunities there are, if there are any. We also need a much more supportive environment for them to do that, which has not happened with these amalgamation processes and proposals always being on the cards, as it were.

We have heard no real arguments for amalgamation. Is this empire building? Are these fanciful notions of savings that might be made? There has been no independent assessment of those savings. We cannot compare amalgamation with outsourcing in achieving savings and, again, no decision ought to be made until a proper cost-benefit analysis is done, not just some dodgy back of the envelope calculation. Senator Brown has already outlined the stages which the Clerk of the Senate recommends before we go to this kind of decision, and the Democrats are strongly supportive of that approach. We are also very supportive of the Greens amendment to the ALP amendment. This place should not be wearing the cost of security.
That should be properly and separately funded and should not impinge on the services that are available to this place.

**Senator HARRADINE (Tasmania)** (5.26 p.m.)—I want to say a couple of things about the proposal that we amalgamate into one parliamentary services department the three departments of the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff and the Joint House Department. I am concerned that the current proposal for restructuring the parliamentary departments is being driven by a need for cash for security rather than being based on any merit at all. I am also concerned that there are 35 staff positions to be sacrificed for our security. I cannot for the life of me see where the $10 million savings come in over a particular period of time. It remains to be seen whether amalgamating the Joint House Department, the Department of the Parliamentary Library and the Department of the Parliamentary Reporting Staff will in fact be an efficient way of organising matters.

I acknowledge that there have been a number of attempts, based on the suggestion that this is a more efficient way to go, over 100 years or so to organise more efficient use of taxpayer funding by reducing the number of departments. In 1977 the then President, Senator Sir Condor Laucke, and Mr Billy Snedden had a study done. I can see Condor Laucke in the chair in Old Parliament House with the big wig on that he used to wear. I do not know how much that wig actually cost to manicure et cetera, but that is now not worn by you, Mr President, so you have made a saving there.

Irrespective of the view one might have, it is difficult to see how people can accept that this proposal should be driven by security fears for the parliament. Our security and the security of the parliament, including that of the Prime Minister and cabinet members, ought to be provided by the Australian government. I was told that we have to make these efficiency gains and that other departments are making efficiency gains, and I wrongly assumed that was for security purposes. So far as I know, the security requirements of the Department of Foreign Affairs and Trade and the Attorney-General’s Department are being paid for by the Australian government. For us to determine any reform of parliament, such as that being suggested, the arguments should have been put forward on their merits. Frankly, I cannot see the merit in it because it has not been tightly argued. Indeed, I am concerned that such an impost on the parliament’s resources threatens the parliament’s very independence in some ways.

I have not seen it adequately proven anywhere that there are 35 staff positions we do not need. Which area are these 35 positions going to be taken away from? I have not really seen evidence of that. I have worked in this place for 28 years and have had the privilege of working alongside many staff from the various parliamentary departments. I and other senators know there is more than enough work to go around in the parliament. For my own information needs, I am particularly concerned about the impact of staff losses in the operation of the Department of the Parliamentary Library. I and other senators depend on timely, concise and accurate information, which is provided by the staff of the Parliamentary Library, often meeting unreasonable deadlines. A lot of that is background policy information which you need to assess what is being proposed in a particular area of public policy.

The parliament would know that I do not have a big party behind me and therefore I do not have policies in the sense of party political platforms. I do rely very much on advice that is given not only by people
whom I know from all sorts of professions but particularly from the Parliamentary Library, and I am very grateful for that. I am concerned that this proposal may affect the operations of the Parliamentary Library. It would be ironic if we sacrifice the capacity of the library to provide us with information central to our work. If we damage the quality of the work done in this parliament we will be increasing spending on parliamentary security to protect what may be a devalued product. That is going to an extreme because, by that time, there will be alarm bells ringing.

Mr President, I acknowledge very much the work that you and Mr Speaker have done to make sure the position of Parliamentary Librarian is re-established, with certain amendments that will be made to the Parliamentary Service Act. That will enhance the position of Parliamentary Librarian and I congratulate you for that. I do not know whether it was a victory but it was certainly a very important decision that was accepted. Mr President, I note you are proposing that there be no forced redundancies. I think it is very important that we make a stand on this particular matter. All redundancies must be unforced redundancies and, where there is a vacancy so caused, the Presiding Officers must surely have much regard for the merits of not filling that vacancy.

I have not really had time to focus on the details of the issue, but I have been thinking of the matter in general principles. I have to say that, despite the good work that has been done by you, Mr President, and Mr Speaker to uphold and enhance the position of Parliamentary Librarian, I am concerned that the service we receive from the Department of the Parliamentary Reporting Staff and the Joint House Department may diminish as a result of this. Why? Because we have to pay for our own security. If there are genuine security concerns, it is the responsibility of the Australian government to provide money for that without reducing resources available to the Australian parliament. Under those circumstances, I must say that I oppose this proposition. I do so reluctantly, because I know of the work that has been done. If it were proven that all other departments were providing for their own security by adjustments in departmental appropriations then that would be another matter. I have found that all of them are not doing that. So why should we?

The PRESIDENT (5.38 p.m.)—In closing the debate, I would like to thank all honourable senators for their contributions. If the motion receives the support of the Senate, I believe a major improvement in the efficient operation of the parliament will result. The consequences of the passage of the motion will lead to the appointment of a Parliamentary Librarian, which I believe will reassure senators, such as Senator Harradine, who are rightly concerned about the independence of the Parliamentary Library. That person will each year conclude a resource agreement with the secretary for the proper funding of the library and its research services. The new joint services department will have around 750 staff. As I mentioned, the Speaker and I have agreed that there will be a selection process for the secretary to the new department, including national advertising and an independent assessment of the merits of those who apply. The same will apply to the recruitment of the Parliamentary Librarian.

This debate provides an appropriate opportunity for me to emphasise that officers who currently serve in the Joint House Department, the Department of the Parliamentary Library and the Department of the Parliamentary Reporting Staff have given and continue to give excellent service to the institution of the parliament—as have their predecessors, who have worked in those departments since 1901. Without the work of
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the joint departments neither the Senate nor
the other place would be able to adequately
function. I take this opportunity to publicly
thank the personnel of the joint departments.
If this motion is passed, I look forward to
their continuing contributions to the work of
the single, joint parliamentary department.

I understand that we have quite a few
amendments. My advice is that the first
question is that the amendment moved by
Senator Brown to Senator Faulkner’s
amendment be agreed to.

Question put.
The Senate divided. [5.45 p.m.]
(The President—Senator the Hon. Paul
Calvert)
Ayes………….. 12
Noes………….. 46
Majority………. 34

AYES
Allison, L.F. * Brown, B.J.
Bartlett, A.J.J. Geirg, B.
Bishop, T.M. Harradine, B.
Buckland, G. Murphy, S.M.
Campbell, G. Murray, A.J.M.
Cherry, J.C. Nettle, K.
Collins, J.M.A. Stott Despoja, N.
Cook, P.F.S. Ridgeway, A.D.
Crossin, P.M.
Eggleston, A.
Faulkner, J.P.
Ferris, J.M.
Harris, L.
Hogg, J.J.
Hutchins, S.P.
Kemp, C.R.
Knowles, S.C.
Lundy, K.A.
Marshall, G.
McGauran, J.J.J.
Ray, R.F.
Sherry, N.J.
Tchen, T.
Webber, R.

NOES
Barnett, G.
Boswell, R.L.D.
Buckland, G. *
Campbell, G.
Chapman, H.G.P.
Collins, J.M.A.
Cook, P.F.S.
Crossin, P.M.
Eggleston, A.
Faulkner, J.P.
Ferris, J.M.
Harris, L.
Hogg, J.J.
Hutchins, S.P.
Kemp, C.R.
Knowles, S.C.
Lundy, K.A.
Marshall, G.
Moore, C.
Ray, R.F.
Scullion, N.G.
Sherry, N.J.
Tierney, J.W.
Webber, R.

* denotes teller

Question negatived.
The PRESIDENT—The question now is
that the amendment moved by Senator
Faulkner be agreed to.

Question agreed to.

Senator BROWN (Tasmania) (5.49
p.m.)—I move:

"(1B) That any redundancies arising from the
amalgamation must be of a voluntary na-
ture and that no staff will be forced to take
involuntary redundancies as a result of the
amalgamation."

Question put.
The Senate divided. [5.51 p.m.]
(The President—Senator the Hon. Paul
Calvert)
Ayes………….. 38
Noes………….. 23
Majority………. 15

AYES
Allison, L.F. Bishop, T.M.
Bartlett, A.J.J. Brandis, G.H.
Brown, B.J. Calvert, P.H.
Carr, K.J. Conroy, S.M.
Colbeck, R. Coonan, H.L.
Conroy, J.C. Denman, K.J.
Evans, C.V. Ferguson, A.B.
Forshaw, M.G. Forshaw, M.G.
Harradine, B. Hill, R.M.
Hutchins, S.P. Humphries, G.
Kemp, C.R. Johnston, D.
Knowles, S.C. Kirk, L.
Lundy, K.A. Ludwig, J.W.
Mackay, S.M.
Mason, B.J.

NOES
Barnett, G.
Boswell, R.L.D.
Buckland, G. *
Campbell, G.
Chapman, H.G.P.
Collins, J.M.A.
Cook, P.F.S.
Crossin, P.M.
Eggleston, A.
Faulkner, J.P.
Ferris, J.M.
Harris, L.
Hogg, J.J.
Hutchins, S.P.
Kemp, C.R.
Knowles, S.C.
Lundy, K.A.
Marshall, G.
McGauran, J.J.J.
Ray, R.F.
Scullion, N.G.
Sherry, N.J.

CHAMBER
Question agreed to.

**The PRESIDENT**—The question now is that the motion moved by the President, as amended by Senator Faulkner and Senator Brown, be agreed to.

Question put.

The Senate divided. [6.00 p.m.]

(The President—Senator the Hon. Paul Calvert)

| Ayes | 53 |
| Noes | 11 |
| Majority | 42 |

**AYES**

Barnett, G.  
Bolkus, N.  
Brandis, G.H.  
Calvert, P.H.  
Carr, K.J.  
Colbeck, R.  
Conroy, S.M.  
Coonan, H.L.  
Denman, K.J.  
Evans, C.V.  
Ferguson, A.B.  
Forshaw, M.G.  
Hogg, J.J.  
Hutchins, S.P.  
Kemp, C.R.  
Knowles, S.C.  
Ludwig, J.W.  
Macdonald, J.A.L.  
Marshall, G.  
McGauran, J.J.J.  
Patterson, K.C.  
Ray, R.F.  
Scullion, N.G.  
Stephens, U.  
Tierney, J.W.  
Watson, J.O.W.  
Wong, P.

**NOES**

Bishop, T.M.  
Boswell, R.L.D.  
Calvert, P.H.  
Campbell, G.  
Chapman, H.G.P.  
Collins, J.M.A.  
Cook, P.F.S.  
Crossin, P.M.  
Eggleston, A.  
Faulkner, J.P.  
Ferris, J.M.  
Forshaw, M.G.  
Hill, R.M.  
Humphries, G.  
Johnston, D.  
Kirk, L.  
Lightfoot, P.R.  
Lundy, K.A.  
Mackay, S.M.  
Mason, B.J.  
Moore, C.  
Payne, M.A.  
Santoro, S.  
Sherry, N.J.  
Tchen, T.  
Troeth, J.M.  
Webber, R.

* denotes teller

Question agreed to.

**Senator FAULKNER** (New South Wales—Leader of the Opposition in the Senate) (6.04 p.m.)—by leave—I wish to make a brief statement in relation to the divisions held on the previous matter before the chair. We had an unusual circumstance in the Senate a moment ago. A four-minute division bell was rung and the nature of the division was that the government and the opposition were voting together on an amendment before the chair. Subsequently a one-minute division bell was rung, as sometimes occurs, and the unusual circumstance was that in that division the government and the opposition were voting in a different manner. The question before the chair in relation to that particular amendment was agreed to by the Senate.

The approach the opposition takes on these matters, obviously, is to try and ensure that the will of the Senate is always reflected in divisions. Quite clearly there was not an opportunity for a number of senators—in this case, certainly some government senators and possibly other senators—to attend the Senate. I intend no criticism of any of those senators by this contribution. I merely make
the point that we all have a responsibility to try and ensure that the will of the Senate is reflected accurately in divisions.

It is for that reason I indicate to the government that the opposition would support recommitting that vote, if the government wished to do so, although I do not think the outcome of the division would be any different. I make the point that there is an obligation on all of us to be careful in circumstances when divisions change in their nature between the four-minute bell and the one-minute bell. I think all senators are aware of that circumstance. It does not happen often, but sometimes it can work to the disadvantage of any senator in the chamber—in this case, I think the vast majority, if not all, of the senators who were inconvenienced were government senators. We need to be careful about those sorts of things. In this instance I do not think it altered the result of the division in any way. I merely indicate that there would be an opportunity, as there should be, to recommit such a division if it were the wish of any interested party or senator in the chamber.

The PRESIDENT—Thank you, Senator. Is there any wish to recommit the vote?

Senator Kemp—No.

The PRESIDENT—I must say that I did ask senators to remain in the chamber because there could be more divisions. Obviously, some of them did not hear what I said.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (6.07 p.m.)—by leave—The point is that there are senators who are not in the chamber, who do not attend a division when the government and the opposition are voting on the same side of the chamber. I appreciate that you did that—as is properly your responsibility. This particular issue is one of good chamber management. I do not think it is a matter for the chair, for the person who is presiding in the Senate. In this particular case, it is question of who is in the chamber. It is a matter of certain senators not coming to the chamber because it is not necessary or required in the management procedures that parties might adopt.

ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL (No. 1) 2002
AUSTRALIAN HERITAGE COUNCIL BILL 2002
AUSTRALIAN HERITAGE COUNCIL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2002

In Committee

Consideration resumed.

ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL (No. 1) 2002

The CHAIRMAN—The committee is considering the Environment and Heritage Legislation Amendment Bill (No. 1) 2002, as amended, and amendments (1) to (40) on sheet 3045 moved by Senator Allison.

Senator LUNDY (Australian Capital Territory) (6.08 p.m.)—In the debate earlier today we were discussing the implications for the sale of Commonwealth assets and their placement on the list. In response to a question I asked about the implications for Commonwealth assets that had already been sold and that had an indicative place on the list under the current regime, the minister informed the committee that the process would effectively have to begin again under the new regime if this legislation were to pass. That would mean that Commonwealth assets that were being considered but which were not formally on the list would effectively have to start the process again. There would be no ability for them to transfer onto the new list because they are not Commonwealth
assets anymore. Because they are former Commonwealth assets, they would not be locked into any sort of transferring process. So to be listed they would effectively have to be nominated again. The example that was used was the police cottage—part of the Water Police station at Yarralumla Bay—that was sold off. It is my understanding that it is currently leased by the Commonwealth. Minister, I know you are undertaking to get some additional information about that particular circumstance, but can you further clarify whether, if these bills were to pass, there would be any process by which the police cottage would find its place on a list under the new regime? Would it be part of a process that was at least moving in that direction if these bills were to pass?

Senator HILL (South Australia—Minister for Defence) (6.11 p.m.)—I can provide some further information on the police cottage. I am not sure that it totally answers the question, but it shows the efforts that are being made to protect its heritage values. It is true that the cottage was sold in May this year. The property was leased back by the Commonwealth. The Commonwealth nominated the place to the ACT Heritage Register in June this year. The Commonwealth took that initiative. The place is currently being assessed by the ACT Heritage Council. The Australian Heritage Commission was involved in the contract of sale to ensure the protection of heritage values. Special conditions were attached to the sale document to require: (1) that the purchaser was made aware of the intention to list the place on the ACT Heritage Register and (2) that the purchaser cannot lodge an objection to the place being entered onto the ACT Heritage Register or the Register of the National Estate. So it seems that, between them, the Commonwealth and the Australian Heritage Commission decided that the process that I have just outlined would best protect the heritage values and was therefore adopted.

Senator LUNDY (Australian Capital Territory) (6.12 p.m.)—Thank you, Minister. If this legislation were to pass, can you tell me what the process would be for the police cottage to be entered onto the Register of the National Estate? I acknowledge that you said it was a condition of the sale for that not to be opposed, but is it effectively a ministerial decision whether or not to place it on the Register of the National Estate, as opposed to an ACT government process, which would relate to the ACT Heritage Register, which you also mentioned? I guess I am asking whether, as part of this transition—if these bills are passed—the police cottage will be automatically nominated to go on the Register of the National Estate.

Senator HILL (South Australia—Minister for Defence) (6.13 p.m.)—I understand that it has also been nominated to the Register of the National Estate under the existing legislation. I am also told—and I may have been in error this morning—that if it is leased back to the Commonwealth then it is eligible to be listed, under the Commonwealth part of the new legislation. That would be a question of whether its values meet the standards under the new legislation. It seems that whether they meet them under the existing legislation is still being assessed. What surprises me a little bit is that, while it is not inconsistent to be going down the ACT Heritage Council path as well, that seems to be the emphasis that those who have a primary responsibility to protect these values have preferred rather than putting an emphasis on a future Commonwealth list.

Senator LUNDY (Australian Capital Territory) (6.15 p.m.)—I just make the observation that that itself says something about the relative merits of the two systems. I do not know if this is anything that the minister can
answer, but I will put the question anyway. I am curious, given the location, as to why that is the preferred path. One, the location is very much in an area that is, obviously, under the auspices of the National Capital Authority, being immediately on the lake foreshore. Two, it is in an area where the National Capital Authority—and, therefore, the Commonwealth—have had the greatest interest in everything from design and siting to planning arrangements on the lake foreshore. Three, what is the view of that organisation?

But I think that, for the purposes of this bill, the issue here is that it seems to be perceived by those who are trying to protect the heritage value of the police cottage that in fact—in the light of the bills we are debating—ACT heritage registration is perhaps the stronger of the two. I think that that reflects very unhealthily upon the propositions before us. If I can think of any more questions about this particular circumstance, I will ask them. I think it is quite a reasonable case study to demonstrate what happens to former Commonwealth assets—or, as we have now heard, former Commonwealth assets that are leased by the Commonwealth and, therefore, are still eligible to transfer to the Commonwealth list. I think that the minister is learning more about these bills as we go along. I know that the more questions we ask, the more convoluted it seems to get, particularly about the issues that arise when you introduce the sale or pending sale of Commonwealth assets into the considerations of heritage status.

Senator HILL (South Australia—Minister for Defence) (6.17 p.m.)—I do not know that it is more convoluted, but I do not have the answer to that specific question. The question is: whilst this property is being assessed for National Estate values, is it also being assessed or is it going to be assessed for Commonwealth values under the new legislation? That is the answer that I do not have, and that is the answer that I will seek.

Senator BROWN (Tasmania) (6.17 p.m.)—I ask the minister, because it is pertinent to this, about the answer he gave to question on notice No. 1553, which was about the Iraq war. The minister, Senator Hill, said:

On 25 February 2003, I declared under subsection 28(3) of the Environment Protection and Biodiversity Conservation Act 1999, in the interest of Australia’s defence and security, that actions, as deemed appropriate by the Commonwealth Government, undertaken outside the Australian jurisdiction in relation to the training, deployment and operation of members of the Australian Defence Force in the Persian Gulf region in support of any military action against Iraq, are actions to which section 28 of the Environment Protection and Biodiversity Conservation Act 1999 does not apply.

The minister then went on to say that this was not put up on the public list on the website, because the government is not required to do so. The minister said, in this reply:

I am aware of the penalty provision associated with the unlawful taking of an action under the Environment Protection and Biodiversity Conservation Act 1999.

I ask the minister: could he elaborate on that? Why did he move to remove actions that might be taken under the Australian government’s decision to go to war in Iraq from the provisions of the EPBC? Why did he not make a public notification that he had taken that action back on 25 February?

Senator HILL (South Australia—Minister for Defence) (6.19 p.m.)—This was a decision that was open to be taken under section 28(3) of the EPBC legislation, and it was duly taken. In other words, it was in the interests of Australia’s Defence Force security. I am not sure what the date of that was in relation to the actions that Australia was involved in, but certainly there was no secret
at any stage on this matter. I am sorry; I missed the last point.

Senator Brown—The declaration was—

Senator HILL—It was made under the provisions of this act—the provisions specifically designed for these reasons. It is made where it is either impossible or inappropriate to be carrying out an assessment process, and that was deemed to be so in these circumstances, for obvious reasons. It was made particularly to protect the interests of Australian forces, and there was no secret in the matter.

Senator Brown (Tasmania) (6.21 p.m.)—There was. The exemption for the purposes of the war was not listed under the public notices on the Environment Australia web site, as are other such exempt actions. I will give you the question again, to put this in context. I asked:

With reference to the Commonwealth Environment Protection and Biodiversity Conservation Act 1999, under which the Australian Defence Force must not take action that has, will have, or is likely to have, a significant impact on the environment anywhere in the world without the approval of the Minister for Environment and Heritage:

(1) Did the Minister provide this approval prior to Australia’s war on Iraq; if not, is the Minister aware that the unlawful taking of an action can attract a civil penalty of up to $1.1 million, or a criminal penalty of up to 2 years imprisonment.

I further asked:

(2) If the Minister was notified and gave approval for military action in Iraq by exempting the action under the Act, why is the exemption not listed under the public notices on the Environment Australia website.

I asked that original question in June this year, and I wonder why it took some work to find out that in fact the minister had made that decision. In other words, why didn’t the minister make that declaration public at the time, and why did the minister make the declaration anyway?

Again, what is the point of this legislation, the EPBC Act? There were enormous concerns about both the environmental and cultural heritage of Iraq at the time. The minister will remember some of the destruction of cultural heritage, which was obvious. It always takes a long while before the environmental impact comes through, but there are great worries about a whole range of things, obviously, when armies are invading a country. I ask why the minister made the exemption. Where do you draw the line? It seems that the exemptions are made domestically for social and economic parameters and that they are made internationally before the war is on and then you protect the site after the war is over—the minister has mentioned Gallipoli a number of times. When does the Australian government get to the stage of believing that it should protect environmental and cultural heritage, particularly of world heritage significance, and make sure that it is protected under all circumstances? After all, there is a 1954 code which says that such places should be protected in times of war.

Senator HILL (South Australia—Minister for Defence) (6.24 p.m.)—There are a few points. Firstly, the Australian forces obviously make every endeavour to protect cultural heritage assets, whether or not they are in Australia. My second point is that we are a party to various conventions in which we accept a national responsibility to protect heritage—that is a fact of life and we are proud of it. We do everything possible to meet our obligations under those conventions. The third issue is in relation to making public the determination made under subsection 28(3) of the Environment Protection and Biodiversity Act. There was no reason not to make it public. I understand from the officials of Environment Australia that it was
simply not put on the web site because there is no obligation in the legislation to put it on the web site.

When I said there was no secret in this regard, clearly there was no secret that Australian forces were going to that region of the world—at various times during the conflict they had different tasks, but it was made very public at the time and debated almost on a continuous basis in this parliament. So there is no secret in that regard. As to why the decision was taken: as I recall, the decision was taken as a precaution to protect Australian servicemen in case there was an argument that an action they may have taken was in breach of this piece of legislation. The legislation provides that in circumstances of national security they can receive an exemption, and the government so acted.

Senator BROWN (Tasmania) (6.26 p.m.)—The reason the government did not publicise this is that it covered it up during the onset of the Iraq war. The government did not want the people of Australia to know about it. This minister, the Minister for Defence, did not make a public declaration about this very important matter, and there had already been worldwide alarm about the potential for destruction of the cultural heritage of global significance in Iraq—of course, that is heritage of the whole of humankind. I believe it was a contentious matter and I believe this minister covered it up by not making it public. All down the line, the government was flagging other intentions which were of public moment—put aside secret matters, but this is definitely not in that category. The minister, quietly and without notifying the public, declared that, as far as Australia was concerned, the invading forces were exempt from the act which was designed to ensure that we protect places of global significance anywhere in the world.

What is the point of a piece of legislation when you have a government or a minister able to do that and, moreover, able to cover it up? If there is one amendment which obviously needs to be made here it is that such declarations must be published. What excuse could you have for not publishing such a critical decision by the government in the run-up to the Iraq war? We all remember the ferment and the intense national interest, and it is still a matter of great contention. I maintain, unless the minister has an argument to the contrary, that he made this critical decision to waive the Environment Protection and Biodiversity Conservation Act for the Iraq war and did not tell the Australian people. That is reprehensible; there is no excuse for it.

Senator Allison—There was no copy of a notice of exemption.

