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Wednesday, 11 February 2004

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

TRADE PRACTICES AMENDMENT (PERSONAL INJURIES AND DEATH) BILL 2003

Consideration of House of Representatives Message

Consideration resumed from 3 December 2003.

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (9.33 a.m.)—I move:

That the committee does not insist on the Senate amendments disagreed to by the House of Representatives.

In December 2003 the Senate passed an amendment to the Trade Practices Amendment (Personal Injuries and Death) Bill 2003. The Senate amended a government bill which was intended to implement the commitment made by the Australian government at the ministerial meeting on public liability insurance on Friday, 15 November 2002. At that meeting the Australian government agreed to legislation to implement recommendations 19 and 20 of the review of the law of negligence, preventing individuals and the ACCC in a representative capacity from bringing actions for personal injuries and death arising from contraventions of division 1 of part IV of the Trade Practices Act.

The government bill was drafted to complement state and territory initiatives, directed to ensuring that outcomes in negligence actions actually reflect community expectations. At the Council of Australian Government meeting on Friday, 6 November 2002 COAG noted the Commonwealth’s commitment to amend the Trade Practices Act to ensure that state and territory legislation will not be compromised. Acceptance of the Senate’s amendments to this bill will fail to address the potential of the Trade Practices Act 1974 being used as a no-fault alternative to claims of negligence allowing state and territory reforms to be evaded and undermined.

This is now not just speculation. I can tell the Senate that I have already been told of an unreported case late last year in the New South Wales District Court where general damages were awarded under the Trade Practices