Senator BROWN—As Senator Allison said, there was no copy of the notice of exemption. People were not told about it. The government covered up this component of its war preparations for Iraq, and it should be ashamed of itself. This legislation needs amending now so that it cannot do that again. It was part of the deceit that the government engaged in at that time. There is no excuse for not having made that public, and there is also no excuse for not putting it on the web site and not making the document public and sending it out with a press release at the time. But for political reasons the government did not do those things.

Sitting suspended from 6.30 p.m. to 7.30 p.m.

Senator BROWN—Before the dinner break I was asking Senator Hill to explain the government’s behaviour in covering up the exemption it gave to the Australian Defence Force from the requirements under the
Commonwealth Environment Protection and Biodiversity Conservation Act that the ADF not take an action that has, will have or is likely to have a significant impact on the environment anywhere in the world. The minister responded to my question by saying he did make such a declaration on 25 February this year but did not put it on the Environment Australia web site—he did not put out a publication of it, in effect—and that he is not required to do so. I ask the minister would he care to say what he has done with other such actions and why he thought that in the middle of such a massive public debate as there was over the Iraq war, with very real concerns about world heritage sites in Iraq, he made that determination but did not tell anybody in the public about it.

Senator HILL (South Australia—Minister for Defence) (7.32 p.m.)—We did cover these matters before the dinner break, and I do not know that there is a lot more that I can add. Environment Australia chose not to put it on their web site because there is no obligation in the act to do so. They put on their web site what they are obliged to do. There was no wish to hide anything from the Australian public, but I will never convince Senator Brown of that. The government was very up front about the role of Australian forces. I think most reasonable Australians would see that there is always the chance of inadvertent damage to a heritage site and would wish us to protect Australian forces, who are acting responsibly and with the appropriate level of care given the nature of the operation. So we took this action to protect Australian forces in such circumstances and believe it was the correct thing to do.

Senator BROWN (Tasmania) (7.33 p.m.)—What could possibly be the point of having a section in the act which says that the Australian Defence Force must not take an action that is likely to have a significant impact on the environment elsewhere in the world if the minister is going to do this? Could the minister explain what the point of that clause is? What is the point of putting a clause in an act which I think quite rightly protects global heritage from Australian actions overseas if the first time it is tested you bring out an exemption clause? We have seen serial transgressions of the so-called protection of the domestic environment under this legislation. We have heard the minister say that social and economic interests, which means the interests of the big end of town, need to be in no way trammelled when it comes to heritage listing—in other words, you do not list a place because of its heritage value; you first of all ask the developers whether they have something in mind and for goodness sake do not let the heritage get in the way.

But this is the government’s own legislation. Remember it was guillotined through this Senate on the last day of June in 2000. Here we have the first test of a very important component of it and the minister gives a secret exemption and does not tell the public about it—in a matter of high public interest and in a moment of high contention. Minister, what is the point of that component of the bill? When are you going to agree to the terms of your own legislation? What is meant by it? Can you make a commitment that in future when you or your colleagues do make an exemption you will let the public know about it in the time-honoured way—by putting it into the news stream one way or the other?

Senator HILL (South Australia—Minister for Defence) (7.35 p.m.)—The act of course is structured for environmental assessment processes and approvals in certain circumstances, and that is by far the most desirable way to go where damage to an important asset might be caused by an action. However, in certain circumstances it is not possible to go through that process,
and this was one of those circumstances. There was not time or the capability to do an analysis on what might be the consequences of Australia’s involvement in military action in Iraq. In those circumstances and to protect the interests of Australian forces the exemption was given.

As to whether we should have put out a public statement, I hear the argument. As I said, there was no reason that I can recall, no secret agenda and no plot in this regard to keep anyone in the dark. Generally speaking, my view is: when administrative actions can be transparent they should be. I think the general approach should be: when decisions are made that are of public interest and there is no reason why they should not be made public then it is better that they are. As far as I can recall this is the only occasion that I have had to act under this particular provision, but both I and the department could bear in mind the issues that have been discussed here if ever there is another instance.

Senator BROWN (Tasmania) (7.37 p.m.)—That is it, isn’t it? Section 28 of the act states:
The Commonwealth or a Commonwealth agency must not take inside or outside the Australian jurisdiction an action that has, will have or is likely to have a significant impact on the environment inside or outside the Australian jurisdiction.
The first time the section applies to an action outside the Australian jurisdiction, the government exempts it. The point I make is that there is deceit involved in this legislation. The minister has done this and it was a complete cover-up. It was totally inexcusable. It took quite a bit of deliberation—it was not just an off-the-cuff thing—to make a decision to give a written exemption for the war in Iraq to Australia’s single environment bill, which this minister has advocated so strongly. With a pen, in secret, he got around it at a time of great national contention. Out of that came a deceit of the Australian public. The government should be ashamed of that.

Senator ALLISON (Victoria) (7.39 p.m.)—I apologise for delaying the committee, but again I seek clarification regarding Point Nepean. I have just checked and there are four Point Nepean sites on the RNE. Is it the expectation of the government that the sale will precede the enactment of this legislation and therefore those sites will not be subject to the legislation?

Senator HILL (South Australia—Minister for Defence) (7.40 p.m.)—My advice is that that issue has not been specifically considered in those terms. Obviously, the legislation has not passed, so it is difficult to respond. Consideration has been given in some circumstances, but it has not really been in circumstances where the property is to be sold. The answer that I have given is that it is a matter upon which there has not been a determination.

Senator BROWN (Tasmania) (7.41 p.m.)—Earlier today the minister was giving some explanation about the state of play regarding Recherche Bay and time ran out. I wondered if he wanted to continue that, because I have a question or two that might be obviated by his completed answer.

Senator HILL (South Australia—Minister for Defence) (7.42 p.m.)—I think it might be better if I asked Senator Brown to restate his specific question because I have a feeling that what I was saying may not have been totally relevant to the specific issue that
he was addressing. I have further information on the issue and I hope that I will be in a position to answer his specific question, but I would ask that he restate it.

Senator BROWN (Tasmania) (7.42 p.m.)—The minister will remember from last Thursday that I drew his attention to the situation at Recherche Bay, at which the D’Entrecasteaux scientific expedition sent by the French government arrived in 1792 and, after circumnavigating Australia, came back to in 1793. Both times they went ashore in southern Tasmania for five weeks. On the first occasion they built a rock-wall garden which has recently been rediscovered and which may well be one of the oldest, if not the oldest, intact European structures in Australia—a site of great interaction with Indigenous people as well as many other matters about which I spoke last week. The question was: is it true that the assurance given to me and other people in writing by the Minister for the Environment and Heritage, Dr Kemp, that the Tasmanian Heritage Council was undertaking an independent inquiry into the heritage values of this place is in fact not so?

Senator HILL (South Australia—Minister for Defence) (7.43 p.m.)—As I think I said the other day, the position is that the council was making an assessment but, with the agreement of other parties, it decided to do it by different means—that is, by an application from a number of different organisations—including the Tasmanian Greens, as I recall it—for protection. The issue is whether it should be listed on the Tasmanian Heritage Register, which is maintained by the Tasmanian Heritage Council under the provisions of the Tasmanian cultural heritage act.

As Senator Brown no doubt knows, the register is a list of places that have historic cultural heritage significance in Tasmania. How the state level assessment is undertaken and information for that assessment is provided is a matter for the Tasmanian government. As to the action of the Australian Heritage Commission, it has been awaiting the heritage assessment by the Tasmanian Heritage Council before considering the issue of assessment for the Register of National Estate. In other words, there is no point in doing two assessment processes in parallel. It is waiting for the assessment process to be completed by the Tasmanian Heritage Council and will take that into consideration.

On 13 August this year I am told that the Tasmanian Heritage Council deferred its assessment to September this year. So we are expecting an outcome at that time. That will be made available to the AHC, which will then decide how to proceed with the Commonwealth matter—whether it can proceed on the basis of the Tasmanian documentation. If the AHC is not satisfied the documentation is sufficient for its purposes, it will consider what additional action is required to obtain the necessary information. The Commonwealth’s position has been at this stage to allow the Tasmanian initiated processes to run their course. But it is true, as I said, the process seems to have changed from one where the Heritage Council was taking the initiative to one where it is responding to the initiative of a number of concerned parties.

Senator BROWN (Tasmania) (7.46 p.m.)—No; that is not true. What happened was that the Tasmanian Heritage Council, under the authority of Premier Bacon, announced that it would be making an independent investigation of the heritage values of Recherche Bay. Then suddenly two weeks ago it told the interested parties—which do include the Tasmanian Greens but, more importantly, the local community groups—that it was not going to do so; they would have to do it themselves. They did not make any offer; they were told. The Tasmanian Heritage
Council unilaterally withdrew from that commitment it had made, by the way, to Environment Minister Kemp and which he had then made to me. Premier Bacon had made it too. I ask why.

The answer is that the woodchip industry and Gunns leant directly or indirectly on the Tasmanian Heritage Council, unless the minister can give some other explanation. It just does not add up. There has been political influence on a process that had been publicly announced. If the Australian government allows it to get away with it again, what is the point of this legislation? Now it is left, by the way, to the community groups who, earlier on, may have had decent time—I know they do not have the money to get independent expertise because it does cost money—and suddenly their time is almost out and they have no wherewithal to do that except to get together the best information they have. I suggest to the minister that the process is wrong. The national government cannot allow itself to be compromised by the Tasmanian government in that fashion. The minister says, 'When the assessment comes back, if there is not sufficient information we will get an independent study done here.' I do not have any faith in that. If you cannot keep the Tasmanian government to its word, what is the difference when we hear the word coming from this government?

I would submit that the minister should go back to Tasmanian Premier Bacon and say, 'You made this commitment; you stick by it. We require you to stick by it.' Otherwise this process is breaking down through interference by vested interests—and that is what is worrying me all the way down the line—and here is a clear example of it happening. If I am wrong, please give an explanation as to why that commitment from the Tasmanian Premier and his Heritage Council has suddenly evaporated. It just does not make sense. After long consideration they made that commitment. The Greens have no experts on staff who can take up this matter. You should go down there and do all the investigations that the Tasmanian Heritage Council and the Tasmanian Premier said they would do. What is more, on 13 August the council’s decision was deferred and we are closing the gate on this in September. And, what is more, you know that you have to get the permission of the owners, and there are all sorts of hoops to go through down there.

It is a terrible process, and I want the minister to restore some confidence in it. Again, it is this act that we are dealing with here and part of this act, which we were given all sorts of assurances about three years ago, covered the transfer of many of the obligations for assessing and protecting the national heritage to the states. But you cannot transfer that authority; this is federal legislation. You cannot transfer the responsibility. I am asking the minister what the Hon. David Kemp, Minister for the Environment and Heritage, has done to investigate why that change took place in Tasmania. Surely we are owed an explanation here. The minister says that suddenly the groups decided to undertake it. They did nothing of the sort. They were told there was no option; they would have to do it or it would not be done. There was going to be no investigation. So I presume they are cobbled together whatever they can at the moment. What a process—a process that can be cut in two by vested interests in such an extraordinary way as that!

I also asked the minister last week about the eyebright, which is critically endangered and on the protection list under this bill. Premier Bacon has to make a decision as to whether he will allow a resumption of roadworks going right through the territory of the one known place where that critically endangered flowering plant in southern Tasmania exists. What is the process here? Who is doing the independent analysis this time? What
assurances have we that Premier Bacon will not be allowed to give the go-ahead to that road which damages that environment and, therefore, is likely to push this critically endangered native closer to, if not all the way to, extinction?

Senator HILL (South Australia—Minister for Defence) (7.53 p.m.)—The Tasmanian assessment process is one under Tasmanian legislation, with a protective regime set up thereby. Whilst we seek cooperation, because we think the most effective form of protection for the nation is each level of government playing its part, nevertheless how the Tasmanian government implements its statutory obligation is primarily in its hands. I am advised that there was no commitment as such to Dr Kemp. Certainly Dr Kemp was led to understand that the process was being driven by the Tasmanian Heritage Council, but I am told that on 14 August the Commonwealth department was advised that the Tasmanian Heritage Council was adopting a different approach to that originally advised.

I have outlined what that different approach is. What I have said is that, whilst the Commonwealth can take the outcomes, the assessments or the matters that were involved in the Tasmanian process into account in its obligations—and, sensibly, it would—it is not limited by the Tasmanian investigation under the Australian Heritage Commission Act, as it is now, in terms of a listing application, of which there is one, as I have said, or if the EPBC Act comes into play the Commonwealth is free to seek what other advice it considers necessary in order to make the best decisions and I am sure under Dr Kemp will do so.

I have some further information which I can give to Senator Brown on the swamp eyebright. I understand that Minister Kemp has previously advised Senator Brown that the EPBC Act does not apply to the construction of the access road through the Southport Lagoon Conservation Area as the road is for forestry purposes. Forestry operations undertaken in accordance with the forest practices plan meet the requirements of the Tasmanian Regional Forest Agreement and, therefore, are exempt from the EPBC Act. The Forest Practices Plan for the construction of the access road was certified in April 2002.

I am advised that the swamp eyebright is listed as critically endangered under the EPBC Act and the Tasmanian Threatened Species Protection Act. Officials from the Department of the Environment and Heritage have been in contact with the Tasmanian officials in an effort to find further information on the matter. As a result, I understand that the access road is located approximately one kilometre from the swamp eyebright population in the conservation area and that the action will not directly impact on the eyebright population. In fact, it is the officials’ view that the uncontrolled access by recreational four-wheel drive vehicles is actually a greater threat to the swamp eyebright. However, the department is informed that potential for impacts on the eyebright was considered during the forest practices plan process and that the plan for the road incorporates specific construction measures designed to prevent unauthorised recreational four-wheel drive vehicles from using the road to gain access to the conservation area where the eyebright is located. I think Senator Brown made reference to a particular study. Commonwealth officials have been unable to identify that study. I hope that that basically answers the issue that Senator Brown has raised.

Senator BROWN (Tasmania) (7.58 p.m.)—I am surprised that the Commonwealth officials have not been able to get the study by Parks and Wildlife in Tasmania which lists the potential for a logging road to
be a threat to the eyebright. The minister will know, from his years of experience with the environment, that a logging road going within a kilometre of a critically endangered plant is a very serious threat indeed—particularly where it is not warranted and where it is going through a conservation area. We get into a downward spiral with the logic the minister used. He says, 'Forestry is a protected activity as far as this bill is concerned.' So here we go: this bill is to protect Australia’s heritage, logging operations not included. The minister says, 'This critically endangered plant is on the list, but if it is a logging operation it does not count.'

The first attempt on that road, by Gunns Pty Ltd, to get in and woodchip the north-east peninsula was in May last year. A combination of factors including bad weather stopped them, but I bet it was not even brought to the minister’s attention that this critically endangered plant was in the vicinity, let alone the values of the north-east peninsula. If either of those factors were brought to the attention of the minister, I would like to see that evidence. I point out that on both counts this legislation and the process of divesting authority to the logging operatives in Tasmania and to the Tasmanian government has failed. It failed with a critically endangered species and it failed with top-rank national, cultural and environmental heritage. If it is going to that down there, where is the guarantee of this legislation? That is the question I was putting here three years ago.

The Commonwealth has an obligation to understand what is going on at state level because otherwise anything goes—and I said that three years ago. You get maverick state governments when it comes to the environment—you get maverick premiers, ministers and chief ministers—and this legislation has no way of dealing with that. You are ransomed by their behaviour. The behaviour I am outlining here regarding Recherche Bay, and a cascading series of events that all tumble against the environmental interest and the public interest, has not been countermanded in any way by Commonwealth action. The minister makes an assertion that there is going to be an independent inquiry, and then within a month of that there is not. Efforts are made to try to feed me that the community group opted to take up responsibility, when I know that is wrong. The government down there intervened, one way or another, and the Tasmanian Heritage Council said it will haul off the independent investigation—because there is money involved here.

The minister is listening to this debate, and I would have thought that he would be able to respond to that. I can tell him that the Recherche Bay issue has drawn international attention. It is being watched by the international media, not least the French media, and there is national and international archaeological, anthropological and environmental interest. The Commonwealth government is going to get itself into a big stew here if it does not have the backbone to say to the Tasmanian state government, ‘Haul off on this occasion. You can’t do that.’

In concluding, let me tell you where the state government and the Tasmanian Heritage Council are going to do. They are going to put in two postage stamp exclusions: one for the French garden and one for the observatory. The observatory is outside the logging range anyway, and they will argue that the French garden is too because they have a 100-metre zone around the outside and it happens to be just within the zone, next to the coast. They are going to put in postage stamp exclusions to what should be a culturally protected landscape. This is a cultural landscape of international significance. I have handed the minister the sum of the evidence on that. There are known historic sites all over this peninsula.
Minister Kemp needs to know that he is dealing with a very dangerous situation as far as the environment and Australia’s international kudos are concerned, because the decisions the Tasmanian government makes under this legislation are the decisions the Howard government makes. If I were the national government I would not simply be the fall guy for the delinquency that is coming down the line over this particular, extraordinarily important historic, environmental and—well above all—Indigenous site, which has so far remained miraculously intact but which is about to be blitzed within the next six to eight months.

Senator HILL (South Australia—Minister for Defence) (8.04 p.m.)—I hear what Senator Brown says but I do not think I can take the swamp eyebright or the Recherche Bay matters any further at this time. He is unhappy with the state government and he is unhappy with the Commonwealth government. Both assets are very important assets in different ways. I do not think that is in dispute. The issue is whether the state or the Commonwealth protective regimes, or both in conjunction, provide adequate protection. The process in relation to Recherche Bay is still under way, so I think it is premature to make a judgment on that. In relation to swamp eyebright, the agreement that was reached between the Commonwealth and the state gave the responsibility to protect those assets primarily to the state. The state is arguing that the course of action it is taking is not going to threaten the asset, and no doubt there will be debate and public interest on that particular issue.

Senator BROWN (Tasmania) (8.06 p.m.)—On another matter, I did ask the minister last week about the protection of Aboriginal heritage by the logging operations under the regional forest agreement. I asked him to let the committee know that my fears that such sites, including listed sites in Tasmania, are being obliterated by clear-fell logging are not in fact well founded.

Senator HILL (South Australia—Minister for Defence) (8.06 p.m.)—I have been able to get quite a bit of information on this subject as well. In Tasmania the protection of Aboriginal sites in areas proposed for logging is informed by the state government’s Forest Practices Code, which is underpinned by the National Parks and Wildlife Act, the Threatened Species Protection Act, the Aboriginal Relics Act, the Forestry Act and the Commonwealth EPBC Act. The Tasmanian Heritage Office and the Tasmanian Forest Practices Board have advice that logging activities are not exempt from the provisions of the Aboriginal Relics Act 1975, which provides penalties for any person found to have interfered with a protected Aboriginal relic or site. The Forest Practices Code, which is a public document, sets out the process whereby cultural values should be assessed at the strategic or property level and evaluated during the preparation of forest practices plans. The code stipulates:

Requirements for the conservation of ... cultural values, including specific sites, should be recorded to aid in future decision making and ensure continuity of management.

... ... ...

Areas of high conservation significance may be designated as special management zones ...

... ... ...

During the planning for broad areas of forest, areas of Aboriginal cultural heritage site potential and/or sensitivity should be identified using the Archaeological Potential Zone maps ... or the potential zoning predictive statements ...

Heritage specialists within the Forest Practices Board advise that all areas of high archaeological potential are surveyed within the limits of access and visibility. A proportion of the areas of medium and low archaeological potential are also surveyed. Known
sites are managed by avoidance. Following the logging of coupes, an assessment is undertaken to determine ongoing management requirements.

The Tasmanian Heritage Office advise that the Forest Practices Board were originally provided with data relating to some 3,500 sites around Tasmania. They advise that since 1994 they have undertaken some 3,000 pre- and post-operational surveys of logging areas. Information relating to cultural heritage sites located during these surveys is provided to the Tasmanian Heritage Office for inclusion on the Tasmanian Aboriginal site index. Information used to prepare the Tasmania-Commonwealth Regional Forest Agreement identified some 180 natural and Indigenous heritage places located in forest areas either in the interim list or inscribed in the Register of the National Estate. Both the Tasmanian Heritage Office and the Forest Practices Board advise that producing specific figures on the number of sites identified within logging coupes and the management status of each would take some time to generate.

I am also advised in relation to applications for protection under the Aboriginal and Torres Strait Islander Heritage Protection Act—that is, the Commonwealth act. Until 1998 the administration of the act rested with ATSIC. There was up until that date only one application that related to a claimed threat from forestry actions. That was the Kooroora Niara application. I understand that a buffer zone was provided to protect the site and that ultimately the matters were resolved. As I suspected, there have been no further applications for protection since the Commonwealth department took over the administration of that piece of legislation.

Senator Brown (Tasmania) (8.11 p.m.)—Thank you, Minister. I know you are giving us the information you have. You said during that submission that known sites are managed by avoidance. Let me be a bit more particular. Your good officers have had some time to work on this. I mentioned last week quarry sites, middens and scatter sites that are listed, and I asked specifically if such sites had been destroyed, isolated or removed or were under threat of same. I want the minister to know that his information is not right. I would like to ask the minister if all logging operations in the Tarkine in north-west Tasmania—that is, in that corner of the state—at the moment exempt damage to Aboriginal sites. I very specifically ask if there are intentions, applications or otherwise to forgo protection of logging sites so that logging can take place or is taking place already. Another way of asking that is: has the Tasmanian government or any of its instrumentalities or ministers given exemption for the interference in such sites at the request of logging operatives or have logging operatives made such a request?

Senator Hill (South Australia—Minister for Defence) (8.13 p.m.)—Again, Senator Brown asks for a great deal of detail about the application by Tasmania of its protective legislation. I do not have the answer to that specific question, but I have said to the Senate that the Tasmanian relics act takes precedent. If a site has been protected then to damage it is a serious offence. There seems to have been an extensive process of evaluating Aboriginal sites in Tasmania, which is obviously a good thing. If they have been identified and listed, they are managed by avoidance—which seems to me to be the best way to manage them. I do not know of any provision under the Tasmanian legislation that allows for what I think Senator Brown referred to as an exemption, which I take to mean that the forestry operation would be permitted to destroy a protected site. Certainly that would not occur under the Commonwealth legislation, but the fact that
there have not been applications under the Commonwealth legislation would suggest that, by and large, interested parties are happy with the operation of the Tasmanian regime.

Senator BROWN (Tasmania) (8.14 p.m.)—I ask the minister if he will go back to the Tasmanian government and ask if an exemption has ever been given to exempt from protection a listed Aboriginal site in Tasmania, if a request for an exemption has been made and if there is the facility for the minister or the Premier or anybody else to make such an exemption. The minister has indicated that is not the case—that is not my information. I am very serious about the matter. The minister says, ‘Well, under the Forest Practices Board, there are 3,500 sites and there have been 3,000 surveys in the last eight years.’ He says this is Tasmanian legislation. No, it is not. This is this legislation, which transfers the Commonwealth’s guardianship of such heritage to the Tasmanian authorities. It exempted logging operations because there is a code of practice there. What I am talking about breaches that code of practice, but the responsibility is with the federal government. The Prime Minister signed that regional forest agreement giving authority to the state to do the Commonwealth’s work. The minister knows that that is the case. I do not know whether any other member of this committee wants to comment on this, but we are talking about legislation here to protect the nation’s heritage.

Is the minister saying to me, ‘Yes, the Commonwealth exempts logging operations from protecting known sites of national cultural or environmental heritage’? Is that what you are saying? That is new. The line we have always been given here is that the Forest Practices Code, which operates under the regional forest agreement which Prime Minister Howard devised with then Premier Rundle, does the Commonwealth’s job. I am saying it does not. The question is: how can the Commonwealth allow that to happen? How can it have national heritage being damaged or destroyed under its authority, under the Prime Minister’s signature? Don’t they value the Prime Minister’s signature? Isn’t there an expectation that the state government, inheritors of that regional forest agreement, will be honest and true to its requirements and to the assurances given to the people of Tasmania and indeed everywhere else about the Tasmanian heritage? Or is the minister saying to the committee that the national obligation to protect sites, places and values of national significance does not apply to logging in Tasmania? If that is the case, say so. It has never been said before. If it is not the case, I ask: how do you protect Indigenous and other cultural and environmental heritage from those people who breach the spirit of this legislation? And it is being breached. You cannot wash your hands of it. You cannot be Pontius Pilate and say, ‘That is not my business; it is somebody else’s.’ You have signed that power to the Tasmanian government: how do you police it?

Senator HILL (South Australia—Minister for Defence) (8.18 p.m.)—My advice is different to the assertion of Senator Brown. As I said, my advice is that logging activities are not exempt from the provisions of the Aboriginal Relics Act 1975, which provides penalties for any person found to have interfered with a protected Aboriginal site or relic. I will have that double-checked, but that is the advice that Commonwealth officials have given to me and that is after consultation with the state officials. But I will check that.

Senator BROWN (Tasmania) (8.19 p.m.)—I am very worried by what is going on down in Tasmania. I am, through this process, alerting the Commonwealth to it. I think there needs to be very close scrutiny of
the responses coming back. I have been pretty particular. All I have not done is name specific places, and that is not my job in this situation. But I think it is pretty clear. You can send the Hansard down to Tasmania but if I were the minister I would want an iron-clad guarantee from your Tasmanian counterpart that what you said here tonight is true.

Senator ALLISON (Victoria) (8.20 p.m.)—Minister, it was in fact my understanding that the Point Nepean sites had been assessed and were said to be ready for transferring. It has also been said by the minister and the minister’s office that it is the intention of the Commonwealth, once assessment is done in some cases, to transfer all of those sites onto the Commonwealth Heritage List that are currently on the RNE. I note that you say that no decision has been made on this and you are currently looking into it and so forth, but there is also, as I understand it, a list of Commonwealth places that were ready for transfer. I ask you directly: are those four sites at Point Nepean on that list of sites that are ready for transfer and can the most up-to-date version of that list be tabled? Can you also table the list of Commonwealth places that remain to be assessed? I think I made this request last Thursday and I am not sure that you gave an undertaking one way or the other, but it must be available amongst all of the departmental staff you have with you, and I ask that it be tabled.

Senator HILL (South Australia—Minister for Defence) (8.21 p.m.)—What I can say is that the quarantine station is already on the Register of the National Estate and I think there may be some other specific assets that are already on the register. I am told that other areas have been assessed, so there must be instances where there has been a nomination, they have been assessed and the Australian Heritage Commission believes that they meet all of the tests and would therefore be eligible for transfer to the Commonwealth Heritage List under the new legislation. I presume that also means that they would probably meet the test for listing under the existing legislation. In relation to Minister Kemp’s processes that flow from that, my understanding was that he had not given any undertakings in that regard, but I will seek further advice.

Senator ALLISON (Victoria) (8.23 p.m.)—Minister, I realise you are not minister for the environment—that is Dr Kemp’s area—but we are talking here about Defence land. As this is your portfolio, I would have thought you could enlighten us as to whether this land is to receive the protection of the new legislation. If all those sites—there are four of them, and I did say they are already on the RNE, that is the point in raising these—have been assessed, what is the barrier to them shifting directly across to the Commonwealth list?

Senator HILL (South Australia—Minister for Defence) (8.24 p.m.)—I do not think there is any barrier if they have been assessed as meeting the criteria, but that is not a judgment that I make as Minister for Defence; that is an issue and a responsibility for Dr Kemp as Minister for the Environment and Heritage. I am interested in the values being protected. In some instances we are protecting natural values by transfer to the state, which we hope will do its job—although I am not sure that Senator Brown would be very confident of that. I have said in relation to the piece of land which the Commonwealth government proposes selling that there are a number of ways in which we can protect the historical and cultural values on that land, and it is our determination to do so. What I also said is that, of the number of different options that are open to us, a decision as to exactly what protective regime will be put in place has not yet been made.

Question negatived.
Senator LEES (South Australia) (8.26 p.m.)—by leave—I move amendments (1) to (18), (21), (25) to (36), (38) to (48), (50) to (65), (67) to (76), (78) to (81), and (83) to (110), on sheet RA235:

(1) Schedule 1, item 18, page 17 (line 30), omit “place.”, substitute “place; or”.

(2) Schedule 1, item 18, page 17 (after line 30), at the end of section 137A, add:
   (c) a plan that has been prepared for the management of a National Heritage place under section 324S or as described in section 324X.

(3) Schedule 1, item 31, page 22 (line 26), after “and”, insert “may”.

(4) Schedule 1, item 31, page 24 (after line 31), after subsection 324E(3), insert:
   (3A) Within 10 business days after giving the request to the Chair of the Australian Heritage Council, the Minister must publish on the Internet a brief description of the nomination.
   Note: Section 324Q may affect the amount of detail in the description.

(5) Schedule 1, item 31, page 26 (line 11), omit “, within a reasonable time”.

(6) Schedule 1, item 31, page 26 (lines 12 and 13), omit paragraph 324F(5)(a), substitute:
   (a) within 10 business days, publish, on the Internet and in each other way required by the regulations (if any), a copy of the instrument published in the Gazette; and

(7) Schedule 1, item 31 page 26 (lines 19 and 20), omit paragraph 324F(c), substitute:
   (c) within 10 business days, advise each person (if any) who nominated the place or requested the Minister in writing to include the place in the List under this section that the place has been included in the List.

(8) Schedule 1, item 31, page 26 (after line 20), at the end of section 324F, add:
   (6) If a person requests the Minister in writing to include a place in the National Heritage List under this section and the Minister has not done so within 10 business days after receiving the request, the Minister must:
      (a) publish on the Internet notice of those facts; and
      (b) advise the person that the Minister has not included the place in the List; and
      (c) give reasons why the Minister has not done so to the person and to anyone who requests them.
      This subsection has effect (despite subsection (1)) whether or not the Minister has the belief described in that subsection in relation to the place and its heritage values (if any).

(9) Schedule 1, item 31, page 27 (lines 1 and 2), omit “However, the Minister may extend the period in paragraph (a) or (b).”,

(10) Schedule 1, item 31, page 27 (after line 2), after subsection 324G(2), insert:
   (2A) If the Australian Heritage Council does not give the Minister the assessment within the period required by subsection (2) but makes all reasonable efforts to do so, the Minister may, by notice in writing, extend the period by up to 24 months.
   (2B) If the Australian Heritage Council does not give the Minister the assessment within the period as extended under subsection (2A) but makes all reasonable efforts to do so, the Minister may, by notice in writing, further extend the period by up to 24 months.
   (2C) Within 10 business days of extending the period by notice under subsection (2A) or (2B), the Minister must:
      (a) publish on the Internet:
         (i) a copy of the notice; and
         (ii) the reasons for the extension; and
      (b) give a copy of the notice to each person (if any) who nominated the
place being covered by the assessment.

(11) Schedule 1, item 31, page 27 (after line 6), after subsection 324G(3), insert:

Requirements relating to assessments generally

(3A) Before giving the Minister an assessment under this section whether a place meets any of the National Heritage criteria, the Australian Heritage Council:

(a) must publish, in accordance with the regulations (if any), a notice:

(i) stating that the Council is assessing whether the place meets any of the National Heritage criteria; and

(ii) inviting comments in writing, within a specified period that is reasonable having regard to the time by which the Council must give the assessment to the Minister, on whether the place meets any of the National Heritage criteria and whether the place should be included in the National Heritage List; and

(b) must consider, subject to subsection (5), the comments (if any) the Council receives within the period.

The Council must give the Minister a copy of the comments with the assessment.

(12) Schedule 1, item 31, page 27 (line 30), omit the heading to section 324H, substitute:

324H Inviting public comments after assessment

(13) Schedule 1, item 31, page 27 (before line 30), before subsection (1), insert:

(1A) This section applies if and only if, within 20 business days after the day on which the Minister receives from the Australian Heritage Council under section 324G an assessment whether a place meets any of the National Heritage criteria, the Minister decides that this section should apply. This section continues to apply even if the Minister revokes the decision.

(14) Schedule 1, item 31, page 27 (line 33), omit “a”, substitute “the”.

(15) Schedule 1, item 31, page 28 (lines 5 and 6), omit the note.

(16) Schedule 1, item 31, page 28 (lines 11 to 13), omit “include a statement setting out the National Heritage criteria the place meets or may meet and must allow the comments”, substitute “state that comments are”.

(17) Schedule 1, item 31, page 28 (lines 22 to 26), omit subsection 324H(5), substitute:

(5) On the first day on which the Minister publishes the notice, the Minister must publish, in accordance with the regulations (if any):

(a) the assessment given to the Minister under section 324G for the place; and

(b) a summary of the documents (if any), copies of which were given to the Minister by the Australian Heritage Council under that section with the assessment; and

(c) if the place has not been included in the National Heritage List—one of the following:

(i) a statement (the listing proposal) that the Minister proposes that the place be included in the National Heritage List;

(ii) a statement that the Minister proposes that the place not be included in the National Heritage List;

(iii) a statement that the Minister does not have a view whether or not the place should be included in the National Heritage List; and

(d) if the Minister publishes the listing proposal—a statement:

(i) identifying the National Heritage values that the Minister proposes be included in the National Heritage List for the place; and
(18) Schedule 1, item 31, page 28 (line 29) to page 29 (line 9), omit subsections 324J(1) and (2), substitute:

(1) After receiving from the Australian Heritage Council an assessment under section 324G whether a place, except one that is or includes a place included in the National Heritage List under section 324F (whether before, on or after receipt of the assessment), meets any of the National Heritage criteria, the Minister must:

(a) by instrument published in the Gazette, include in the National Heritage List the place and its National Heritage values specified in the instrument; or

(b) decide not to include the place in the National Heritage List.

Note 1: Section 324F is about emergency listing.

Note 2: The Minister may include a place in the National Heritage List only if the Minister is satisfied that the place has one or more National Heritage values (see subsection 324C(2)).

Note 3: Section 324N deals with how additional National Heritage values may be included in the National Heritage List for a National Heritage place.

(2) The Minister must comply with subsection (1):

(a) within 20 business days after the day on which the Minister receives the assessment; or

(b) if section 324H applies in relation to the place—within 60 business days after the end of the period mentioned in paragraph 324H(3)(a) for the place.

(21) Schedule 1, item 31, page 29 (lines 21 and 22), omit “, within a reasonable time”.

(25) Schedule 1, item 31, page 29 (lines 29 to 31), omit “Within 15 business days after the end of the period mentioned in subsection 324H(3) for a place included in the National Heritage List under section 324F (emergency listing),”, substitute “After receiving from the Australian Heritage Council an assessment under section 324G whether a place that is or includes a place (the listed place) included in the National Heritage List under section 324F (whether before, on or after receipt of the assessment) meets any of the National Heritage criteria,”.

(26) Schedule 1, item 31, page 29 (line 34), omit “place”, substitute “listed place”.

(27) Schedule 1, item 31, page 30 (line 1), omit “place”, substitute “listed place”.

(28) Schedule 1, item 31, page 30 (line 5), omit “place”, substitute “listed place”.

(29) Schedule 1, item 31, page 30 (line 7), omit “place”, substitute “listed place”.

(30) Schedule 1, item 31, page 30 (lines 18 to 20), omit the note.

(31) Schedule 1, item 31, page 30 (after line 20), after subsection 324J(5), insert:

(5A) The Minister must comply with subsection (5):

(a) within 20 business days after the day on which the Minister receives the assessment; or

(b) if section 324H applies in relation to the place covered by the assessment—within 15 business days after the end of the period mentioned in subsection 324H(3) for the place.

However, this subsection does not apply if the place is wholly or partly outside the Australian jurisdiction.
Note: Subsection (5) cannot apply to a place wholly outside the Australian jurisdiction, because a place wholly outside the Australian jurisdiction must not be included in the National Heritage List under section 324F.

(32) Schedule 1, item 31, page 30 (line 35), omit “within a reasonable time”.

(33) Schedule 1, item 31, page 30 (line 36) to page 31 (line 5), omit paragraphs 324J(7)(a) and (b), substitute:

(a) within 10 business days, publish on the Internet:

(i) a copy of the instrument published in the Gazette; and

(ii) the reasons for the removal or alteration; and

(b) within 10 business days, give written reasons for the removal or alteration to each person identified by the Minister as an owner or occupier of all or part of the place; and

(c) give written reasons for the removal or alteration to anyone else who asks the Minister for them; and

(d) if the place was included on the List following a nomination of it by a person—within 10 business days of the removal or alteration, advise the person of the removal or alteration and give the person written reasons for it.

(34) Schedule 1, item 31, page 31 (line 12), omit “subsection 324G(4)”, substitute “section 324G”.

(35) Schedule 1, item 31, page 31 (line 14), after “notice”, insert “(if any)”.

(36) Schedule 1, item 31, page 33 (lines 5 and 6), omit subsection 324L(6), substitute:

(6) Within 10 business days of publication of the instrument in the Gazette, the Minister must publish, on the Internet and in each other way required by the regulations (if any), a copy of the instrument.

(38) Schedule 1, item 31, page 33 (lines 9 to 14), omit subsection 324M(1), substitute:

(1) Before the Minister removes from the National Heritage List under section 324L all or part of a place or one or more of a place’s National Heritage values in a removal for loss of value, the Minister must:

(a) give the Chair of the Australian Heritage Council a written request for the Council to give the Minister advice on the proposed removal; and

(b) publish, on the Internet, in a daily newspaper circulating in each State and self-governing Territory and in each other way required by the regulations (if any), a notice:

(i) describing the proposed removal; and

(ii) inviting anyone to give the Minister comments, within 20 business days, on the proposed removal.

The Minister must publish the notice within 20 business days of giving the request.

(39) Schedule 1, item 31, page 33 (lines 17 and 18), omit subsection 324M(3), substitute:

(3) The Minister must consider the advice, if he or she receives it by the end of that period, and the comments (if any) received in accordance with the notice.

(40) Schedule 1, item 31, page 35 (before line 33), before subparagraph 324R(2)(a)(i), insert:

(i) publication under section 324H of the assessment; or

(41) Schedule 1, item 31, page 36 (line 4), omit “324J(1) or (5)”, substitute “324J(2) or (5A)”.

(42) Schedule 1, item 31, page 38 (lines 1 to 4), omit subsection 324S(6), substitute:

(6) Before making, amending or revoking and replacing a plan, the Minister must:
(a) seek in accordance with the regulations, and consider, comments from anyone about the matters to be addressed by the proposed plan or amendment; and

(b) seek and consider comments from the Australian Heritage Council about those matters.

(43) Schedule 1, item 31, page 38 (lines 15 to 19), omit section 324U, substitute:

324U Compliance with plans by the Commonwealth and Commonwealth agencies

(1) The Commonwealth or a Commonwealth agency must not:

(a) contravene a plan made under section 324S; or

(b) authorise another person to do, or omit to do, anything that, if it were done or omitted to be done by the Commonwealth or the Commonwealth agency (as appropriate), would contravene such a plan.

(2) If there is no plan in force under section 324S for a particular National Heritage place described in subsection (1) of that section, the Commonwealth and each Commonwealth agency must take all reasonable steps to ensure that its acts (if any) relating to the place are not inconsistent with the National Heritage management principles.

(44) Schedule 1, item 31, page 38 (lines 27 to 32), omit section 324W, substitute:

324W Review of plans at least every 5 years

(1) At least once in every 5 year period after a plan for managing a National Heritage place is made under section 324S, the Minister must cause a review of the plan to be carried out.

(2) The review must:

(a) assess whether the plan is consistent with the National Heritage management principles in force at the time; and

(b) assess whether the plan is effective in protecting and conserving the National Heritage values of the place; and

(c) make recommendations for the improved protection of the National Heritage values of the place.

(3) The person carrying out the review must publish, on the Internet and in a daily newspaper circulating in each State and self-governing Territory, a notice inviting anyone to give the person comments within 20 business days on:

(a) whether the plan is consistent with the National Heritage management principles; and

(b) the effectiveness of the plan in protecting and conserving the National Heritage values of the place.

(4) In carrying out the review, the person must consider the comments (if any) received in accordance with the notice.

(45) Schedule 1, item 31, page 40 (line 26), omit “identification and assessment”, substitute “identification, assessment and monitoring”.

(46) Schedule 1, item 31, page 41 (after line 3), after subsection 324ZA(1), insert:

(1A) The Commonwealth agency must give the Minister at least 40 business days’ notice before executing the contract.

(47) Schedule 1, item 31, page 43 (line 3), omit paragraph 324ZC(2)(e), substitute:

(e) all nominations, assessments and changes to the National Heritage List under this Division during the period of review; and

(f) compliance with this Act in relation to National Heritage places; and

(g) any other matters that the Minister considers relevant.

(48) Schedule 1, item 32, page 43 (line 16), after “and”, insert “may”.

(50) Schedule 1, item 32, page 47 (line 2), omit “, within a reasonable time”.
(51) Schedule 1, item 32, page 47 (lines 3 and 4),
omit paragraph 341F(5)(a), substitute:
(a) within 10 business days, publish, on
the Internet and in each other way
required by the regulations (if any),
a copy or summary of the
instrument published in the Gazette;
and

(52) Schedule 1, item 32, page 47 (lines 10 to
12), omit paragraph 341F(5)(c), substitute:
(c) within 10 business days, advise each
person (if any) who nominated the
place or requested the Minister in
writing to include the place in the
List under this section that the place
has been included in the List.

(53) Schedule 1, item 32, page 47 (after line 12),
at the end of section 341F, add:
(6) If a person requests the Minister in
writing to include a place in the
Commonwealth Heritage List under
this section and the Minister has not
done so within 10 business days after
receiving the request, the Minister must:
(a) publish on the Internet notice of
those facts; and
(b) advise the person that the Minister
has not included the place in the
List; and
(c) give reasons why the Minister has
not done so to the person and to
anyone who requests them.
This subsection has effect (despite
subsection (1)) whether or not the
Minister has the belief described in
that subsection in relation to the
place and its heritage values (if any).

(54) Schedule 1, item 32, page 47 (lines 28 and
29), omit “However, the Minister may
extend the period in paragraph (a) or (b).”.

(55) Schedule 1, item 32, page 47 (after line 29),
after subsection 341G(2), insert:
(2A) If the Australian Heritage Council does
not give the Minister the assessment
within the period required by
subsection (2) but makes all reasonable
efforts to do so, the Minister may, by
notice in writing, extend the period by
up to 24 months.

(2B) If the Australian Heritage Council does
not give the Minister the assessment
within the period as extended under
subsection (2A) but makes all
reasonable efforts to do so, the Minister
may, by notice in writing, further
extend the period by up to 24 months.

(2C) Within 10 business days of extending
the period by notice under subsection
(2A) or (2B), the Minister must:
(a) publish on the Internet:
(i) a copy of the notice; and
(ii) the reasons for the extension; and
(b) give a copy of the notice to each
person (if any) who nominated the
place being covered by the
assessment.

(56) Schedule 1, item 32, page 47 (after line 33),
after subsection 341G(3), insert:
Requirements relating to assessments
generally
(3A) Before giving the Minister an
assessment under this section whether a
place meets any of the Commonwealth
Heritage criteria, the Australian
Heritage Council:
(a) must publish, in accordance with the
regulations (if any), a notice:
(i) stating that the Council is
assessing whether the place
meets any of the Commonwealth
Heritage criteria; and
(ii) inviting comments in writing,
within a specified period that is
reasonable having regard to the
time by which the Council must
give the assessment to the
Minister, on whether the place
meets any of the Commonwealth
Heritage criteria; and
and
(b) must consider, subject to subsection (5), the comments (if any) the Council receives within the period.

The Council must give the Minister a copy of the comments with the assessment.

(57) Schedule 1, item 32, page 48 (line 21), omit the heading to section 341H, substitute:

341H Inviting public comments after assessment

(58) Schedule 1, item 32, page 48 (before line 22), before subsection (1), insert:

(1A) This section applies if and only if, within 20 business days after the day on which the Minister receives from the Australian Heritage Council under section 341G an assessment whether a place meets any of the Commonwealth Heritage criteria, the Minister decides that this section should apply. This section continues to apply even if the Minister revokes the decision.

(59) Schedule 1, item 32, page 48 (line 24), omit “a”, substitute “the”.

(60) Schedule 1, item 32, page 48 (lines 30 and 31), omit the note.

(61) Schedule 1, item 32, page 49 (lines 1 to 3), omit “include a statement setting out the Commonwealth Heritage criteria the place meets or may meet and must allow the comments”; substitute “state that comments are”.

(62) Schedule 1, item 32, page 49 (lines 12 to 17), omit subsection 341H(5), substitute:

(5) On the first day on which the Minister publishes the notice, the Minister must publish, in accordance with the regulations (if any):

(a) the assessment given to the Minister under section 341G for the place; and

(b) a summary of the documents (if any), copies of which were given to the Minister by the Australian Heritage Council under that section with the assessment; and

(c) if the place has not been included in the Commonwealth Heritage List—one of the following:

(i) a statement (the listing proposal) that the Minister proposes that the place be included in the Commonwealth Heritage List;

(ii) a statement that the Minister proposes that the place not be included in the Commonwealth Heritage List;

(iii) a statement that the Minister does not have a view whether or not the place should be included in the Commonwealth Heritage List; and

(d) if the Minister publishes the listing proposal—a statement:

(i) identifying the Commonwealth Heritage values that the Minister proposes be included in the Commonwealth Heritage List for the place; and

(ii) explaining why the Minister believes the place has those values.

(63) Schedule 1, item 32, page 49 (line 20) to page 50 (line 5), omit subsections 341J(1) and (2), substitute:

(1) After receiving from the Australian Heritage Council an assessment under section 341G whether a place, except one that is or includes a place included in the Commonwealth Heritage List under section 341F (whether before, on or after receipt of the assessment), meets any of the Commonwealth Heritage criteria, the Minister must:

(a) by instrument published in the Gazette, include in the Commonwealth Heritage List the place and its Commonwealth Heritage values specified in the instrument; or

(b) decide not to include the place in the Commonwealth Heritage List.

Note 1: Section 341F is about emergency listing.
Note 2: The Minister may include a place in the Commonwealth Heritage List only if the Minister is satisfied that the place:

(a) is entirely within a Commonwealth area or is both outside the Australian jurisdiction and owned or leased by the Commonwealth or a Commonwealth agency; and

(b) has one or more Commonwealth Heritage values.

See subsection 341C(2).

Note 3: Section 341N deals with how additional Commonwealth Heritage values may be included in the Commonwealth Heritage List for a Commonwealth Heritage place.

(2) The Minister must comply with subsection (1):

(a) within 20 business days after the day on which the Minister receives the assessment; or

(b) if section 341H applies in relation to the place—within 60 business days after the end of the period mentioned in paragraph 341H(3)(a) for the place.

However, this subsection does not apply if the place is wholly or partly outside the Australian jurisdiction.

(64) Schedule 1, item 32, page 50 (line 15), omit “List.”, substitute “List; and”.

(65) Schedule 1, item 32, page 50 (after line 15), at the end of subsection 341J(3), add:

(c) publish on the Internet:

(i) a copy of the instrument published in the Gazette including the place and its Commonwealth Heritage values in the List; and

(ii) the Minister’s reasons for including the place and those values in the List.

(67) Schedule 1, item 32, page 50 (line 23), after “decision”, insert “within 10 business days”.

(68) Schedule 1, item 32, page 50 (line 24), omit “decision.”, substitute “decision; and”.

(69) Schedule 1, item 32, page 50 (after line 24), at the end of subsection 341J(4), add:

(c) within 10 business days, publish on the Internet notice of the decision and the reasons for the decision.

(70) Schedule 1, item 32, page 50 (lines 26 to 28), omit “Within 15 business days after the end of the period mentioned in subsection 341H(3) for a place included in the Commonwealth Heritage List under section 341F (emergency listing),”, substitute “After receiving from the Australian Heritage Council an assessment under section 341G whether a place that is or includes a place (the listed place) included in the Commonwealth Heritage List under section 341F (whether before, on or after receipt of the assessment) meets any of the Commonwealth Heritage criteria,”.

(71) Schedule 1, item 32, page 50 (line 31), omit “place”, substitute “listed place”.

(72) Schedule 1, item 32, page 50 (line 33), omit “place”, substitute “listed place”.

(73) Schedule 1, item 32, page 51 (line 1), omit “place”, substitute “listed place”.

(74) Schedule 1, item 32, page 51 (line 3), omit “place”, substitute “listed place”.

(75) Schedule 1, item 32, page 51 (lines 16 to 18), omit the note.

(76) Schedule 1, item 32, page 51 (after line 18), after subsection 341J(5), insert:

(5A) The Minister must comply with subsection (5):

(a) within 20 business days after the day on which the Minister receives the assessment; or

(b) if section 341H applies in relation to the place covered by the assessment—within 15 business
days after the end of the period mentioned in subsection 341H(3) for the place.

However, this subsection does not apply if the place covered by the assessment is wholly or partly outside the Australian jurisdiction.

(78) Schedule 1, item 32, page 51 (line 34) to page 52 (line 4), omit paragraphs 341J(7)(a) and (b), substitute:

(a) within 10 business days, publish on the Internet:
   (i) a copy of the instrument published in the *Gazette*; and
   (ii) the reasons for the removal or alteration; and

(b) within 10 business days, give written reasons for the removal or alteration to each person identified by the Minister as an owner or occupier of all or part of the place; and

(c) give written reasons for the removal or alteration to anyone else who asks the Minister for them; and

(d) if the place was included on the List following a nomination of it by a person—within 10 business days of the removal or alteration, advise the person of the removal or alteration and give the person written reasons for it.

(79) Schedule 1, item 33, page 52 (line 11), omit “subsection 341G(4)”, substitute “section 341G”.

(80) Schedule 1, item 32, page 52 (line 13), after “notice”, insert “(if any)”.

(81) Schedule 1, item 32, page 54 (lines 16 and 17), omit subsection 341L(7), substitute:

(7) Within 10 business days of publication of the instrument in the *Gazette*, the Minister must publish, on the Internet and in each other way required by the regulations (if any), a copy of the instrument.

(83) Schedule 1, item 32, page 54 (lines 20 to 25), omit subsection 341M(1), substitute:

(1) Before the Minister removes from the Commonwealth Heritage List under section 341L all or part of a place or one or more of a place’s Commonwealth Heritage values in a removal for loss of value, the Minister must:

(a) give the Chair of the Australian Heritage Council a written request for the Council to give the Minister advice on the proposed removal; and

(b) publish, on the Internet, in a daily newspaper circulating in each State and self-governing Territory and in each other way required by the regulations (if any), a notice:
   (i) describing the proposed removal; and
   (ii) inviting anyone to give the Minister comments, within 20 business days, on the proposed removal.

The Minister must publish the notice within 20 business days of giving the request.

(84) Schedule 1, item 32, page 54 (lines 28 and 29), omit subsection 341M(3), substitute:

(3) The Minister must consider the advice, if he or she receives it by the end of that period, and the comments (if any) received in accordance with the notice.

(85) Schedule 1, item 32, page 57 (before line 16), before subparagraph 341R(2)(a)(i), insert:

(ii) publication under section 341H of the assessment; or

(86) Schedule 1, item 32, page 57 (line 21), omit “341J(1) or (5)”, substitute “341J(2) or (5A)”.

(87) Schedule 1, item 32, page 59 (lines 16 to 18), omit paragraph 341S(f)(b), substitute:

(b) seek in accordance with the regulations, and consider, comments from anyone about the matters to be
addressed by the proposed plan or amendment.

(88) Schedule 1, item 32, page 59 (line 25), at the end of subsection 341T(1), add “If the Commonwealth agency does so, it must give the Minister a copy of the plan.”.

(89) Schedule 1, item 32, page 59 (after line 27), after subsection 341T(1), insert:

(1A) The Minister must decide within 60 business days of being given the copy of the plan whether or not to endorse the plan.

(1B) Within 10 business days of making the decision, the Minister must inform the Commonwealth agency in writing of the decision and publish on the Internet a notice of the decision.

(90) Schedule 1, item 32, page 60 (lines 13 to 17), omit section 341V, substitute:

341V Compliance with plans by the Commonwealth and Commonwealth agencies

(1) The Commonwealth or a Commonwealth agency must not:

(a) contravene a plan made under section 341S; or

(b) authorise another person to do, or omit to do, anything that, if it were done or omitted to be done by the Commonwealth or the Commonwealth agency (as appropriate), would contravene such a plan.

(2) If there is no plan in force under section 341S for a particular Commonwealth Heritage place, the Commonwealth and each Commonwealth agency must take all reasonable steps to ensure that its acts (if any) relating to the place are not inconsistent with the Commonwealth Heritage management principles.

(91) Schedule 1, item 32, page 60 (lines 25 to 32), omit section 341X, substitute:

341X Review of plans at least every 5 years

(1) At least once in every 5 year period after a plan for managing a Commonwealth Heritage place is made under section 341S, the Commonwealth agency concerned must cause a review of the plan to be carried out.

(2) The review must:

(a) assess whether the plan is consistent with the Commonwealth Heritage management principles in force at the time; and

(b) assess whether the plan is effective in protecting and conserving the Commonwealth Heritage values of the place; and

(c) make recommendations for the improved protection of the Commonwealth Heritage values of the place.

(3) The person carrying out the review must publish, on the Internet and in a daily newspaper circulating in each State and self-governing Territory, a notice inviting anyone to give the person comments within 20 business days on:

(a) whether the plan is consistent with the Commonwealth Heritage management principles; and

(b) the effectiveness of the plan in protecting and conserving the Commonwealth Heritage values of the place.

(4) In carrying out the review, the person must consider the comments (if any) received in accordance with the notice.

(92) Schedule 1, item 32, page 61 (line 17), omit “identification and assessment”; substitute “identification, assessment and monitoring”.

(93) Schedule 1, item 32, page 61 (lines 20 to 26), omit subsection 341ZA(1), substitute:

(1) If a Commonwealth agency owns or controls one or more places, the agency must:

(a) prepare a written heritage strategy for managing the places to protect
and conserve their Commonwealth Heritage values; and

(b) give a copy of the strategy to the Minister;

as soon as practicable and in any event within 2 years after the later of:

(c) the time the agency first owns or controls a place; and

(d) the commencement of this section.

Note: The heritage strategy will apply to every place the agency owns or controls.

(1A) Before making a heritage strategy, the Commonwealth agency must consult the Australian Heritage Council and take into account any advice the agency receives from the Council.

(94) Schedule 1, item 32, page 61 (line 28), at the end of subsection 341ZA(2), add “The Commonwealth agency must give the Minister a copy of the amended or replacement strategy within 20 business days of the amendment or replacement.”.

(95) Schedule 1, item 32, page 62 (line 3), omit “any).”, substitute “any”; and”.

(96) Schedule 1, item 32, page 62 (after line 3), at the end of subsection 341ZA(3), add:

(d) not be inconsistent with the Commonwealth Heritage management principles.

(97) Schedule 1, item 32, page 62 (lines 4 to 8), omit subsection 341ZA(4), substitute:

(4) The Minister must advise the Commonwealth agency whether or not the agency’s heritage strategy (whether original, amended or replacement) is inconsistent with the Commonwealth Heritage management principles.

(98) Schedule 1, item 32, page 62 (after line 32), at the end of section 341ZB, add:

(5) If a report under paragraph (1)(c) indicates that a place owned or controlled by a Commonwealth agency may have one or more Commonwealth Heritage values, information from the report may be used or referred to in a nomination of the place for inclusion in the Commonwealth Heritage List.

(99) Schedule 1, item 32, page 63 (lines 1 to 8), omit section 341ZC substitute:

341ZC Minimising adverse impact on heritage values

A Commonwealth agency must not take an action that has, will have or is likely to have an adverse impact on the National Heritage values of a National Heritage place or the Commonwealth Heritage values of a Commonwealth Heritage place, unless:

(a) there is no feasible and prudent alternative to taking the action; and

(b) all measures that can reasonably be taken to mitigate the impact of the action on those values are taken.

(100) Schedule 1, item 32, page 63 (after line 34), after subsection 341ZE(1), insert:

(1A) The Commonwealth agency must give the Minister at least 40 business days’ notice before executing the contract.

(101) Schedule 1, item 32, page 66 (line 22), omit paragraph 341ZH(2)(e), substitute:

(e) all nominations, assessments and changes to the Commonwealth Heritage List under this Division during the period of review; and

(f) compliance with this Act in relation to Commonwealth Heritage places; and

(g) any other matters that the Minister considers relevant.

(102) Schedule 1, item 33, page 66 (lines 25 to 31), omit paragraph (j), substitute:

; and (j) if the reserve includes a National Heritage place:

(i) not be inconsistent with the National Heritage management principles; and

(ii) address the matters prescribed by regulations made for the purposes of paragraph 324S(4)(a); and

(k) if the reserve includes a Commonwealth Heritage place:
(i) not be inconsistent with the Commonwealth Heritage management principles; and
(ii) address the matters prescribed by regulations made for the purposes of paragraph 341S(4)(a).

(103) Schedule 1, item 46, page 68 (after line 27), after paragraph (e), insert:

Note: The places mentioned in paragraph (d) of the definition of environment include places included in the Register of the National Estate kept under the Australian Heritage Council Act 2003.

(104) Schedule 1, item 48, page 69 (lines 8 to 10), omit the definition of indigenous heritage value, substitute:

indigenous heritage value of a place means a heritage value of the place that is of significance to indigenous persons in accordance with their practices, observances, customs, traditions, beliefs or history.

(105) Schedule 3, heading, page 73 (lines 2 to 4), omit “Transitional provision: places included in the Register of the National Estate”, substitute “New listings of places in other lists”.

(106) Schedule 3, page 73 (before line 6), before item 1, insert:

1A Including World Heritage properties in National Heritage List

(1) This item applies to a place consisting of a property that, at any time within 6 months after this item commences, is included in the World Heritage List after being submitted by the Commonwealth to the World Heritage Committee under Article 11 of the World Heritage Convention. It does not matter whether the property was first included in the List before, on or after the commencement of this item.

Place may be included in National Heritage List within 6 months

(2) The Minister may, by instrument published in the Gazette within 6 months after this item commences, include in the National Heritage List the place and the National Heritage values it has because of subitem (3).

To avoid doubt:

(a) all those values must be included in the List if the Minister includes the place in the List under this item; and
(b) this item does not prevent the Minister from including in the List at any time under the Environment Protection and Biodiversity Conservation Act 1999:

(i) the place; and
(ii) a National Heritage value the place has because of subitem (3) or otherwise.

World heritage values taken to cause place to meet National Heritage criteria

(3) For the purposes of this item and the Environment Protection and Biodiversity Conservation Act 1999, each world heritage value that the World Heritage Committee has identified the property as having is taken to cause the place to meet a National Heritage criterion.

Note: This has the effect that, under subsection 324D(1) of the Environment Protection and Biodiversity Conservation Act 1999, the place has a National Heritage value corresponding to that world heritage value. Under that subsection, the place will also have another National Heritage value if the place has a heritage value that causes the place to meet one of the National Heritage criteria apart from this item.

(107) Schedule 3, item 1, page 73 (before line 17), before subparagraph 1(2)(a)(i), insert:
(ia) is, or is part of, a place to which item 1A (about World Heritage properties) applies; or

(108) Schedule 4, heading, page 74 (line 2), omit “amendment”, substitute “amendments”.

(109) Schedule 4, page 74 (before line 6), before item 1, insert:

1A After section 74

Insert:

74A Minister may request referral of a larger action

(1) If the Minister receives a referral in relation to a proposal to take an action by a person, and the Minister is satisfied the action that is the subject of the referral is a component of a larger action the person proposes to take, the Minister may decide to not accept the referral.

(2) If the Minister decides to not accept a referral under subsection (1), the Minister:

(a) must give written notice of the decision to the person who referred the proposal to the Minister; and

(b) must give written notice of the decision to the person who is proposing to take the action that was the subject of the referral; and

(c) may, under section 70, request of the person proposing to take the action that was the subject of the referral, that they refer the proposal, to take the larger action, to the Minister.

(3) To avoid doubt, sections 73 and 74 do not apply to a referral that has not been accepted in accordance with subsection (1).

(4) If the Minister decides to accept a referral under subsection (1), the Minister must, at the time of making a decision under section 75:

(a) give written notice of the decision to the person who referred the proposal to the Minister;

(b) publish in accordance with the regulations (if any), a copy or summary of the decision.

1B After subsection 75(1)

Insert:

(1AA) To avoid doubt, the Minister is not permitted to make a decision under subsection (1) in relation to an action that was the subject of a referral that was not accepted under subsection 74A(1).

1C Subsection 77(3)

Repeal the subsection.

1D Subsection 77(5)

Repeal the subsection.

1E After section 77

Insert:

77A Action to be taken in a particular manner

(1) If, in deciding whether the action is a controlled action or not, the Minister has made a decision (the component decision) that a particular provision of Part 3 is not a controlling provision for the action because the Minister believes it will be taken in a particular manner (whether or not in accordance with an accredited management plan for the purposes of a declaration under section 33 or a bilaterally accredited management plan for the purposes of a bilateral agreement), the notice, to be provided under section 77, must set out the component decision, identifying the provision and the manner.

Note: The Minister may decide that a provision of Part 3 is not a controlling provision for an action because he or she believes that the action will be taken in a manner that will ensure the action will not have (and is not likely to have) an adverse impact on the matter protected by the provision.
(2) A person must not take an action, that is the subject of a notice that includes a particular manner under subsection (1), in a way that is inconsistent with the manner specified in the notice.

Civil penalty:
(a) for an individual—1,000 penalty units, or such lower amount as is prescribed by the regulation;
(b) for a body corporate—10,000 penalty units, or such lower amount as is prescribed by the regulation.

1F Paragraph 78(1)(b)
Omit “in the notice under subsection 77(3)”, substitute “under subsection 77A(1) in the notice given under section 77”.

1G Application
The amendment of paragraph 78(1)(b) of the Environment Protection and Biodiversity Conservation Act 1999 made by this Schedule applies in relation to notices given under section 77 of that Act after the commencement of that amendment.

1H Section 137
Repeal the section, substitute:

137 Requirements for decisions about World Heritage
In deciding whether or not to approve, for the purposes of section 12 or 15A, the taking of an action and what conditions to attach to such an approval, the Minister must not act inconsistently with:
(a) Australia’s obligations under the World Heritage Convention; or
(b) the Australian World Heritage management principles; or
(c) a plan that has been prepared for the management of a declared World Heritage property under section 316 or as described in section 321.

1J Section 318
Repeal the section, substitute:

318 Commonwealth compliance with plans
(1) The Commonwealth or a Commonwealth agency must not:
(a) contravene a plan made under section 316; or
(b) authorise another person to do, or omit to do, anything that, if it were done or omitted to be done by the Commonwealth or the Commonwealth agency (as appropriate), would contravene such a plan.

(2) If there is no plan in force under section 316 for a particular property described in subsection (1) of that section, the Commonwealth and each Commonwealth agency must take all reasonable steps to ensure that its acts (if any) relating to the property are not inconsistent with the Australian World Heritage management principles.

1K Section 330
Repeal the section, substitute:

330 Commonwealth compliance with plans
(1) The Commonwealth or a Commonwealth agency must not:
(a) contravene a plan made under section 328; or
(b) authorise another person to do, or omit to do, anything that, if it were done or omitted to be done by the Commonwealth or the Commonwealth agency (as appropriate), would contravene such a plan.

(2) If there is no plan in force under section 328 for a particular wetland described in subsection (1) of that section, the Commonwealth and each Commonwealth agency must take all reasonable steps to ensure that its acts (if any) relating to the wetland are not inconsistent with the Australian Ramsar management principles.

(10) Schedule 4, page 74 (after line 7), at the end of the Schedule, add:
2 After Part 20
Insert:
PART 20A—PUBLICATION OF INFORMATION ON THE INTERNET
515A Publication of information on the Internet
Without limiting the operation of section 170A, the Secretary must publish on the Internet each week a list of:
(a) all permits issued or granted under this Act in the immediately preceding week; and
(b) all matters required by this Act to be made available to the public in the immediately preceding week.
I will speak to these amendments as a package, as I have moved them that way. These amendments go to the heart of issues relating to both transparency and accountability.

Senator Allison—Mr Temporary Chair, I raise a point of order. It is my understanding that Senator Lees’s amendment (18) at least—and I did not write down all of those that she has moved together—was identical to one of my amendments which was defeated last week. According to standing order 92, it is not permissible to move an identical amendment when the previous one was defeated.

The TEMPORARY CHAIRMAN (Senator Hutchins)—There have been previous rulings that, if this becomes part of a different package of amendments, it can be moved again.

Senator LEES—These amendments cover three areas. In general terms, they are heritage related amendments: some relate to Commonwealth obligations and some are general amendments relating to the Environment Protection and Biodiversity Conservation Act. Firstly, the heritage related amendments cover a raft of different issues. They stipulate that the EPBC Act definition of environment includes places listed on the Register of the National Estate. They insert obligations for the minister when making a decision in relation to the taking of an action in regard to World Heritage or national heritage places. Also they increase transparency in the listing process by requiring the minister to publish his preliminary decision about listing, the council’s assessment report and the value statements when the minister invites public comments.

Amendment (116) specifically relates to transparency and inserts time frames. I will go through some of the publishing requirements—and I list these—in relation to nominations that need to be assessed, the minister’s statement of reasons for listing or non-listing, notifying the nominator and other interested persons. Amendments (37) to (39) relate to seeking comments on proposed removals; amendment (42), to seeking comments on management plans; amendment (88), to the minister’s decision on endorsement of Commonwealth management plans; and amendment (10), to providing reasons for extending the council’s assessment period. All of these will now have a requirement to be published and to be openly accessible, increasing the transparency of the process.

Amendment (53) clarifies the fact that anyone may notify the minister if they believe a place has national heritage or Commonwealth heritage values and is under threat. It clarifies that management plans in Commonwealth reserves that include a heritage place must be consistent with the management principles and the regulations. Amendment (106) allows for the transfer of World Heritage properties to the National Heritage List or the Commonwealth Heritage List. It expands requirements in relation to reviewing management plans and reviewing and reporting on the lists. Amendment (104) amends the definition of Indigenous heritage
value to ensure that historic places of Indigenous heritage value can be protected under the new heritage legislation.

I want to look quickly at the Commonwealth obligations. Amendment (109) says that the Commonwealth must not, or authorise any other person to, contravene a management plan in a Commonwealth area or a state or territory, or act inconsistently with the management principles and the Ramsar or World Heritage conventions. Then there are a series of amendments that relate to improved protection and management of Commonwealth heritage places by Commonwealth agencies: amendment (100) gives the minister prior notification of an intended disposal; amendment (92) assists the minister and the council to monitor a place’s heritage values; amendment (93) seeks the council’s advice before making a heritage strategy for a place; amendment (97) involves seeking the minister’s advice on the heritage strategy in relation to management principles, assisting the minister in nominating places to the Commonwealth Heritage List and publishing general implementation details about the heritage strategies in agencies’ annual reports; and amendment (99) involves not undertaking any actions that may have any impact on the heritage values of a national or a Commonwealth heritage place unless there is no feasible or prudent alternative.

Finally, there are amendments that relate to the EPBC Act. These amendments deal with referrals that relate to split projects or staged referrals. There are general amendments that tighten up the EPBC Act itself. They amend the EPBC Act by providing penalties for not taking an action in a specified manner; increase transparency by removing an exemption for giving reasons where the person referring a proposal states that the action is a controlled action; and insert additional publishing requirements for the secretary in relation to all EPBC Act matters, not just those affected by this legislation.

As well as the amendments, I have received a number of non-legislative commitments from the minister. Environment Australia’s administrative procedures will provide for consultations with Indigenous persons or groups with rights and interests in a place, identified at the time of listing the place, to be alerted to the referral stage—so it will happen much earlier. They will be provided with the opportunity to comment. All regulations associated with the heritage amendments will be placed on the Environment Australia Internet site—again, a transparency issue. Environment Australia will maintain a consolidated register of Commonwealth heritage registers received from agencies. Environment Australia will review the operation of the EPBC Act in 4 ½ years time.

Environment Australia will ensure that the new Australian Heritage Council will be a separate budget item in the annual budget statement to enable a year-to-year scrutiny of the funds appropriated to the new council. This is an issue that was raised by quite a number of groups who were concerned that funds would be effectively pooled and the actual amounts of money available to the new body would be very difficult to track and monitor. I have also been given the commitment that the government will work with the states to ensure the protection of national heritage values through the regional forest agreement process. I recommend to the chamber that the amendments that I have moved tonight, which considerably strengthen the legislation, be supported.

Senator ALLISON (Victoria) (8.34 p.m.)—The Democrats will support the amendments, but I may ask that one or two be voted on separately. Most of them are almost exactly the same as Democrats
amendments, as would be obvious to anybody in this place. Amendments (13) to (18) are ones that I would like to speak about briefly. They relate to the listing procedure. The amendments include the obligation to undertake consultation in circumstances where the Heritage Council indicates that a site should be listed and the minister either has not made up his mind yet or simply wishes not to indicate one way or the other—that is the difference between this amendment and the last.

Amendment (17)(5)(iii) states that the minister may make a statement that he or she does not have a view whether or not a place should be included in the National Heritage List. I want to draw honourable senators’ attention to that clause. We might as well not have that provision there at all because it simply means he can advise that there is no advice on the matter—whether the minister proposes to list or otherwise. So it is rather a nonsense amendment in our view.

I would also like to raise some questions about amendment (31). This act applies to Australian residents, but there is a provision for emergency listing which—as I understand it—amendment (31) changes. I wonder if there could be a further explanation of the implications of that amendment. In our amendment, for instance, in our listing option the time line for decisions applies to all places, including those that are outside Australia, whereas—as I understand it—in this amendment it does not. I wonder what the implications of that are for foreign sites, such as Gallipoli, and for our companies operating overseas. There is also the question of what this amendment does about emergency listing.

Senator LEES (South Australia) (8.38 p.m.)—It was presumed that there might be some difficulties with sites outside Australia. The government certainly should be able to control processes here. The amendments in this section go to timely listing and making sure that we do not have drawn-out processes that put places of significance at risk. However, this amendment argues that places outside or partly outside Australian jurisdiction are not subject to the time frames. In the discussions, the fact that there might be some extra sensitivities in negotiating with other parties was allowed for.

Senator ALLISON (Victoria) (8.39 p.m.)—I am still not altogether clear why we need that time frame. It seems to me that this effectively takes away the ability to have emergency listing. As I said earlier, this only applies to Australian citizens or Australian companies. It is hard to see why we would need time limits and or at least would not have the provision for emergency listing. Even though a site may not be within our jurisdiction, at least the actions of those who might damage the site would be. It seems to me that it would be possible to advise foreign governments of any action to be taken. It is hard to see why there should sensitivity to this question.

Senator LEES (South Australia) (8.40 p.m.)—It is my understanding that subsection (5) cannot apply to a place that is wholly outside Australian jurisdiction because a place wholly outside must not be included in the list under this particular section—324F. We were advised that this was the way to make sure that obligations are met.

The TEMPORARY CHAIRMAN (Senator Watson)—Senator Allison, would you like the vote split? You hinted that you might like to vote for amendments (13) to (18) separately.

Senator ALLISON (Victoria) (8.41 p.m.)—Yes. I ask that amendment (31) be taken separately.

The TEMPORARY CHAIRMAN—Only amendment (31)? What about amend-
ments (13) to (18)? Will you proceed with them?

Senator ALLISON—My request also relates to amendment (53), which I think is in the group.

The TEMPORARY CHAIRMAN—Could you summarise your request to the committee in relation to Senator Lees’s amendments?

Senator ALLISON—I request that amendments (31) and (53) be taken separately.

Senator HILL (South Australia—Minister for Defence) (8.41 p.m.)—The government will support Senator Lees’s amendments. They have come about after long and difficult, but constructive, negotiation. We believe that they will also largely meet the requirements of the Australian Democrats—although there were obviously some differences of detail which the government was not prepared to agree to in the alternative Democrat amendments that have been voted down today. But, as I say, if these amendments now pass, the Democrats can be pleased that at least the general direction that they were seeking for the further improvement of this legislation has been achieved. I thank Senator Lees for her cooperation in being prepared to negotiate a package of amendments that can lead to the better protection of Australian heritage.

Senator ALLISON (Victoria) (8.43 p.m.)—It is my understanding that the operation of emergency listing that Senator Lees talked about is not correct. Places outside Australia can currently be included on lists, under emergency listing procedures, but the government’s amendments—which we will deal with shortly—will alter that. There is a fairly complex relationship between those amendments. I do not now need amendment (53) to be dealt with separately, so that could be included as part of the group.

Senator LUNDY (Australian Capital Territory) (8.43 p.m.)—I take this opportunity to restate Labor’s position. We will not be supporting these amendments because we do not believe that these bills are salvageable. Labor moved a series of amendments, when we first started debating this bill in committee, relating to the independence of the Heritage Commission. Those amendments were defeated. We now feel that this bill no longer has integrity or provides the foundation for an independent Heritage Commission. Therefore, regardless of these amendments or earlier Democrat amendments, this bill is not able to be supported by Labor.

I would also again make the observation that what we have witnessed with a series of very lengthy amendments by the Democrats—the first batch, and the second batch that we voted on a few minutes ago—demonstrates quite a humiliating attempt by the Democrats to try to be the ones to do the deal with the government on these heritage bills when in fact the deal has been done with Senator Lees. As we have just heard, the government is about to support the remaining amendments that Senator Lees has moved which exclude identical ones that the Democrats have moved previously that the government found it in their hearts to support. On my count—and it was a pretty rough tracking of a very complex series of amendments with some eight of 65 in the first batch and then none out of 40 in the second batch—we are dealing with the leftovers, if you like, of those amendments. The government obviously prefers to do the deal with Senator Lees on this occasion. From Labor’s perspective, we think that this is all quite unfortunate, as the bills themselves are no longer worthy of overall support. Nonetheless, in the forthcoming amendments we will be seizing a couple of opportunities to comment, and we look forward to the debate continuing.
Senator BROWN (Tasmania) (8.46 p.m.)—The Greens will be supporting the amendments. They do not give teeth to the bill, but they give an indication of teething troubles. I think it was John Gould who said, back in 1863 or thereabouts, about the Tasmanian tiger, that not many years must elapse before that creature went to extinction. He was noting the troubles and so on. There is an inverse process going on here. It is going to be many years before this bill becomes worthy of becoming the environmental legislation that this nation should have. Incremental bits and pieces are being added on against enormous pressure to prevent that from happening. The problem with that process is that the government can go to a series of players and, as Senator Lundy has just pointed out, shed off pieces each time, which then have to be picked up—hopefully, somewhere further down the line.

That said, who knows what the final vote on the legislation will be? I will not be supporting it, but I have been around long enough to know that one has to stand by even little increments on the environment. So I will be supporting the amendments. Goodness knows: somewhere an eyebright or something might have its status marginally improved by some clause in the legislation. It is like the butterfly’s wings moving in the forest somewhere. Many of these amendments are hoping that sort of thing, because this legislation simply does not measure up. Practice has found that it does not measure up to protecting the nation’s heritage. But, for the reasons that I have outlined, I will be supporting the amendments. I would rather do that than reject the very marginal improvement that they might make to very faulty legislation.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (8.48 p.m.)—I will address a couple of things just briefly in response to a few of the comments that have been made by the minister—for example, the amendments being the result of long and difficult negotiations. As I have said before in this debate, they were difficult negotiations because I have never seen negotiations conducted in such bad faith in my life. Bad faith is not about not reaching agreement but about misleading people about what you are doing and what you are agreeing to. Obviously Senator Hill was not the person involved, so that is not a direct reflection on him.

Also, I think that Senator Lundy is basically mistaken. Personally, I am not interested in doing a deal one way or the other. These amendments are in effect Democrats amendments, but they are slightly weaker. Unfortunately, the ability to have them stronger has been lost. But, as Senator Brown has said, any advance forward is always better than none and is better than going backwards. The Democrats’ approach to this issue, as it is with every issue, is not to try to wrap ourselves with some ribbon where we can say that we have the deal or whatever; it is about trying to get an outcome. Whether that outcome is achieved through specific amendments we have put forward, or in this case amendments that were developed by the Democrats in discussions with government and then put forward by others, is fairly irrelevant. The outcome is to try to get a move forward.

My only disappointment is that the opportunity for a stronger outcome can be lost by misjudgments about where the best gains can be made. But that is a very different thing from just deciding that, unless we can get something that has our name on it, we are not going to agree on it. The end result that I think all of us, most of the time, recognise as the reality is that we are trying to get the best possible legislative outcome. That is the approach we have taken with our amendments and, as has been widely reflected in this
chamber, these amendments are basically Democrat amendments rebadged and slightly weakened. But, as Senator Brown has said, they are nonetheless an advance forward, albeit not as far forward as would be desirable. Of course, these are not the only amendments that are being considered in the context of the bill. We have to look at what the end product will be in making a judgment about that. I think that there are still some issues to be considered about that—some very substantial and important issues that I think need to be flushed out properly.

Again, in part because of the approach the government or at least the minister—not the minister in the chamber, but the relevant government minister—has taken on this has meant that we have had to take up more time than would otherwise have been necessary to try to ensure that we get accurate information. Particularly in a process that to date has, as I have said, involved bad faith and, therefore, an absence of trust, you have to try to use the public process of the Senate chamber to get things on the record and to at least try to get something slightly more clear-cut for the public. Even though we have had commitments to the chamber gone back on in the past, at least as far as possible we have to try to get some accurate information in the public arena that we can then use to hold the government accountable.

Senator HILL (South Australia—Minister for Defence) (8.52 p.m.)—I really do not want to take more time than is necessary, but it would be inappropriate for me not to respond again to this allegation of bad faith. Dr Kemp does not negotiate in bad faith. The problem for the Australian Democrats is their failure to understand that nothing is achieved through years of negotiation if, ultimately, a bill is not passed. The Democrats do not seem to be prepared to negotiate towards the ultimate passage of a bill. They are prepared to negotiate and negotiate and negotiate, but the end seems to be further negotiations. After six years, it is the government’s view that the matter has to be brought to a head, and if it can garner the numbers within the chamber to pass what it believes is a piece of legislation that will take huge steps forward in terms of protecting Australia’s heritage then, as a government, it has a responsibility to do so.

That is not bad faith; it is the path the Democrats have chosen to go down. As I said, this bill has been in development and negotiation for some six years, during which time the Democrats have had to reach a conclusion that will lead to the passage of the bill, but they are still not there. As far as we know, the Democrats will still vote against this bill in the end. That does not achieve the government’s outcome; the government must negotiate towards an ultimate passage.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (8.53 p.m.)—Minister Hill, it is not an allegation of bad faith; it is a straightforward fact. I do not expect you to agree to that but you were not involved in it and so you would not know; I was, and I do know that it is a straightforward fact of blatant bad faith. Obviously, the government is keen to get the numbers wherever it can, and I do not blame it for that. But I can absolutely say, having given a very clear-cut message to the relevant minister and advisers a few times about an interest in trying to bring the matter to a conclusion, that it is impossible to get any sort of agreement on something when you get written correspondence from a minister that suggests one thing and then a completely opposite action happening at the same time—that is bad faith. It is nothing to do with getting the numbers; it is to do with basically misleading people, stringing them along and giving inaccurate information. That is a very unhelpful process in any cir-
circumstances, in anyone’s language; it is completely different from having disagreement.

I have been and I am still very keen to get an outcome on this. Despite everything, how the Democrats vote has nothing to do with how the government has behaved; it is about whether or not our view of the legislation is that, overall, it is an advance forward. We can deal in other venues and circumstances and in other ways with the issue of the bad faith shown by the Minister for the Environment and Heritage. We are not going to prevent beneficial legislation, however marginal, from going through simply because we are annoyed. That would not be responsible or mature. It would be nice if the government took the same approach, but they obviously have not done so in this debate. Hence their refusal to support Democrat amendments despite them reflecting what they had agreed in written correspondence to support, apart from verbal assurances. As I said, that is not our game; that is not the way we do business here.

It would be worth while for the minister in the chamber, the Minister for Defence, to realise for his benefit and that of all his colleagues that it is not helpful for any minister of the government to behave in this way. If it is seen to be acceptable by his colleagues then makes it difficult to trust anybody in any form of negotiation at any time. I would prefer that not to be the case, because I do not like wasting my time, as I am sure neither the minister nor anybody else here does. The simple fact is, nonetheless, that that is what occurred in this circumstance. I am not going to labour the point but neither am I going to back away from it or ignore the fact that it has happened. However, our approach to the legislation and the amendments will not be based on our justified outrage at the completely inexcusable manner in which the minister has behaved in this case; it will be on what the better outcome is for the protection of heritage and for the people of Australia.

**Senator Allison (Victoria) (8.56 p.m.)**—I have a question to raise about amendment (106), which relates to including World Heritage properties on the National Heritage List. The Senate may recall that the Democrats put forward amendments which would have seen World Heritage sites transferred, and we had some debate about that.

This amendment applies to properties that, at any time within six months of the amendment commencing, are included on the World Heritage List, which would then be automatically transferred onto the National Heritage List. My question is: why is there the six-month period? Why would not all future World Heritage sites, as they are included as World Heritage sites, automatically be included on the National Heritage List? It is a question about why there is the six-month time frame—in other words, what happens after that six months? Is there another, separate assessment process that takes place? What is the purpose of that six months?

**Senator Lees (South Australia) (8.58 p.m.)**—In some discussions I had with them about 12 months ago now, the various groups who have a very particular interest in heritage were concerned that, while World Heritage places are already protected and are already under the EPBC Act et cetera, virtually all of them on mainland Australia involve Indigenous heritage. There has been very little, if any, consultation to date with Indigenous people. This amendment gives the opportunity for that to take place. There are certainly no suggestions whatsoever that there would be any loss of protection for World Heritage sites—as I said, they are already locked in. But we have to acknowledge that in the past we have bypassed Indigenous people; we have not consulted with
them. According to the groups that have raised these issues with me, this was one of the mechanisms to do so.

Senator ALLISON (Victoria) (8.59 p.m.)—With respect to Senator Lees, that is not what this amendment does. Our amendments did in fact ask for current Australian World Heritage sites to be immediately transferred onto the National Heritage List—this amendment goes forward six months. The argument for not supporting our amendments was that Indigenous groups would want to have that additional time to be part of a new assessment. We argued that you could still do that; you could put them onto the National Heritage List and then you could have a subsequent assessment process whereby other cultural and Indigenous values might be taken on board and added to those World Heritage values for the purposes of the National Heritage List.

As I read it, this amendment provides for the automatic transfer of World Heritage sites which, after the enactment of this legislation, would go automatically onto the National Heritage List without further process or procedure. That is my understanding of what this does. My question is: why the six-month limit? What happens after the end of that time? I wonder if the minister would attempt to at least answer this question, because it is otherwise left up in the air.

Senator HILL (South Australia—Minister for Defence) (9.00 p.m.)—I do not know that it is for me to speak for Senator Lees, but a good argument for it is that it does relate to Indigenous values. For example, the wet tropics is not listed on the World Heritage register for Indigenous values and neither is the latest Australian listing, Purnululu, but it may well be that Indigenous values do meet the standard required under this legislation and that the asset could be listed not only for the values that are currently inscribed on the World Heritage List but also for these additional values. This period of six months will allow such matters to be addressed.

Senator BROWN (Tasmania) (9.01 p.m.)—Minister, why is 106(3) there? I can understand that through this mechanism we are putting World Heritage listed places on the Register of the National Estate, but does that mean that World Heritage properties in Australia are not protected except insofar as values are concerned? Do the properties themselves have lesser status under the National Heritage List in terms of protection than they do under the World Heritage List?

Senator LEES (South Australia) (9.02 p.m.)—Amendment (106) states:

For the purposes of this item and the Environment Protection and Biodiversity Conservation Act 1999, each world heritage value that the World Heritage Committee has identified the property as having is taken to cause the place to meet a National Heritage criterion.

As Senator Hill said a minute ago, there might be some additional values, in particular Indigenous values, that as yet have not been identified. But I take it from the discussions that we have had that it basically means we do not have to redo it; they are going to accept as a given the values that have been decided upon by those making the decisions on World Heritage. They are just going to accept those, roll them over and say, ‘We are looking at Kakadu and the particular values it was listed for.’ I think that is a bad example, as it has Indigenous heritage in it, but I know some of them have not and they were listed on other criteria. Those other criteria are accepted but we can now go through the process of seeing whether or not there are Indigenous values that should also be recognised. Under our listing under the national heritage criteria they might pick up some extra values officially.
Senator BROWN (Tasmania) (9.03 p.m.)—Senator Lees, why not just list the places in toto for protection under this legislation? There has been a big debate in the World Conservation Union on a proposal coming from Australia to devalue World Heritage listing by simply saying you protect the values but you do not protect the places. It allows operators to get in there under all sorts of guises—they say they are not going to affect Indigenous heritage here or rare woodland over there, but they are going to put a mine in there. It was rejected by the International Union for Conservation of Nature and Natural Resources, but here we are getting the government putting it into this legislation. This means that World Heritage properties put on the National Heritage List are going to have less protection than they are intended to have under the World Heritage List itself. Why simply go to values criteria? Why not protect the places in toto?

The reverse way of saying this to Senator Lees is: why not protect the place? Once all the studies have been done and it has been given World Heritage status, why not say, ‘This place in its totality should be listed’? Why reduce it to the values of the place?

Senator LEES (South Australia) (9.05 p.m.)—Amendment (106) does not actually deal with the values question. The whole idea of themes is not really covered here. I am happy to do that later. This is giving total protection to World Heritage places. We are not taking anything away. It is simply an opportunity to further list them, to look at the possibility that they have additional values. When a site is listed on the new national list it may be for additional reasons. This is in no way reducing the protection. If you want to talk about why we are now looking at themes and protecting values, in the opinion of the groups that I have been working with it is actually an improvement to look at a place in its entirety as an entity and not try to designate a particular spot, building or garden as having value.

Senator ALLISON (Victoria) (9.06 p.m.)—Amendment (106) does not apply to existing World Heritage places or properties. It applies to new World Heritage places and properties that would come on board after this legislation is enacted. That is my understanding. Not only does it provide for automatic transfer to the National Heritage List but it provides the minister with the power to do so without going through any other assessment. I wonder if I could have clarification that that is the effect of this amendment. It has nothing to do with existing World Heritage sites, as I understand it. This is about those which in the next six months will be put on the list, nominated or included.

That is why I ask why it is six months and not some other time. Obviously the government has agreed to this, Minister. I think it would be useful if you could explain to the committee why it is six months you have agreed to and clarify that we are talking here about new World Heritage sites, not those that currently exist.

Senator HILL (South Australia—Minister for Defence) (9.08 p.m.)—I thought it did apply to existing World Heritage listings—given, as I said, that period of six months during which values that may not be the basis of the World Heritage listing may be considered. As was said in response to the exchange on clause 3, if the values have been assessed as World Heritage values then there is no need to do a reassessment; they can be taken as such. But values that may not have been deemed to be of sufficient standard or for some other reason—there may not have even been an application—may nevertheless be considered under this legislation and, if they meet the standard of this legislation, would enable the asset to be listed for those values as well.
Senator ALLISON (Victoria) (9.09 p.m.)—I wonder if we could remove amendment (106) so that it may be voted on separately. If it is the intention that existing World Heritage sites are able to be transferred without further assessment, I think that ought to be made clear in the amendment. I would be happy to move an amendment to the amendment to do so. So I ask that that be taken separately.

The TEMPORARY CHAIRMAN (Senator Watson)—For the clarity of the committee, we will vote on amendments (106) and (31) separately.

Senator BROWN (Tasmania) (9.10 p.m.)—With regard to amendment (106), I draw the committee’s attention to the issues paper from the Australian Conservation Foundation which says the Australian Conservation Foundation has:

... consistently highlighted critical shortfalls in the government’s heritage legislation and called on all parties to seek amendments which include ...

And the second point is:

- Protection for the place and its values—not just values. The values only approach, which the Government unsuccessfully tried to foist on the World Heritage Convention, allows for piecemeal protection of sites of significance.

The existing Australian Heritage Commission Act focuses on the place and does not mention values. That is the danger that is inherent in the wording of the third part of amendment (106). It is a values based assessment; it is not a place based assessment. It means that you can go in and make changes to the place because you can say, ‘We are protecting that value—for example, that Indigenous site over there—by logging around it.’ But the whole site loses its connection to the Aboriginal site over there.

The argument for piecemeal intrusion on sites of World Heritage significance is left open if you only have the values based argument, and that is written right into this amendment (106). I am happy to wait and hear an explanation later on or to have one from the minister now. This was debated at the World Heritage Bureau. There was a move by Australia to go to values based. The Australian government got the support of other governments, but the Iraq war intervened and it did not succeed. It happened to be Australia, Britain and the United States putting it forward, wouldn’t you know, and the Iraq war broke out and the rest of the world did not like the look of it very much. So the environment did get a quite incidental gain out of those events. Senator Lees, I am very concerned about simply listing World Heritage values, which is inherent in this amendment, rather than listing World Heritage places which have values.

The TEMPORARY CHAIRMAN—The question is that Senator Lees’s amendments to schedules 1, 3 and 4, with the exclusion of amendments (31) and (106), be agreed to.

Question agreed to.

The TEMPORARY CHAIRMAN—The question now is that amendment (31) moved by Senator Lees be agreed to.

Question agreed to.

The TEMPORARY CHAIRMAN—The question now is that amendment (106) moved by Senator Lees be agreed to.

Senator ALLISON (Victoria) (9.13 p.m.)—I am not quite ready with the words of the amendment, but I wonder if the minister could indicate whether he would accept an amendment which would allow for the minister to have the ongoing capacity to include new World Heritage sites on the list. In other words, we do not stop after six months and that six months is the time frame within which this is done for existing sites—if that is the intention of the amendment, and I am pleased it is. The six-month time frame
would relate to existing sites, but for new sites the minister would have an ongoing—in other words, no stopping after six months—ability to make that transfer without further assessment.

Senator HILL (South Australia—Minister for Defence) (9.14 p.m.)—I do not think it is necessary because, as I read the legislation and as I am advised, there is the capacity for the inclusion of subsequent sites that would get World Heritage support. That is the intention and that is a fact. In this instance we are supportive of the sentiment of Senator Allison, but my advice is that it is already adequately covered.

Senator LEES (South Australia) (9.15 p.m.)—I will go back to the first part of amendment (106). The last sentence says: It does not matter whether the property was first included in the List before, on or after the commencement of this item.
I ask Senator Allison whether that goes any way towards helping with her concerns.

Senator ALLISON (Victoria) (9.15 p.m.)—I am puzzled by the minister’s last comments. He says, effectively, that there is no reason to have the amendment and we do not need to include this for future World Heritage sites beyond six months because it is already provided for. If that is the case, what are we doing considering an amendment that does precisely that?

Senator HILL (South Australia—Minister for Defence) (9.16 p.m.)—I should have said ‘the bill’ rather than ‘the legislation’. The bill, as amended by this amendment, will achieve the outcome that Senator Allison is seeking.

Senator BROWN (Tasmania) (9.16 p.m.)—Exactly. If you have Indigenous values in the subtropical forests of New South Wales which are not on the World Heritage List, then when you get the National Heritage listing—

Senator Lees—We’ve got a chance to do it.
Senator BROWN—But why not list the whole place?

Senator Lees—We are listing the whole place.

Senator BROWN—But you are listing it not because it is a place but because of the values that are listed here, and then you add piecemeal more values.

Senator Hill—That is what you do with the World Heritage List.

Senator BROWN—No. For World Heritage you list a boundary and then within that you list the values.

Senator Hill—You list the place for its values.

Senator BROWN—But you supply boundaries, you supply areas and you supply management plans that apply to that.

Senator Lees—We still have all of that.

Senator BROWN—Where is that?

Senator Lees—We still have all of that. That is in the legislation.

Senator BROWN—But why list it for those values? Why not just list it as a place which is protected?

Senator LEES (South Australia) (9.19 p.m.)—I will give an example that was put to me by an individual, and it related to Port Arthur. Apparently the Tasmanian government is very keen to see that entire place listed for its values. While we will put in a boundary and we will have management plans et cetera as under the legislation, by listing it in its entirety for its convict heritage—and who knows what the theme will eventually be, but something to do with convicts is pretty well assured—that helps to protect the site in its entirety. We do not have to go to this building or that particular path or that bit of bridge; we can stop inappropriate activity that impinges anywhere on those particular values. Yes, it will have boundaries and, yes, the theme will be very clearly defined—for example, its convict heritage—but, if someone wants to put up an additional building within sight of the place that is nothing like a convict ruin or in keeping in any way with that particular classification, that can be stopped. If all you have listed is a series of buildings, you may not be able to do that.

Senator ALLISON (Victoria) (9.21 p.m.)—I have a suggested form of words by way of an amendment to the first sentence of amendment (106), which would read: ‘This item applies to all declared World Heritage places—

The TEMPORARY CHAIRMAN (Senator Watson)—Senator Allison, we have an amendment moved by Senator Brown. Is this an amendment to Senator Brown’s amendment?

Senator ALLISON—No.

The TEMPORARY CHAIRMAN—It is a separate amendment. Can you foreshadow that?

Senator ALLISON—Yes, I foreshadow that amendment.

The TEMPORARY CHAIRMAN—You will put that in writing to assist the clerks.

Senator ALLISON—Yes.

Senator BROWN (Tasmania) (9.21 p.m.)—I point out item (2) to the minister and to Senator Lees:

Place may be included in National Heritage List within 6 months—

and we are referring here to World Heritage properties. It continues:

(2) The Minister may, by instrument published in the Gazette within 6 months after this item commences, include in the National Heritage List the place and the National Heritage values it has because of subitem (3).
Having said you are going to list the place, why is it that you list it because of the values and not because of the place itself? Why suddenly go to the values and not to the place and the values it contains?

Senator HILL (South Australia—Minister for Defence) (9.22 p.m.)—I am told that the World Heritage regime was actually the model that was used in the development of this listing language. In other words, with a World Heritage item, the place is listed but it is listed for certain specified values. It is those values that are assessed and found to meet the required standard. That is why all sorts of activities may be permitted within a World Heritage listed site, provided they do not damage the values for which it has been listed. Obviously that is World Heritage, but basically the same scheme has been adopted in this legislation: the place will be listed, but what is protected are the values for which it is listed.

Senator BROWN (Tasmania) (9.23 p.m.)—I am going to make a stand here. I know what the minister is saying and I know what Senator Lees is saying, but what the minister just said is to the point of my argument. Yes, we have World Heritage places, and then you allow all manner of activities within them as long as they do not infringe on certain values. The places themselves are not protected. There is a whole drift to that because, in the world of greenwash—developers wanting to make money out of World Heritage—they can always go in there and do whatever it is they are going to do without damaging the values, because that becomes a matter of opinion. The place is not a matter of opinion. The boundary is set; you protect it. Once you start to say, ‘You can do this in there without damaging this value’, you can get a consultant to say you can do that. It is very fraught. It needs to be listed and protected because of the place it is as well as the values it has. If you just go to the values, when you get to section (3) of this amendment, suddenly the place is gone. If the place is listed because of its values, you are in trouble.

There will be the argument that says, ‘That’s the situation we’ve got.’ We should improve on it because, as the minister will know, in the Tasmanian World Heritage place, there are all manner of ‘get rich’ operators wanting to move in for all sorts of reasons. You get death by a thousand cuts. You should protect the place, make sure the developers stay outside that place—particularly if it is the cream, a World Heritage listed place. But, when you get down to protecting only the values, sure. We have even had this recent example of the World Heritage in Tasmania: they can put in Basslink and they can allow floods to go twice a year down the Gordon River because they can look after the values there and the place has not got the protection it deserves. It does not have it under national legislation, and it is not going to get it under this legislation—but, when you get down to protecting only the values, sure. We have even had this recent example of the World Heritage in Tasmania: they can put in Basslink and they can allow floods to go twice a year down the Gordon River because they can look after the values there and the place has not got the protection it deserves. It does not have it under national legislation, and it is not going to get it under this legislation—because they will just bring in consultants and argue, ‘A flood a couple of times, ripping down through the Gordon Gorge, to meet the airconditioning needs of Melbourne might even improve the place.’ Terrific! You can find an argument for saying it is going to actually improve the place because you have paid your consultants well enough. They will find it.

It is time we got away from that and gave guaranteed protection to places of World Heritage significance. When you list them, you know what they are and that is where it stays. Leaving this values approach opens them to all sorts of attrition in the future.

The TEMPORARY CHAIRMAN (Senator Watson)—Senator Brown, as a point of clarification, could you help the committee? Your amendment for deletion of clause 3 does not, I believe, necessarily meet
the twin objectives that you have outlined to the Senate. Do you propose to follow it up with another amendment?

Senator BROWN—It is very difficult. If I can help you: I am making a stand of principle here. I do not have the numbers. Yes, I could follow it up and I could change this to reflect what I am saying—and I have only gone halfway—but I am going to leave it at that because I am going to lose. But the principle needed to be stated right here and now.

Senator LEES (South Australia) (9.27 p.m.)—I apologise to the Senate; I realise that time is getting on. I just want to make one further point—that is, what perhaps Senator Brown is missing is that some of these properties may indeed now be on private land. They may be, for example, a working farm. I can think of a couple—one, certainly, in eastern Victoria and another one on another site in Victoria—where, yes, some of the buildings are in fact already listed in this place under state legislation. But, if the entire property were to be listed under this legislation, it is not just the activities related to an individual building; it is the activities on the entire farm and every part—

Senator Hill—Whole cities are listed under World Heritage: Dubrovnik.

Senator LEES—That is right, Senator Hill; whole cities may be listed. This gives us flexibility. Indeed, regarding what Senator Brown has just mentioned, that particular wild river is already in a protected area but there are other wild rivers that we may be able to protect. That is one of the themes that the groups supporting this legislation are rather hopeful of: that we will be able to further protect those few rivers in Australia that are still running free and that are not dammed. In some cases they run through, and parts of the catchment are in, private land. You will not be able to give the protection unless you have the theme of the river and are protecting the river in its entirety.

The TEMPORARY CHAIRMAN—The question is that Senator Brown’s amendment relating to the deletion of clause (3) of Senator Lees’ amendment (106) be agreed to.

Question negatived.

Senator ALLISON (Victoria) (9.29 p.m.)—I move:

Schedule 3, omit subitem 1A(1), substitute:

(1) This item applies to all declared world heritage places at the time of commencement of this item and any properties included on the World Heritage List at any time within 6 months of commencement of this item.

This is an amendment to amendment (106) on sheet RA235, moved by Senator Lees, and I think this would clarify the intent of the amendment as drafted. My preference would be for the ongoing new properties to be included or for the minister to have the capacity to include them at any time, but I accept that this is a reasonable compromise.

Senator BROWN (Tasmania) (9.30 p.m.)—I must say I agree with Senator Allison’s last comment, without the last clause; it should apply to all properties in the future as well.

Question negatived.

The TEMPORARY CHAIRMAN (Senator Cherry)—The question now is that amendment (106) moved by Senator Lees be agreed to.

Question agreed to.

Senator LUNDY (Australian Capital Territory) (9.31 p.m.)—I will take this opportunity to say that I am not going to move opposition amendments (1), (3), (4) and (5) on sheet 3039.
Senator BROWN (Tasmania) (9.31 p.m.)—I move Australian Greens amendment (1) on sheet 2851:

(1) Schedule 1, page 11 (after line 7), after item 4, insert:

4A After Subdivision F
Insert:
Subdivision FA—Greenhouse gas emissions
24B Requirement for approval of greenhouse gas emissions

(1) A person must not take an action that will or is likely to lead to emissions of greenhouse gases in excess of 500,000 tonnes in any year.

Civil Penalty:
(a) for an individual—5,000 penalty units;
(b) for a body corporate—50,000 penalty units.

(2) Subsection (1) does not apply to an action if:
(a) an approval of the taking of the action by the person is in operation under Part 9 for the purposes of this section; or
(b) Part 4 lets the person take the action without an approval under Part 9 for the purposes of this section; or
(c) there is in force a decision of the Minister under Division 2 of Part 7 that this section is not a controlling provision for the action and, if the decision was made because the Minister believed the action would be taken in a manner specified in the notice of the decision under section 77, the action is taken in that manner; or
(d) the action is an action described in subsection 160(2) (which describes actions whose authorisation is subject to a special environmental assessment process), or the giving of an authorisation (however described) of such an action.

24C Interpretation
In this Act:

greenhouse gases include any of the following:
(a) carbon dioxide;
(b) methane;
(c) nitrous oxide;
(d) hydrofluorocarbons;
(e) perfluorocarbons;
(f) sulphur hexafluoride.

greenhouse gas emissions are emissions of greenhouse gases measured in tonnes of carbon dioxide equivalents.

This amendment inserts a greenhouse trigger into the legislation; we have tried before and I hope this time we will be successful. It is very difficult to conceive of truly national legislation on the environment without some effort to contain both air pollution and global warming. On the last day of sitting, the Senate passed a motion calling on the government to do much more about reversing Australia’s status as the world’s worst per capita greenhouse gas emitter. The Senate agreed to that motion, taking into account that we are now seeing a rapid series of very troubling events, including the heatwave that tonight’s news tells us has claimed 5,000 lives in France, the almost doubling of the record number of tornadoes in the United States in May, the bushfires and droughts we had in Australia last season and before that, and the fact that most of the hottest years recorded for the globe in human history have been in the last decade; and that Australia is in the sad position of being up there with the United States as the world’s worst performer on a per capita basis. What this amendment says—I think it is far too lax; however, it is there—is:

A person must not take an action that will or is likely to lead to emissions of greenhouse gases in excess of 500,000 tonnes in any year.
It is extraordinarily important that we do make some stand on this critical matter of greenhouse gases, which are listed in the amendment. I commend this very important amendment to the committee.

**Senator ALLISON (Victoria) (9.34 p.m.)**—I remind the minister that we would not have the need to be putting up greenhouse amendments every time EPBC came along if the government had honoured its undertaking to pursue this question of a greenhouse trigger. Whilst the Democrats would like very much to see a greenhouse trigger, I think there are some difficulties with this amendment as it has been drafted— which is why the government needs to do this and not rely on individual amendments from this chamber. One of the problems I foresee is that 500,000 tonnes of CO\(_2\) equivalents would be quite a small amount if you were to take into account a series of activities as an action. For instance, I imagine that a reasonably large transport company would generate that level of CO\(_2\) emissions in a year. I imagine there would be a lot of activities that would fit this action. So whilst the Democrats are very keen to see a greenhouse trigger, the minister may wish to comment about how this would work and whether the government has a view on an alternative approach that might be workable.

**Senator LEES (South Australia) (9.35 p.m.)**—I agree with Senator Allison and I have some real concerns about us proceeding not only with this specific amendment but also knowing tonight that the government is, hopefully, still in debate and discussion with others and is making some progress on both this issue and land clearing, particularly land clearing in Queensland. So, at this point in time, I do not believe we should deal with this issue. Hopefully, the government will be able to tell us very shortly about its discussions and debate with the states and be able to announce that it has made some progress.

**Senator BROWN (Tasmania) (9.36 p.m.)**—I ask Senator Lees: who is the government discussing these two mechanisms with?

**Senator LEES (South Australia) (9.36 p.m.)**—As far as land clearing in Queensland is concerned, there is still ongoing debate and I have been assured that some conclusions over funding issues are being reached. With respect to the issues of substance, I have not been involved in a time line but I have been kept up to date with where they are going. As for a greenhouse trigger, the government is undertaking—as Senator Allison has just said—to discuss this with the states. Hopefully we can come up with a system that is workable and that has flexibility but that catches any major emitters and is gradually built into a system whereby we can have an actual reporting and recording process.

**Senator BROWN (Tasmania) (9.37 p.m.)**—On both those matters, we are three years down the line from the year 2000, when the same commitment was made and when this was guillotined through by the government and the then Democrats. I just think that time is up. These are really important triggers. I say to Senator Allison: sure, you cannot always expect people on the crossbench to get the perfect amendment up, but if you allow the government to get away with no amendment at all then you absolve them of the pressure that should be put on them. Senator Lees, one thing that will move the government to action on the greenhouse trigger is getting this amendment through the Senate tonight.

**Senator Lees**—It will just sink the bill.

**Senator BROWN**—I do not accept that. That is a matter of where you put the line with the government. This government has no intention of coming up with a trigger; it has none. You go along with that if you turn
down the amendment—and I think it is a good amendment—that tries to tackle this issue. Everybody has had plenty of time to come up with alternatives, but no-one has. The government is sitting over there pat because it has no intention of bringing in a greenhouse trigger. It is up to us to put it in there and to have the government improve it and not simply say, ‘Oh, well, the government is still working on it.’ When Rip Van Winkle wakes up, it might have done something. Let us hope. It just does not work that way.

Senator LUNDY (Australian Capital Territory) (9.39 p.m.)—Every now and again Senator Brown says something I agree with. He says this is a good amendment. We think Labor has a better one and we will also be moving an amendment, which is coming up shortly on the running sheet, on a greenhouse trigger, and we too will be seeking the chamber’s support. We are looking for support for our amendment and will not be supporting this amendment.

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

The committee divided. [9.44 p.m.]
(The Chairman—Senator J.J. Hogg)

| AYES | | NOES | | Majority |
|------|---------------------------------|---------------------------------|--------|
| 9    |                                | 43                              | 34     |

AYES
Allison, L.F. * | Bartlett, A.J.J.
Brown, B.J. | Cherry, J.C.
Greig, B. | Murray, A.M.
Nettle, K. | Ridgeway, A.D.
Stott Despoja, N. |  

NOES
Barnett, G. | Bishop, T.M.
Bolkus, N. | Brands, G.H.
Buckland, G. | Campbell, G.
Chapman, H.G.P. | Colbeck, R.

Collins, J.M.A. | Conroy, S.M.
Cook, P.F.S. | Crossin, P.M.
Denman, K.J. | Eggleston, A.
Faulkner, J.P. | Ferguson, A.B.
Ferris, J.M. * | Forshaw, M.G.
Harris, L. | Hill, R.M.
Hogg, J.J. | Humphries, G.
Hutchins, S.P. | Johnston, D.
Kirk, L. | Knowles, S.C.
Lightfoot, P.R. | Ludwig, J.W.
Lundy, K.A. | Macdonald, I.
Marshall, G. | Mason, B.J.
Moore, C. | Payne, M.A.
Ray, R.F. | Sherry, N.J.
Stephens, U. | Tchen, T.
Tierney, J.W. | Troeth, J.M.
Watson, J.O.W. | Webber, R.
Wong, P. * | 

* denotes teller

Question negatived.

Senator BROWN (Tasmania) (9.47 p.m.)—I move Greens amendment (2) on sheet 2851:

(2) Schedule 1, page 11 (after line 7), after item 4, insert:

4B After Subdivision FA
Insert:

Subdivision FB—Native vegetation

24D Requirement for approval to clear native vegetation
(1) A person must not take an action that will lead or is likely to lead to clearing of native vegetation in excess of 1,000 hectares in any period of 5 years if the action will have or is likely to have an adverse impact on any of the following:
(a) the habitat of flora or fauna;
(b) ecological processes;
(c) the genetic diversity of flora and fauna and their potential for evolutionary development in the wild;
(d) greenhouse gas emissions;
(e) erosion, salinisation and other forms of land degradation;
(f) wetlands, waterways and water resources;
(g) landscape quality.

Civil Penalty:
(a) for an individual—5,000 penalty units;
(b) for a body corporate—50,000 penalty units.

(2) Subsection (1) does not apply to an action if:
(a) an approval of the taking of the action by the person is in operation under Part 9 for the purposes of this section; or
(b) Part 4 lets the person take the action without an approval under Part 9 for the purposes of this section; or
(c) there is in force a decision of the Minister under Division 2 of Part 7 that this section is not a controlling provision for the action and, if the decision was made because the Minister believed the action would be taken in a manner specified in the notice of the decision under section 77, the action is taken in that manner; or
(d) the action is an action described in subsection 160(2) (which describes actions whose authorisation is subject to a special environmental assessment process), or the giving of an authorisation (however described) of such an action.

24E What is native vegetation?
In this Act:

clearing, in relation to native vegetation, means:
(a) lopping native vegetation; or
(b) destroying native vegetation; or
(c) removing native vegetation.

native vegetation means vegetation that is indigenous to the land, local government area, Territory or State in question.

This is a requirement of approval before a person removes more than 1,000 hectares of native vegetation. It is extraordinarily important and it is to help redress Australia’s position as the world’s worst destroyer of native vegetation cover amongst the developed countries.

Senator ALLISON (Victoria) (9.48 p.m.)—The Democrats have been very keen to see land clearing triggers included in the EPBC specifically. However, I do have some questions about how workable this might be. For it to apply to the clearing of native vegetation in excess of 1,000 hectares in any five-year period, whilst I am sure 1,000 hectares is important in the scheme of things, one could imagine 200 hectares per year being cleared over a five-year period and having the capacity to monitor whether or not that was happening might be a very difficult thing to do. The minister may wish to comment on that. I just think the administration and enforcement of this might be difficult, and the Democrats would like Senator Brown to consider another limit.
office within the ALP is an example of cynicism and double standards so odious that, if it were possible, it would even put the Labor Party to shame. And it exposes the Premier of Queensland, Mr Beattie, for the grinning hypocrite that he is.

Let me remind the Senate of the circumstances in which Mike Kaiser was forced out of the ALP. On 15 August 2000, I told the Senate about serious and systematic corruption within the ALP in Townsville. The sequence of events which followed ultimately led to the establishment of the Shepherdson inquiry into electoral fraud, which reported on 17 April 2001. That inquiry revealed the existence of a culture of systematic corruption, vote-rigging, branch-stacking and the falsification of electoral enrolments endemic within the Queensland branch of the Labor Party throughout the 1980s and 1990s.

In the course of evidence before the inquiry, Mike Kaiser, then seen as a Labor rising star, admitted that he had been a party to the falsification of enrolments for the Brisbane City Council ward of South Brisbane in 1986. The Commissioner, Mr Tom Shepherdson QC, found that Kaiser’s conduct would have constituted the offence of making a false declaration under section 117 of the Queensland Elections Act and the corresponding penalty provision under the Criminal Code. However, because the charge was statute-barred—in other words, the time within which a prosecution could be commenced had expired—since Kaiser’s fraud only came to light 14 years later, the charge could not be brought. For the same reason—that the fraud had been concealed for so long—and for only that reason, Mr Shepherdson declined to recommend a charge of criminal conspiracy.

So Kaiser did not end up in jail, as did other Labor Party identities who had engaged in similar behaviour. But he did pay a heavy political price. He was forced to relinquish his Labor Party endorsement for the safe seat of Woodridge and, apparently, his political career.

Mr Beattie went on to lead the Labor Party to a famous election victory, largely because he succeeded in convincing voters that he was sincere in his strong stand against Kaiser and the other rorters. When asked on election night whether Kaiser and another fraudster, Jim Elder, had paid too high a price, Mr Beattie was as eloquent in his denunciation as he was uncompromising in his righteousness. He said:

Look, I know that there’ll be some people who will say that but when it comes to matters of principle, when it comes to matters relating to the integrity of the electoral system, I have to be clear. I was clear, I will be clear and my view about that will not change.

Two months later, after the release of the Shepherdson report, Mr Beattie told the Queensland parliament:

I welcome the Shepherdson report on electoral fraud, and so does my government. The inquiry was good for the Labor Party and good for democracy. The actions of a few rorters nearly destroyed a good Labor government ... and I will never forgive them for it.

Earlier on, on 6 November 2000, Mr Beattie had said:

I don’t want people who break the law in the Labor Party. I don’t care whether this goes back to 1917. If people are still alive and they’ve broken the law in these electoral matters, they should go to jail.

Beattie made the treatment of the electoral rorters the test by which he invited Queenslanders to judge his own integrity. Speaking of the electoral rorters, he told the journalist Hedley Thomas, in remarks quoted in the Courier Mail on 2 December 2000:

I have had at different times every faction in this party after my guts for garters because I never compromised on these matters, on principles, on
matters of decency and honesty. ... I have had a gutful of these crooks. My sensitivity is about this—my integrity means something to me. It’s about my honesty. And I will not compromise on these—

expletive deleted—

things ever.

And you know, most people believed him. As a piece of political performance art, it was breathtaking. He put in a bravura performance as a political ingénue—as a bewildered innocent—which would have given Jimmy Stewart a good run for his money in *Mr Smith Goes to Washington*. And he got away with it! The people of Queensland trusted him, because sick of a decade of the corruption of the Bjelke-Petersen government, they so badly wanted to believe him. And it was all phoney. It was all just an act. Now, as we know, he was conning them all along.

Yesterday, Beattie welcomed Kaiser’s appointment—

**The PRESIDENT**—Order! Senator, I believe it is appropriate to refer to a premier or a person in another parliament as Mr Beattie or Premier Beattie.

**Senator BRANDIS**—As you wish, Mr President. Yesterday, Mr Beattie welcomed Kaiser’s appointment—the appointment of this man who, to steal an election three years ago, he had described as ‘scum, scum, scum’.

**Senator Forshaw**—Mr President, I rise on a point of order. I draw your attention to Standing Order 193(3). I think the reference by Senator Brandis to the Premier of Queensland is an improper reflection on the Premier and I ask you to listen carefully to his words in respect of this matter.

**The PRESIDENT**—Senator Forshaw, I will listen carefully. I was of the opinion that Senator Brandis was quoting from an article or something similar, but I have to admit that quoting from an article does not make such language acceptable to the parliament. I have had occasion recently to pull up members on both sides of the Senate for using unparliamentary language, so I will listen carefully in future.

**Senator BRANDIS**—Under the headline ‘Beattie backs new role for ex-MP Kaiser’, the Brisbane *Sunday Mail* reported:

Mr. Beattie told *The Sunday Mail* yesterday the ALP national executive advised him this week of its plans to appoint Mr. Kaiser, who was dumped from Queensland Parliament two years ago for electoral rorting.

“I was contacted after the decision had already been made,” he said. “I indicated that I was not going to oppose it.

“Mike Kaiser is one of the most gifted campaigners this party has ever produced. I can understand why the Federal ALP would want him.”

After a performance like that, nobody should ever believe a word Mr Beattie says again. I am glad to say that in Queensland these days, fewer and fewer people do.

Let me give the lie to the suggestion that the time has come to forgive Kaiser for what was nothing more than a youthful indiscretion. In the first place, it was a matter of the utmost seriousness—it wasn’t a frolic, it was a fraud. The Shepherdson inquiry heard extensive evidence of the same conduct, part of a pattern of conduct over numerous episodes in the course of many years—during most of which Kaiser, as state secretary, was the chief executive of this most corrupt organisation. I refer to the evidence of Mr Warwick Powell and Mr Lee Bermingham in relation to Kaiser’s conduct in the East Brisbane plebiscite of 1993, the Archerfield plebiscite of 1994, the Townsville plebiscite of 1996, as well as his systematic handling of large sums of cash, delivered in unmarked envelopes of which Powell and Bermingham testified. In fact, Mr Powell went on to describe how Kaiser boasted about his behaviour, tell-
ing ‘war stories’ at Young Labor retreats in which he regaled new recruits with tales of his shenanigans—and, no doubt, thereby perpetuated the Labor Party’s corrupt culture by letting each new generation of recruits know that this behaviour was not only acceptable, it was the way to get ahead—it was fun—it was cool.

So this is not a case of a gifted young man condemned forever to the political wilderness for a youthful indiscretion. Here is a case of a hardened young serial offender—premeditated, systematic, amoral, shameless, remorseless—educating and corrupting new generations of young Labor activists into the corrupt old culture over which he presided. No wonder Mr Beattie struck such a chord three years ago when he called him ‘scum, scum, scum’.

The President—Order! I have already ruled on that. I do not believe that is parliamentary language. While you may be quoting, I still do not believe that is the appropriate sort of language that we want to hear in this place.

Senator Brandis—Very well, Mr President. There is one further aspect to this story. Oddly, when Kaiser assumes the position of assistant national secretary, he will remain resident in Brisbane. I am informed by a reliable senior source within the Queensland Labor Party that a deal exists whereby Kaiser will only hold the position of assistant national secretary briefly and that, after the next Queensland state election, the current state secretary, Cameron Milner, will replace him, and Kaiser will return to his old position as Queensland state secretary, from which position he will be given the opportunity to rehabilitate his political career.

I call upon Mr Beattie to assure the people of Queensland that this is not the case, that Mike Kaiser will not return as state secretary, and to honour the unambiguous, emphatic assurances he gave Queenslanders three years ago. And I call upon Mr Crean, if he has any respect for the integrity of his own party, to countermand this disgraceful appointment forthwith. (Time expired)

Henderson, Mr Ian

Senator Faulkner (New South Wales—Leader of the Opposition in the Senate) (10.00 p.m.)—Ian Henderson was a principled and decent person. Some people pretend they are like that; some people aspire to be like that; Ian actually was. Mr President, Ian died on the weekend, aged 54. He was a Newcastle boy: he grew up there and was educated there. I got to know him after he joined the staff of the then opposition leader Bill Hayden in 1978. After Bill resigned as Labor’s leader, Ian went to work with Peter Walsh. He served as Peter Walsh’s senior adviser. His three years with Peter involved, among other things, resolving the difficult uranium policy issue and implementing the petroleum resource rent tax. I reckon just working with Peter would have been difficult enough.

In March 1986, from a slate of 21 candidates, Ian was appointed an organiser at the national secretariat. He ran unsuccessfully for the position of assistant secretary in the Queensland branch in 1988, but in March 1990 he did take on additional responsibilities when he became the Assistant National Secretary of the ALP. Ian retained that position until he left the secretariat in mid-1994 after nominating for but losing the position of national secretary.

In his eight years at the national secretariat, Ian did a remarkable job for the Labor Party. Between 1986 and 1990, he was heavily involved in the review of Labor’s uranium policy, which he shepherded through two national conferences in those four years. He was also largely responsible for the policy work on telecommunications reform.
which went to a special national conference in 1990.

Ian designed Labor’s policy committee structure at the national level, and those policy committees were in place from 1986 to 1994. He always had a focus on policy. Ian was capable of being tough enough to prevail in internal party ructions, including interventions by the national executive into state branches, and he proved in election campaigns that he did not live in a policy ‘ivory tower’. But he was not a factional warrior. The hard slog of policy was what Ian considered the real work of politics: the rest of it was just what made implementing policy possible.

There were rare occasions when Ian’s concern for the best outcome did blind him to the short-term political considerations. I was reminded by his friend Gary Gray today—and Gary is in the chamber tonight—that in 1991 Ian came up here to Parliament House to advise Bob Hawke about proposed ministerial changes: who should be promoted and who should be demoted. When Hawke realised that all the demotions Ian suggested were of Hawke supporters, Hawke said to him: ‘You owe it to me to bring me your good ideas. You owe it to yourself to think about it first.’

Ian was based in Tasmania for a period of six months from March 1992 following federal intervention into the Tasmanian branch of the party. Labor had returned a devastating 27 per cent of the primary vote in the previous state election. After assisting in rebuilding the fortunes of the Tasmanian branch, Ian famously told Sylvia Smith, the Labor candidate for Bass, that he would eat his hat if she won the seat of Bass in the 1993 federal election. Ian was duly presented with a hat at the party conference following the election where Labor won all five Tasmanian seats. He did not eat it, but he was seen regularly wearing it for years afterward.

Ian served as the party’s international secretary from 1989 to 1994. In 1992, Ian got a call from the British High Commission asking whether, as the party’s international secretary, he would entertain two members of the British Labour Party. Not thinking the occasion warranted a trip to a fancy restaurant or the expenditure of party funds on a dinner, he took the two guests home and cooked pasta. The significance of these two visitors—Tony Blair and Gordon Brown—soon became apparent.

Also in his capacity as international secretary, Ian spent quite some time in South Africa from late 1993 through to the post-apartheid elections of 1994. Those were exciting times for the international labour movement and Ian worked tirelessly for the ANC. He used to recall that the ANC had a clean sweep everywhere—except in the South West Cape where Ian ran the campaign.

In 1994, Ian left the national secretariat to begin a new career in journalism, first with the Canberra Times, then the Australian and finally as national economic correspondent with ABC Radio—a move viewed by some as ‘adventurous’ because of Ian’s long association with the ALP. However, to the great disappointment of not a few Labor Party flacks, Ian’s journalistic integrity was ironclad. Put simply: he proved to be a very professional and balanced journalist in both print and radio.

Ian’s unassuming character, his dry, self-deprecating sense of humour and his generosity of spirit made him widely respected and admired in both politics and journalism. It is not common for a Prime Minister to take time in parliament to send good wishes to a former staffer and party official from the other side, but it is a measure of Ian’s high
standing with those who knew him that, when he first became ill this year, Prime Minister Howard did just that. I know the best wishes of those from all parties in the parliament meant a great deal to Ian’s family. Our thoughts and our sympathy are with Ian’s parents, Albert and Norma; his partner, Fiona; and his close friend and supporter of many years Margaret Ward. They have endured an extraordinarily difficult six months—difficult beyond belief—during Ian’s long illness, and they have done so with courage and grace. I consider myself lucky to have known Ian. With his passing we have lost an advocate for a better and fairer nation. We have lost a principled and decent Labor activist and latterly a commentator on Australian politics. We will miss him. Vale, Hendo.

Australian Red Cross

Environment: Automotive Industry

Senator SANTORO (Queensland) (10.09 p.m.)—I rise to speak tonight on two issues that, while vastly different, relate to the essential principle of local initiative. On July 22, the Ascot-Hamilton branch of the Australian Red Cross held its annual general meeting, and its 54th annual report was delivered by its energetic and—if I may say so—highly proactive president, Mrs Myra Carter. As all of us here in this chamber know, unless things work at local level they will not work—or at least not as well as they could—at higher levels. For that reason it is wonderful news that Myra Carter and her Red Cross troops are hard at work in the Ascot-Hamilton area of Brisbane. Branch meetings are held on the fourth Tuesday of each month at St Augustine’s hall in Racecourse Road, Hamilton. The rector, Reverend Robert Braun, and the churchwardens give the Red Cross the use of the hall rent free. Myra Carter has been the branch’s disaster officer—a post she relinquished on 22 July. The branch manned telephones after the Bali bombing and during the drought appeal—in both of which events the Red Cross played a vital and honourable role.

At this point I believe it is appropriate to say something about the Red Cross and Bali. After the terrorist attack there, the Australian Red Cross was, as always, among the first into the field to lend assistance. It set up the Bali Assistance Fund, which, as honourable senators will know, later became the object of some criticism. In May this year the Red Cross asked PricewaterhouseCoopers to provide an independent audit of the fund. It did this so that the Red Cross could benefit from an objective assessment of its management of the fund and be provided with recommendations on how to improve its processes. The report has now been delivered, and the Australian Red Cross has accepted its findings and will fully implement the recommendations outlined in the report. In a statement issued on 8 August, Secretary-General Martine Letts said the Red Cross hoped the Australian public would accept that it had demonstrated that it was an open, transparent and fully accountable organisation. I do not believe there is anyone who would take any view of the Red Cross other than that it is among the most public-spirited and community-minded of organisations that we could wish for. Its operations rest on those of its branches—such as the Ascot-Hamilton branch in Brisbane—throughout the country and around the world.

Here at home we are so fortunate to live in a safe, lawful and democratic society. The Ascot-Hamilton branch of the Red Cross runs card days, where members have a great deal of fun under the leadership of Mrs Glo Marshall and help to raise the relief funds that are always much needed. There are of course a great many other activities, both locally and more widely, that reflect the Red Cross as a caring and compassionate con-
tributor to human wellbeing. It would be appropriate, in the context of the Ascot-Hamilton branch, to mention some of the people who feature so largely in its affairs—people who, as a state representative, I have had the pleasure to meet and to enjoy so many good times with. I mentioned Mrs Gloria Marshall. These days she is the patron of the Ascot-Hamilton branch of the Red Cross. For many years she was the president and is now the new deputy president. Mrs Joanne Blakely and Mrs Merryl Suthers are vice-presidents. Mrs Judy Howel is the secretary. Lieutenant Colonel Malcolm Stuart is the treasurer of the organisation and a thorough gentleman, as is Brigadier Ian Hunter, who has been a long-term supporter of the Ascot-Hamilton branch and a state president of the Red Cross. I mention also his wife, Rosemary Hunter. Dr Carmel Marshall provides constant assistance and support to her mother and has received a distinguished award, a medal for her great service to the Red Cross. I also mention Dr John and Margaret Campbell. One cannot forget people like Joan Lugg, who is a member of the Floral Art Society of Queensland and puts together the Red Cross Chelsea Flower Show arrangements every year. There are other people to mention who have left this world: the late Bill and Marcia Webber, who did so much for that particular branch of the Red Cross; the late Bob Marshall, husband of Glo Marshall; and the late Canon Bill Carter, husband of today’s president, Myra Carter. There are so many good people who have done so much in that community and for the Red Cross as a whole. As with everything, it is the human element that makes an organisation work. The Red Cross works—as it proved in its immediate response to the Bali tragedy—and because of that we are all better off.

Local initiative is also important on the environmental front. On 30 July I had the honour of helping to launch in Queensland the national eco-efficiency green stamp program for the automotive industry. This is a modest scheme, and it is all the better for that fact. The more modest a scheme, the easier it is to implement and keep on track. This is a principle of governance that sometimes seems to elude modern administrators. Modest it may be, but it is operating at the workshop level in an industry that, because of the products with which it has to deal and the inescapable residues that result, is right at the forefront of local area environmental management concerns. I believe that it is action at this level that will have the greatest impact—a positive one, of course—on the lives of most Australians. It is the built environment that most concerns the majority of people—or should. It is where we live. We owe it to ourselves, and even more to our children and their children, to eliminate the toxic residues of urban existence.

The national eco-efficiency green stamp program is a joint initiative in Queensland of the Motor Trades Association of Queensland, as the state affiliate of the Motor Trades Association of Australia, and the Commonwealth, represented by Environment Australia. Environment Australia has provided $50,000 in support for the first year of the program. Program funding assistance from the National Heritage Trust and the product stewardship arrangements for waste oil program has been arranged for a three-year period to develop a national green stamp program. This program will implement improved environmental practice by state coordinators for the national MTA.

The strategy that has been implemented aims to demonstrate to the community the commitment of motor traders—a commitment that is ongoing—to the reduction or abatement of their environmental impacts. Eco-efficiency is a concept that links environmental strategy with economic processes.
to create better management of environmental resources, improved resource efficiency and reduced environmental impacts by using economic strategies. The green stamp program aims to generate an understanding of the range of eco-efficiency and good environmental management initiatives throughout Australia’s automotive repair industry on a state and national level. The program will chiefly assist small- to medium-sized businesses meet their legislated requirements and ethically fulfil ‘beyond compliance’ responsibilities related to environmental impacts.

The green stamp program will be implemented through a range of strategies. These include provision of technical advice and support to business owners—an essential element of any practical implementation plan. It will provide obligation-free workshop auditing to investigate current environmental practices and suggest improved techniques in environmental protection. It will also provide information resources and media opportunities, and offer guidance on legislation and updated information on industry-related environmental issues via personal and electronic communications. Included in the overall strategy is a plan to develop case studies—always a useful resource—and to collect baseline data on small- to medium-sized motor repair industry current practice.

This is a very worthwhile initiative which, in Queensland, is being given a great start by the MTAQ, and its Executive Director, Mr Tony Selmes, and his entire executive. In Queensland, the program is coordinated by the MTAQ’s environmental officer, Cressida Strang. When I launched that program a few weeks ago, the motor industry of Queensland was represented. What was most impressive about the representation was that it was the ordinary players—the little and the big players who make the industry the successful industry that it is—who were there representing their interests and offering great sense and commitment to the corporate and the public good. I believe, Mr President, that local effort is always worthy of mention in the Senate—the states’ house—and I am happy to place the remarks I have made tonight on the national record.

Rocky Creek War Memorial Park

Senator HARRIS (Queensland) (10.17 p.m.)—I rise to bring to the Senate information relating to the memorial service that I attended yesterday at the Rocky Creek War Memorial Park. This memorial service was in recognition of the 58th anniversary of VP Day—that is, Victory in the Pacific Day. The concept for a memorial park at Rocky Creek was raised when Tim Foley, who is affectionately now known as the ‘Mayor of Rocky Creek’, and Mark Alcock discovered the remnants of the 2nd/6th and the 2nd/2nd Army hospitals in 1992. Realising the significance and historical value of the site, they began clearing much of the area and exposed huge concrete slabs, tent pegs, bottles and rock gardens, which had been left undisturbed for 50 years. Trackback in October 1993 saw the return to the tablelands of many ex-service men and women who had taken part in the celebrations and visited the old camp site.

In 1995—the year of ‘Australia Remembers’—the mayor of Atherton, Mr Jim Chapman, became Chairman of the Victory in the Pacific committee. Through the efforts of this committee a memorial Victory in the Pacific Day was celebrated in 1995. This incorporated the unveiling of a plaque, donated by Myra Jones BEM, formerly Myra Shue, from the 2nd/2nd AGH, in memory of all medical units and personnel who served in the hospitals at Rocky Creek from 1943 to 1945. All Australian Army units that served on the tablelands during World War II were invited to supply plaques, describing the
campaigns in which they participated, for the memorial park. Plaques are mounted on a large granite boulder supplied by Wongabel Quarries. This has been an ongoing exercise, with new plaques being unveiled each year on the nearest Sunday to Victory in the Pacific Day. At yesterday’s ceremony the total was over 70.

I will give a little history of the area. In mid-1942 the Army secured War Cabinet approval for a hospital in the area and a commitment of £730,000 over three stages was allocated. Why was Rocky Creek chosen? The land was Crown reserve; therefore, no civilian enterprises would have been disrupted by the Army’s occupation. However, when plans were being drawn up for the various hospital buildings, it was found necessary to compulsorily obtain leases of adjoining land. There was an excellent permanent and pure water supply nearby at Barney’s Springs. The elevation was more than 600 metres and, therefore, out of the range where malaria-carrying mosquitoes can survive. As well, the general area in this vicinity is renowned for having a very equable climate. There was an existing railway siding; railway transport of personnel and supplies, as well as ease of transport for bedridden patients, was of paramount importance. Also, it was serviced by a road in the process of being upgraded to become the Kennedy Highway.

The 19th Field Ambulance, already in North Queensland, was ordered to prepare a site for a camp hospital at Rocky Creek and moved there on 5 October. The 5th ACH—that is, the Australian camp hospital—arrived on 14 October to take over, and the 19th Field Ambulance moved out the following day. During the latter part of 1942 preparations for the establishment of two 1,200-bed hospitals with semipermanent buildings and adequate water and sewerage facilities were proceeding at Rocky Creek. However, facilities on this site were far from ready when the 2nd/2nd ACH arrived on 5 January.

While at Rocky Creek, the 2nd/2nd ACH was involved in a malaria research program and catered for thousands of troops training and recuperating on the tableland between overseas campaigns. Patients were received from casualty clearing stations operating in New Guinea, and the RAAF began operations from the Mareeba airstrip in mid-1943. From then on, most patients from the battlefields of New Guinea travelled by plane to Mareeba. Occasionally, a sudden influx of patients would result in the normal 1,200-bed capacity of the hospital being extended up to 1,800 beds, with several hundred beds set up in annexes. At such times, all leave for hospital staff was cancelled and normal on-duty hours were extended to cope with the emergency. During January 1944, when the 7th and 9th divisions were engaged in battles on the Huon Peninsula, there were so many new patients expected that a number of the nurses were asked to temporarily give up their mattresses for patients.

The concept of the Rocky Creek War Memorial came about as a program by the Eacham Historical Society, and the publication that I have was produced by them with support from a considerable number of people in North Queensland. It is timely that we recognise the victory in the Pacific, which was recognised last week, and the 37th anniversary of the battle of Long Tan. Back in 1966, on 18 August, as we all know, a relatively small number of Australian Defence Force personnel came into contact with what turned out to be a major force against them, and the battle of Long Tan occurred. In closing, I would like to quote again from the document, because I believe it encapsulates so very well both the pride we have in our Australian forces and the privileges we have today:
Whilst we move forward as a nation privileged by more than 60 years of peace, we should never forget the sacrifices of the men and women who served to keep Australia free from invasion. This particular area played a very promising part during WWII and the legacy of the people of today is freedom.

I seek leave to table the document that I have been quoting from and the order of service from the memorial service.

Leave granted.

Senator HARRIS—I also seek leave to incorporate the foreword from the document in Hansard as well as the poem Faded Suits of Green. The poem Faded Suits of Green was written early in 1943, when the ambulance trains were carrying from Cairns to southern hospitals the wounded and stricken men from the battlefields of New Guinea. The American soldiers in our midst, who had not yet seen action, looked so smart and trim in their well-cut uniforms. Rather than those men having any reservations about the uniform they wore, they wore it with dignity, pride and dedication. Lest we forget.

Leave granted.

The documents read as follows—

FOREWORD

The Eacham Historical Society once again provides a valuable service to our community by recording another segment of our proud and rich history. The Society has chosen well. Rocky Creek was very much a focal point and provided a strong and regular pulse beat for the Military in Far North Queensland during WWII.

This latest research provides an insight into life and social attitudes as they were in such desperate times when our nation was fighting for its very survival.

Thanks to the efforts of those dedicated individuals such as Henry and Elaine Tranter you will read the observations of young Australians from all walks of life and who were located on the Atherton Tablelands during WWII.

The writings highlight the uncertainty of ‘their tomorrows, their determination to succeed, and above all, their acceptance of duty in harsh, isolated and primitive conditions.

I would strongly recommend that you read this historical record, and when time permits, visit the area and study the surrounds. Imagine you are back in time, and perhaps you will hear the familiar sounds of military life as it once was at Rocky Creek. The bugle calls; the metallic clang and rattle of kitchen utensils; the busy urgent footsteps and hushed voices of doctors and nurses as they tend the sick and wounded.

If you try hard enough, you might even hear the youthful laughter at some bush picnic, or perhaps the muffled sobs of loved ones as the troops depart for the jungles of the South West Pacific.

Perhaps you will even see the flickering of the hurricane lanterns or glimpse some ghostly shadows of those who were part of a tough, disciplined, determined and proud generation of Australians.

My sincere congratulations to all involved in making this book possible.

Brigadier George Mansford AM (RL)
27 January 2003

I am standing at my window, I can hear the tramp of feet,
I can hear the soldiers marching down the bush road to the street,
They are coming into vision, now they plainly can be seen,
That swinging line of figures, in their faded suits of green.
Suits that went into the dye-pots in a hurry as you know,
For the Jap was at our doorstep, a cruel and crafty foe.
No time for fuss or finish, very little lay between
Those swarming hordes of Nippon and those faded suits of green.
The dye came out in patches of pale yellow, green and brown.
They were fashioned for the jungle, not, for touring round the town.
They were not meant for dandies just to strut in and to preen,
They were made for men of action, streaky faded suits of green.
There were men who went to outposts to the flies and dust and heat,
To monotony and boredom, no defence and no retreat,
For they, missed the path of glory with their mates at Alamein,
They were left to guard Australia in their faded suits of green.
Those valiant men of splendour, men of Libya, Greece and Crete,
Heard the call of their own homeland, “Help us ‘ere it is too late.”
So they hurried to our rescue, tho’ wide oceans lay between,
Gladly changed their suits of khaki for those faded suits of green.
On the battlefields of Papua, on the shores of Milne Bay,
On the road to far Kokoda, and down Gona, Buna way.
Through the fever stricken jungles, where the Nippon lurked unseen.
Into slime and slush and slaughter went those faded suits of green.
Pressing onward, ever onward, rivers crossed and pathways strange.
Facing death, defying danger on the Owen Stanley range,
Up the cliffs and down the valleys, through the dark and deep ravine,
Torn and tattered, splashed with crimson glorious faded suits of green.
Doctors tending wounded in the dim and fading light,
Heroes, bleeding, suffering, dying through the long and tortuous night,
When the gates of heaven were opened and Saint Peter drew the screen
Glory, everlasting glory, for those, faded suits of green.
Standing watching at my window, my thoughts wing as before,
To the rice fields of Malaya, to the docks of Singapore,
To the prison camps of Nippon, where our loved ones gaunt and lean,
Weary wait there to be rescued by those faded suits of green.
They are coming, captive soldiers, tho’ the way be grim and hard,
They will fight on to the finish, inch by inch, and yard by yard,
For no suits of shining armour worn by knights before the Queen,
Ever held such pride and honour as those faded suits of green.
When the bells of peace are ringing, as they did in days of yore,
When the hated sound of war drums shall cease, for evermore,
When we live in love and laughter, and happiness serene,
Oh! Australia, please remember those faded suits of green.

Senate adjourned at 10.28 p.m.

DOCUMENTS
Tabling
The following documents were tabled by the Clerk:
Class Rulings CR 2003/66-CR 2003/68
Customs Act—CEO Instruments of Approval Nos 10-23 of 2003.
Medical Indemnity Act—
Medical Indemnity (Non-participating MDOs) Determination 2003.

Sydney Airport Curfew Act—
Dispensations granted under section 20—Dispensation No. 6/03 [4 dispensations].

Indexed Lists of Files
The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended on 27 September 2001, 18 June and 26 June 2003:

Department of Agriculture, Fisheries and Forestry portfolio—
Australian National Audit Office.
Australian Public Service Commission.
Department of the Prime Minister and Cabinet.
Office of National Assessments.
Office of the Commonwealth Ombudsman.
Office of the Official Secretary to the Governor-General.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Telstra: Contractors
(Question No. 1313)

Senator Mackay asked the Minister for Communications, Information Technology and the Arts, upon notice, on 24 March 2003:

With respect to question no. 14 taken on notice by Telstra during the Environment, Communications, Information Technology and the Arts References Committee hearing, on 6 December 2002, into the Australian Telecommunications Network:

(1) Who accredits the Comet sub-contractors.
(2) Who does the security checks on Comet sub-contractors.
(3) What steps does Telstra take to ensure contractors and sub-contractors, are International Standards Organisation accredited; can details be provided of the process that takes place before these contractors and sub-contractors commence work for Telstra.
(4) How many contractors and sub-contractors undertook the theoretical and practical training and testing conducted by Telstra’s Contracts and Logistics Group in each of the past 3 years.
(5) Does Telstra sight the workers compensation arrangements of all contracting and sub-contracting companies.
(6) What steps does Telstra take to ensure that all worker entitlements are adequately guaranteed by contracting and sub-contracting companies.

Senator Alston—The answer to the honourable senator’s question, based on information provided by Telstra, is as follows:

(1) Contracted field staff, including sub-contractors, are accredited by Telstra approved external training facilitators.
(2) Telstra’s External Contractor Management team issues Contractor Photo Identification to contractors and sub-contractors conditional on compliance with Telstra Security and Investigation Policy Guidelines which includes individuals satisfactorily establishing their identification.
(3) A prime contractor’s ISO certification is evaluated during a ‘Request for Tender’ (RFT) sourcing process.
All contractors provide within 14 days of contract execution and before commencement of works, a copy of their quality management system (complying to ISO standards) and a contract specific quality plan for review. Where contractors employ sub-contractors they must ensure that the sub-contractor meets these requirements.
(4) Telstra’s Contracts and Logistics group do not directly provide training to contractors or sub-contractors. They are however, accountable for accrediting external training providers, their trainers and the courses they provide to contractor field staff.
(5) Telstra routinely sights proof of insurances, including workers compensation, as a condition of contract award.
Telstra contractually mandates that prime contractors shall ensure all subcontractors have similarly insured their employees.
(6) Telstra has the contractual right to request a prime contractor provide a Statutory Declaration that all employees, agents and sub-contractors who have been engaged by the Contractor in respect of work under contract have at the date of request been paid all moneys due and payable to them in respect of their employment on the work under contract.
Telstra: Staff and Contractors
(Question No. 1314)

Senator Mackay asked the Minister for Communications, Information Technology and the Arts, upon notice, on 24 March 2003:

With respect to question no. 15 taken on notice by Telstra during the Environment, Communications, Information Technology and the Arts References Committee hearing, on 6 December 2002, into the Australian Telecommunications Network:

(1) If there is not generally a significant difference in costs for installation and maintenance costs between Telstra Service employees and contractors, why is it that Telstra does not employ its own people to do this work.

(2) What is the total value of all contracts to contractors and sub-contractors in the field service and maintenance areas, for each of the past 6 years.

(3) How many full-time staff does Telstra have in each business unit.

(4) How many part-time staff does Telstra have in each business unit.

(5) How many casual staff does Telstra have in each business unit.

(6) How many contractors does Telstra have in each business unit.

(7) How many sub-contractors working for contractors does Telstra have in each business unit.

Senator Alston—The answer to the honourable senator’s question, based on information provided by Telstra, is as follows:

(1) Telstra does employ its own staff to carry out installations and maintenance. Work is primarily contracted for two reasons:
   1. To meet variations in demand, beyond the capacity of the internal workforce to handle. This occurs due to fluctuations in customer demand, seasonal factors and weather.
   2. To facilitate ongoing sustainable testing of the market to ensure that service levels are delivered at best market prices.

   Telstra will continue to place work with internal and external workforces as appropriate, to sustainably deliver best service levels to its customers and best value to its shareholders.

(2) Infrastructure Services’ (excluding Network Design and Construction - NDC) Contract Service Payments for Customer Access Network (CAN) capital activities:

   2000/2001 $346.4m June YTD
   2001/2002 $284.3m June YTD
   2002/2003 $307.0m March YTD

   The contracting dollars for 00/01 and 01/02 are based on Infrastructure Services (IS) current 02/03 organisational structure and are therefore comparative to the 02/03 result.

   The information prior to 00/01 has been archived and is not in a format that is comparable. The 00/01 information is based on the “IS” organisation structure of that time and is therefore difficult
and problematic to compare to subsequent years due to the many and various organisational changes that have occurred since then.

(3) See Table 1.

(4) See Table 1.

(5) See Table 1.

(6) See Table 1.

(7) Telstra has no information on the number of sub-contractors that contractors have employed on Telstra work.

Table 1
Workforce Numbers as at 31 May 2003

<table>
<thead>
<tr>
<th>Business Unit</th>
<th>Full Time Staff</th>
<th>Part Time Staff</th>
<th>Casual Staff</th>
<th>Contractors</th>
<th>Total Workforce Numbers</th>
<th>Total Full Time Staff (FTS)</th>
<th>Total Full Time Equivalent (FTE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CEO (HDRF)</td>
<td>2</td>
<td></td>
<td>1</td>
<td>3</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>HUMAN RESOURCE DIRECTORATE (HERG)</td>
<td>409</td>
<td>21</td>
<td>34</td>
<td>464</td>
<td>409</td>
<td>423</td>
<td></td>
</tr>
<tr>
<td>FINANCE &amp; ADMINISTRATION GROUP (HFAG)</td>
<td>3,050</td>
<td>247</td>
<td>5,089</td>
<td>8386</td>
<td>3050</td>
<td>3226</td>
<td></td>
</tr>
<tr>
<td>LEGAL &amp; REGULATORY (HLRF)</td>
<td>126</td>
<td>9</td>
<td>93</td>
<td>228</td>
<td>126</td>
<td>132</td>
<td></td>
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<tr>
<td>BROADBAND ONLINE MEDIA SERVICES GROUP (BOMG)</td>
<td>2,290</td>
<td>63</td>
<td>596</td>
<td>2949</td>
<td>2290</td>
<td>2332</td>
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<tr>
<td>INFRASTRUCTURE SERVICES (CCTG)</td>
<td>17,930</td>
<td>161</td>
<td>8</td>
<td>2,082</td>
<td>20181</td>
<td>17930</td>
<td>18227</td>
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<tr>
<td>TELSTRA COUNTRY WIDE GROUP (CWTG)</td>
<td>629</td>
<td>2</td>
<td>1</td>
<td>50</td>
<td>629</td>
<td>631</td>
<td></td>
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<tr>
<td>TELSTRA CONSUMER &amp; MARKETING (GC0G)</td>
<td>4,499</td>
<td>1,225</td>
<td>1,401</td>
<td>4,765</td>
<td>11890</td>
<td>4499</td>
<td>6232</td>
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<td>INTERNATIONAL GROUP (I00G)</td>
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<td>57</td>
<td>14</td>
<td>592</td>
<td>703</td>
<td>40</td>
<td>2350</td>
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<td>TELSTRA BUSINESS &amp; GOVERNMENT (MAWG)</td>
<td>5,259</td>
<td>198</td>
<td>102</td>
<td>1,974</td>
<td>7533</td>
<td>5259</td>
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<td>TELSTRA TECHNOLOGY (NTGG)</td>
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<td>WHOLESALE GROUP (ZSSG)</td>
<td>758</td>
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<td>308</td>
<td>1107</td>
<td>763</td>
<td>788</td>
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<tr>
<td>TELSTRA AUSTRALIA GROUP (TELG)</td>
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<td>0</td>
<td>1,526</td>
<td>18,165</td>
<td>59,018</td>
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</table>

Note: Only FTS and FTE are included in the Annual Report

QUESTIONS ON NOTICE
Telstra does not separate statistics on contractors, subcontractors and agency staff. The number of contractors, subcontractors and agency staff together form the numbers in the Contractors column.

**Telstra: Staff**

(Question No. 1316)

Senator Mackay asked the Minister for Communications, Information Technology and the Arts, upon notice, on 24 March 2003:

With respect to question no. 27 taken on notice by Telstra during the Environment, Communications, Information Technology and the Arts References Committee hearing, on 6 December 2002, into the Australian Telecommunications Network:

1. Can a definition for ‘in the past’ be provided.

2. On how many days in the past 3 months has Telstra requested staff to work overtime and can these figures be provided on a Telstra area basis.

3. Does Telstra ever offer field staff unlimited overtime.

4. On how many occasions in the past 12 months, and in which areas, has Telstra offered field staff unlimited overtime.

5. On how many occasions did Telstra move staff from one adjoining service area into another in the past 2 years.

6. How many staff have been moved from one service area into another in the past 2 years.

7. What was the travel and accommodation cost of moving staff in this way.

8. Regarding the figure of $70,000 for interstate travel of technicians for the 2002-03 financial year, which Telstra service areas required interstate assistance.

9. How much of the $70,000 spent was associated with the extreme rainfall conditions in the broader Sydney metropolitan area in early 2002.

10. Can a state-by-state breakdown for this figure be provided, including the number of individual staff movements.

Senator Alston—The answer to the honourable senator’s question, based on information provided by Telstra, is as follows:

1. ‘In the past’ was intended to refer to, “prior to the current financial year”.

2. Telstra responds to customer demand and utilises overtime to meet that demand. This demand fluctuates in location, quantity and timing and may be required for either provisioning or restoration activities.

   According to Telstra, it is difficult to quantify accurately all areas where overtime has been offered to staff over the 3 months leading up to 31 March 2003. The collection of the data and breakdown into areas would require extensive manual gathering, verification and correlation of data.

   There is a business requirement for overtime to satisfy customer requirements and network outages outside of normal business hours as well as fulfilling any previously made commitments for “on the day”. This is further impacted by inclement weather conditions and natural disasters.

   High level analysis of total overtime payments to field staff by region shows stable and declining payments in all regions in 2002-03 compared to the previous year.

3. Telstra does not offer unlimited overtime.

   During periods of "contingency" (prolonged periods of excessive localised work demand) and on specific occasions local management may request all staff to work outside of normal business hours. Local management monitor their staff undertaking overtime and adjust allocation

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accordingly, while applying duty of care and protecting the health and safety of employees. Health and safety considerations also limit the extent to which intensive overtime is appropriate.

In the last 3 years total overtime payments in all States of Australia have been stable or declining.

(4) See answer to part (3) above.
(5) This data is not readily available. Collection of the data and breakdown into areas would require extensive manual gathering, verification and correlation of data.
(6) This data is not readily available. Collection of the data and breakdown into areas would require extensive manual gathering, verification and correlation of data.
(7) This data is not readily available. Collection of the data and breakdown into areas would require extensive manual gathering, verification and correlation of data.
(8) At the time the answer was provided, Canberra Metro was the only service area that required interstate assistance (bushfire related). The period covered was 22 January to 14 February 2003.
(9) Telstra’s response tabled was for the financial year 2002/03. All movements during this period were directly related to the bushfires in Canberra in January and February 2003.
(10) All resources that were moved, came from NSW (Sydney Metropolitan). Resource details below.

<table>
<thead>
<tr>
<th>DATES</th>
<th>Nights Away</th>
<th>No. of Communications Technicians (CT's)</th>
</tr>
</thead>
<tbody>
<tr>
<td>22/01/03 to 31/01/03</td>
<td>9</td>
<td>24</td>
</tr>
<tr>
<td>03/02/03 to 07/02/03</td>
<td>4</td>
<td>12</td>
</tr>
<tr>
<td>03/02/03 to 08/02/03</td>
<td>5</td>
<td>13</td>
</tr>
<tr>
<td>10/02/03 to 14/02/03</td>
<td>4</td>
<td>16</td>
</tr>
</tbody>
</table>

Health: Meningococcal Disease
(Question No. 1439)

Senator Allison asked the Minister for Health and Ageing, upon notice, on 7 May 2003:

(1) Can a progress report be provided on the National Meningococcal C Vaccine Program.
(2) Is it the case that a report from the Australian Technical Advisory Group on Immunisation (ATAGI) in October 2002 recommended that a program of pneumococcal, meningococcal type C, injectable polio and chicken pox vaccines be funded.
(3) Is it the case that the department, in consultation with ATAGI, initially recommended that $47.5 million be spent on a targeted meningococcal type C vaccine program.
(4) Can a copy of the National Health and Medical Research Council’s consultation report into ATAGI’s recommendations, “National Health and Medical Research Council public consultation into the draft 8th edition of the Australian Immunisation Handbook” be provided; if not, why not.
(5) Why did the Government ignore expert advice and proceed with a universal meningococcal type C vaccine program in all states at a cost of $250 million, in spite of the fact that meningococcal type C disease is only prevalent in a limited number of geographic locations.
(6) As a result of this decision, is it now the case that the funding of the other essential vaccines recommended by the ATAGI in October will be deferred indefinitely.
(7) Is one of the reasons the ATAGI recommended funding for pneumococcal vaccination that, according to data from Communicable Diseases Australia, there were 18 cases of meningococcal type C infection and 512 cases of invasive pneumococcal disease reported in children under 5 years of age in Australia in 2002.
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(8) Can rates of hospitalisation, disability and death, by state, be provided for meningococcal type C disease and pneumococcal disease.

(9) Can the Government confirm that: (a) pneumococcal disease can affect the blood, spinal cord or brain and is therefore very serious; (b) invasive pneumococcal disease is the most common bacterial cause of serious disease in Australian infants and young children; (c) invasive pneumococcal disease is more common than meningococcal disease; (d) in young children, pneumococcal meningitis occurs 20 to 30 times more often than meningococcal type C meningitis; and (e) pneumococcal meningitis has a higher fatality rate and causes a higher rate of permanent and serious disability than meningococcal infection, half of all children who contract pneumococcal meningitis during the first year of life are left permanently disabled and about 11 percent of children with pneumococcal meningitis will die.

(10) Is the Government aware of the article in the New England Journal of Medicine, 1 May 2003, that concludes; “The use of the pneumococcal conjugate vaccine is preventing disease in young children, for whom the vaccine is indicated and may be reducing the rate of disease in adults. The vaccine provides an effective new tool for reducing disease caused by drug resistant strains.”

(11) Will this report lead to a re-evaluation of the decision not to fund pneumococcal vaccines.

(12) Can the Government provide a progress report on the distribution of pneumococcal vaccine to Aboriginal children.

(13) Is it the case that the take-up for Aboriginal children has been poor due to excessive restrictions designed to prevent leakage to unsubsidised children, excessive paperwork and difficulties in implementation; if so, how does the Government propose to improve the take-up rate.

(14) Is it the case that Aboriginal children have the highest rate of pneumococcal disease in the world.

(15) Can rates of hospitalisation, disability and death, by state, be provided for pneumococcal disease in Aboriginal children.

(16) When will an evaluation of the National Meningococcal C Vaccination Program be conducted.

Senator Patterson—The answer to the honourable senator’s question is as follows:

(1) The National Meningococcal C Vaccination Program has commenced in all States and Territories. Free meningococcal C vaccine from general practitioners and other immunisation providers for children turning 1 to 5 years of age in 2003 is now available. The majority of States and Territories have commenced school-based vaccination of adolescents turning 15 to 19 years of age in 2003.

(2) In addition to its role in recommending vaccines for inclusion on the Australian Standard Vaccination Schedule, the ATAGI presented a series of vaccines, including pneumococcal, meningococcal C, inactivated poliomyelitis and varicella, to Government for consideration of funding under the National Immunisation Program.

(3) No. It is not the case that the Department consults with The Australian Technical Advisory Group on Immunisation (ATAGI) to recommend vaccination programs. The ATAGI assesses the evidence on a range of criteria and makes recommendations to Government for consideration of funding under the National Immunisation Program. The ATAGI made a series of recommendations to Government on meningococcal C vaccination ranging from a targeted program to a universal program. It is unclear where the figure of $47.5 million, stated in the question, comes from.

The currently funded National Meningococcal C Vaccination Program was announced in August and expanded in November 2002 and will cost $291 million over four years to vaccinate all children between 1 and 19 years of age.

(4) Yes.

(5) The Government did not ignore expert advice. The currently funded National Meningococcal C Vaccination Program will vaccinate all children between 1 and 19 years of age. This recommen-
dation from ATAGI was based on disease epidemiology, and identification of high risk groups. It is not the case that meningococcal C disease is only prevalent in a limited number of geographic locations. Cases of meningococcal C disease have occurred in each State and Territory.

(6) The decision to fund the National Meningococcal C Vaccination Program has not led to the decision not to fund the remaining ATAGI recommendations at this time. The recommendations remain under consideration for future funding.

(7) The Department is not able to comment on the detailed deliberations of an expert committee such as the ATAGI, in making technical recommendations for new candidate vaccines from a population health and disease prevention perspective. However, the Department is aware of the factors considered by ATAGI in making recommendations to Government. They are:

- total cost of the intervention
- the estimated cost-effectiveness of the intervention
- a commitment to using the safest vaccines available
- the short and long term health benefits for the Australian population; and
- the certainty of intended public health outcome in the context of Federal funding.

(8) Yes. The data presented in the following tables comes from two sources. Table 1 was prepared using data presented in the minutes of meetings of the Communicable Diseases Network of Australia (CDNA) (15 January 2003). This information serves only as a guide to disease incidence. Table 2 data is derived from reports in Communicable Diseases Intelligence (Invasive pneumococcal disease in Australia, 2001).

Table 1: Notifications of meningococcal C disease, 2001 and 2002

<table>
<thead>
<tr>
<th>State/Territory</th>
<th>2001 data</th>
<th>2002 data*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cases notified</td>
<td>Deaths (case fatality rate, %)</td>
</tr>
<tr>
<td>ACT</td>
<td>Nd</td>
<td>Nd</td>
</tr>
<tr>
<td>NSW</td>
<td>Nd</td>
<td>Nd</td>
</tr>
<tr>
<td>NT</td>
<td>Nd</td>
<td>Nd</td>
</tr>
<tr>
<td>Qld.</td>
<td>Nd</td>
<td>Nd</td>
</tr>
<tr>
<td>SA</td>
<td>Nd</td>
<td>Nd</td>
</tr>
<tr>
<td>Tas</td>
<td>Nd</td>
<td>Nd</td>
</tr>
<tr>
<td>Vic.</td>
<td>Nd</td>
<td>Nd</td>
</tr>
<tr>
<td>WA</td>
<td>Nd</td>
<td>Nd</td>
</tr>
<tr>
<td>Total</td>
<td>155</td>
<td>23 (14.8)</td>
</tr>
</tbody>
</table>

Nd – data not available

*Source: Comm. Dis. Network Australia
Data provisional for 2002
No individual State/Territory data available for 2001

Table 2: Invasive pneumococcal disease, 2001 and 2002

<table>
<thead>
<tr>
<th>State/Territory</th>
<th>2001 data*</th>
<th>2002 data*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cases notified</td>
<td>Deaths (case fatality rate, %)</td>
</tr>
<tr>
<td>ACT</td>
<td>18</td>
<td>Nd</td>
</tr>
<tr>
<td>NSW</td>
<td>434</td>
<td>75 (17.3)</td>
</tr>
<tr>
<td>NT</td>
<td>97</td>
<td>3 (3.1)</td>
</tr>
<tr>
<td>Qld.</td>
<td>425</td>
<td>Nd</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>State/Territory</th>
<th>2001 data*</th>
<th>2002 data*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cases notified</td>
<td>Deaths (case fatality rate, %)</td>
<td>Cases notified</td>
</tr>
<tr>
<td>SA</td>
<td>114</td>
<td>9 (7.9)</td>
</tr>
<tr>
<td>Tas</td>
<td>61</td>
<td>3 (4.9)</td>
</tr>
<tr>
<td>Vic.</td>
<td>327</td>
<td>19 (5.8)</td>
</tr>
<tr>
<td>WA</td>
<td>205</td>
<td>16 (7.8)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1,681</td>
<td>125 (7.4)</td>
</tr>
</tbody>
</table>

*No mortality data available for ACT or Qld in 2001, and for ACT in 2002

The Department is unable to provide disability data for either pneumococcal or meningococcal disease.

(9) 
(a) Yes.  
(b) The Department is unable to confirm that invasive pneumococcal disease is the most common bacterial cause of serious disease in Australian infants and young children.  
(c) The Department can confirm that there were 8.6 cases per 100,000 population of invasive pneumococcal disease reported in Australia in 2001, while there were 3.5 cases per 100,000 population of meningococcal disease reported during the same period.  
(d) No, this is not correct. Meningitis is a rare clinical presentation in any case of pneumococcal disease and of the 512 cases of pneumococcal disease in children under 5 years of age, only 46 were cases of meningitis.  
(e) Pneumococcal meningitis is a severe disease and is one of three possible presentations of those with invasive pneumococcal disease. The other two presentations being bacteraemia and pneumonia. In 2001, there were 512 cases of invasive pneumococcal disease in children under 5 years of age, 46 (or approximately 9%) were reported as meningitis. During this same period five children under five years of age died of invasive pneumococcal disease. Two of these deaths presented as bacteraemia, one presented as invasive pneumonia and two were unknown. There is no data that confirms the Senators statement that 11% of children will die from pneumococcal meningitis. There is insufficient data to enable a comparison of fatality rates in children under five between pneumococcal and meningococcal diseases.

(10) Yes.

(11) The ATAGI has recommended a universal pneumococcal vaccination for children on technical and scientific grounds. This newly published article supports this recommendation. The recommendations remains with Government for consideration of future funding in the context of the remaining ATAGI recommendations. Since 2001, the Government has funded a National Childhood Pneumococcal Vaccination Program for children most at risk of developing pneumococcal disease. This includes all Aboriginal and Torres Strait Islander children under 5 years, all children living in Central Australia under 2 years and all children under 5 years with medical risk factors for developing pneumococcal disease.

(12) States and Territories are required to report on a number of performance requirements through the Public Health Outcome Funding Agreements, the mechanism by which vaccines under the National Immunisation Program are funded. For the period August 2001 to June 2002, States and Territories indicated that 48,525 doses of pneumococcal conjugate vaccine and pneumococcal polysaccharide vaccine had been purchased and 40,858 doses distributed under the Childhood Pneumococcal Vaccination Program. This Program provides vaccine to all Aboriginal and Torres Strait Islander
children under 5 years of age, all children living in Central Australia under 2 years of age, and all children under 5 years of age with medical risk factors.

(13) The Commonwealth, including the Office of Aboriginal and Torres Strait Islander Health (OATSIH), in partnership with the States and Territories and the National Immunisation Committee (NIC) continues to work to improve the level of uptake of the Childhood Pneumococcal Vaccination Program.

Data provided by the Northern Territory and Queensland Health Departments at a pneumococcal workshop in 2002 and published in Communicable Diseases Intelligence Vol 27 No 1 April 2003, indicate that the uptake of the program is good.

In the Northern Territory 96% of the eligible cohort received the first dose of pneumococcal conjugate vaccine at 2 months of age. Approximately 74% of older children had commenced the catch-up schedule and 64% of older children had completed the catch-up schedule.

In Queensland the figures for children in the eligible cohort considered to be fully vaccinated varies according to region. In northern Queensland 69% of children were fully vaccinated.

As part of the Public Health Outcome Funding Agreements (PHOFAs), States and Territories are encouraged to minimise wastage and leakage of vaccines under the National Immunisation Program. States and Territories implement measures such as education of GPs through the Australian Division of General Practice (ADGP) and linking vaccines supplied to provision of data.

(14) Past studies have shown that Indigenous people living in central Australia have the highest rates of invasive pneumococcal disease in the world.

(15) Accurate measurement of the true incidence of pneumococcal disease is limited by several factors including the need for the collection of blood cultures, prior administration of antibiotics and the level of notification of isolates from pathology laboratories. The Australian Institute of Health and Welfare (AIHW) advises that the quality of data on hospitalisation of Indigenous children is only of acceptable quality in the Northern Territory and South Australia. The Department has been unable to obtain any data on the incidence of disability from invasive pneumococcal disease in Indigenous children. Details on case fatality rates from invasive pneumococcal disease for 2001 is available from an article in Communicable Diseases Intelligence (Roche P, Krause V. Invasive pneumococcal disease in Australia, 2001. Commun Dis Intell 2002:26).

(16) The National Meningococcal C Vaccination Program will run over four years. As a result, an evaluation is planned for the second half of the Program, that is from 2004. No commencement date has been set for the Program’s evaluation. In the short term, an evaluation of the national awareness campaign will be managed by the Department’s Research and Marketing Group. This will determine the effectiveness of communications with parents and providers.

Education: Agents

(Question No. 1584)

Senator Carr asked the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 26 June 2003:

Can a list be provided of all education agents in China and Korea dealing with student visas to Australia, together with an equivalent list of such education agents and the visa refusal rate for each agent, expressed in both numerical and percentage terms

Senator Ellison—The Minister for Immigration and Multicultural and Indigenous Affairs has provided the following answer to the honourable senator’s question:
China
The Australian Embassy in Beijing has provided a detailed list of education agents in China who deal
with student visa applications to Australia. As the list contains the personal names of many education
agents, disclosure of the complete list may be in breach of the Privacy Act. An extract of the data is,
therefore, provided at Table A below. The data relate to the 25 education agents who had more than 45
applications finalised in Beijing between 1 March 2002 and 31 May 2003. In the 2 cases (numbers 1 and 7)
where the agent appears to be an individual, that person’s name has been omitted.

Korea
The Immigration Office in Seoul does not collect information on student visa application outcomes by
education agent. The Department of Education, Science and Training Office in Seoul collects informa-
tion on education agents which only includes the agent’s name and contact details.
My Department is developing a more comprehensive database to record and monitor education agents.

<table>
<thead>
<tr>
<th>Agent Name</th>
<th>Approved</th>
<th>Refused</th>
<th>Withdrawn</th>
<th>Total No of Applications</th>
<th>Refused as Percentage of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Name</td>
<td>34</td>
<td>11</td>
<td>0</td>
<td>45</td>
<td>24%</td>
</tr>
<tr>
<td>2 Austar Migration and Education Service Centre</td>
<td>36</td>
<td>10</td>
<td>0</td>
<td>46</td>
<td>22%</td>
</tr>
<tr>
<td>3 Hubei Educational Service for Scholarly Exchange</td>
<td>39</td>
<td>7</td>
<td>0</td>
<td>46</td>
<td>15%</td>
</tr>
<tr>
<td>4 AMCO Migration Services Pty Ltd</td>
<td>38</td>
<td>10</td>
<td>0</td>
<td>48</td>
<td>21%</td>
</tr>
<tr>
<td>5 Century 21 Student Service Centre</td>
<td>33</td>
<td>15</td>
<td>0</td>
<td>48</td>
<td>31%</td>
</tr>
<tr>
<td>6 UniLink Australia</td>
<td>30</td>
<td>17</td>
<td>1</td>
<td>48</td>
<td>35%</td>
</tr>
<tr>
<td>7 Personal Name</td>
<td>41</td>
<td>6</td>
<td>2</td>
<td>49</td>
<td>12%</td>
</tr>
<tr>
<td>8 Beijing Jinghua Yu Yuan Company</td>
<td>35</td>
<td>15</td>
<td>0</td>
<td>50</td>
<td>30%</td>
</tr>
<tr>
<td>9 Huashan Overseas Studies Service Centre</td>
<td>41</td>
<td>9</td>
<td>1</td>
<td>51</td>
<td>18%</td>
</tr>
<tr>
<td>10 Shanghai Shenyuan International Education Co Ltd</td>
<td>43</td>
<td>15</td>
<td>0</td>
<td>58</td>
<td>26%</td>
</tr>
<tr>
<td>11 Beijing JLI Overseas Education</td>
<td>50</td>
<td>22</td>
<td>0</td>
<td>72</td>
<td>31%</td>
</tr>
<tr>
<td>12 RMIT</td>
<td>79</td>
<td>15</td>
<td>0</td>
<td>94</td>
<td>16%</td>
</tr>
<tr>
<td>13 Guangzhou Service Centre for Scholarly Exchange</td>
<td>74</td>
<td>21</td>
<td>0</td>
<td>95</td>
<td>22%</td>
</tr>
<tr>
<td>14 Advisory Centre for Australian Education</td>
<td>55</td>
<td>43</td>
<td>1</td>
<td>99</td>
<td>43%</td>
</tr>
<tr>
<td>15 Zhejiang Shinyway Overseas Studies Service Co Ltd</td>
<td>84</td>
<td>15</td>
<td>1</td>
<td>100</td>
<td>15%</td>
</tr>
<tr>
<td>16 China Star Corp</td>
<td>91</td>
<td>22</td>
<td>0</td>
<td>113</td>
<td>19%</td>
</tr>
<tr>
<td>17 Education Information Centre (CIC)</td>
<td>95</td>
<td>15</td>
<td>3</td>
<td>113</td>
<td>13%</td>
</tr>
<tr>
<td>18 Shanghai CIC Education International Co Ltd</td>
<td>106</td>
<td>8</td>
<td>1</td>
<td>115</td>
<td>7%</td>
</tr>
<tr>
<td>19 Guangdong Education Service of International Exchanges</td>
<td>118</td>
<td>25</td>
<td>0</td>
<td>143</td>
<td>17%</td>
</tr>
<tr>
<td>20 A &amp; I International Education</td>
<td>184</td>
<td>11</td>
<td>2</td>
<td>197</td>
<td>6%</td>
</tr>
<tr>
<td>21 Country Representative China-Victoria University of Technology</td>
<td>165</td>
<td>35</td>
<td>6</td>
<td>206</td>
<td>17%</td>
</tr>
<tr>
<td>22 CSCSE</td>
<td>264</td>
<td>54</td>
<td>5</td>
<td>323</td>
<td>17%</td>
</tr>
<tr>
<td>23 IDP</td>
<td>305</td>
<td>53</td>
<td>4</td>
<td>362</td>
<td>15%</td>
</tr>
<tr>
<td>24 China Program La Trobe University</td>
<td>340</td>
<td>36</td>
<td>21</td>
<td>397</td>
<td>9%</td>
</tr>
<tr>
<td>25 Beijing OZ Enrolment Centre of International Education</td>
<td>413</td>
<td>78</td>
<td>13</td>
<td>504</td>
<td>15%</td>
</tr>
</tbody>
</table>
Senator Carr asked the Minister representing the Minister for Education, Science and Training, upon notice, on 26 June 2003:

Can a list be provided detailing the main source countries and education agents for the following education providers: (a) International Management Centres Association Limited; (b) Marrickville Commercial College Ltd; (c) Australian International College; (d) Australian International College of Business Pty Ltd; (e) Canterbury Business College Pty Ltd; (f) New South Wales International College; (g) The Educationists Pty Ltd, trading as Sydney College of Business and Technology; (h) Frankarens Pty Ltd; (i) Australian International College of Business Pty Ltd; (j) InterCollege Australia Pty Ltd; (k) Power Business Institute; (l) Lloyds College, and any other providers associated with Caprock International Pty Ltd; (m) Bridge Business College; (n) Australian International Management College, also known as Radiance Australia; (o) Northstar International Graduate School; (p) Raffles La Salle Institute; (q) Australian College of Natural Therapies; (r) Melbourne Institute of Business and Technology; and (s) Perth Institute of Business and Technology.

Senator ALSTON—The Minister for Education, Science and Training has provided the following answer to the honourable senator’s question:

Of the 19 education providers in question:

- four have been cancelled from the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS);
- one has yet to seek registration on CRICOS;
- one has never enrolled any overseas students; and
- one provider name was listed twice (Australian International College of Business Pty Ltd).

The following table lists the providers in question and the main source of students for each provider.

<table>
<thead>
<tr>
<th>Provider</th>
<th>Main source of students</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>International Management Centres Association Limited</td>
</tr>
<tr>
<td>(b)</td>
<td>Marrickville Commercial College Ltd t/a Hurst-Marrickville Business College</td>
</tr>
<tr>
<td>(c)</td>
<td>Australian International College Pty Ltd</td>
</tr>
<tr>
<td>(d)</td>
<td>Australian International College of Business Pty Ltd</td>
</tr>
<tr>
<td>(e)</td>
<td>Canterbury Business College Pty Ltd</td>
</tr>
<tr>
<td>(f)</td>
<td>New South Wales International College Pty Ltd</td>
</tr>
<tr>
<td>(g)</td>
<td>Educationists Pty Ltd, trading as Sydney College of Business and Technology</td>
</tr>
<tr>
<td>(h)</td>
<td>Frankarens Pty Ltd t/a Sydney College of Technology</td>
</tr>
<tr>
<td>(i)</td>
<td>Australian International College of Business Pty Ltd</td>
</tr>
<tr>
<td>Provider</td>
<td>Main source of students</td>
</tr>
<tr>
<td>----------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>(j) InterCollege Australia Pty Ltd (former name of the Australian College of Technology Pty Ltd)</td>
<td>Intercollege changed its name to the Australian College of Technology Pty Ltd (ACT) on 4/1/2000. ACT was cancelled from CRICOS on 23/8/2002</td>
</tr>
<tr>
<td>(k) Power Business Institute (aka The Power Group Pty Ltd t/a Power Business College)</td>
<td>Poland, Thailand</td>
</tr>
<tr>
<td>(l) Caprock International Pty Ltd t/a Lloyds International College</td>
<td>China, Korea, Republic of (South), Japan, Poland</td>
</tr>
<tr>
<td>(m) Bridge Business College</td>
<td>Czech Republic, Brazil, Slovakia, Thailand, Hungary, Korea, Republic of (South)</td>
</tr>
<tr>
<td>(n) Radiance Australasia t/a Australian International Management College</td>
<td>China, India, Bangladesh</td>
</tr>
<tr>
<td>(o) Northstar International Graduate School</td>
<td>Not registered on CRICOS</td>
</tr>
<tr>
<td>(p) Raffles La Salle Institute</td>
<td>No overseas students</td>
</tr>
<tr>
<td>(q) Australasian College of Natural Therapies Pty Ltd</td>
<td>Czech Republic, United Kingdom, Japan, Korea, Republic of (South)</td>
</tr>
<tr>
<td>(r) Melbourne Institute of Business and Technology</td>
<td>Indonesia, China, Malaysia,</td>
</tr>
<tr>
<td>(s) Perth Institute of Business and Technology</td>
<td>China, Hong Kong, Zambia, Malaysia, United Kingdom British.</td>
</tr>
</tbody>
</table>

Under the Education Services for Overseas Students Legislation, providers are not required to provide the Department details of education agents and it does not hold such information.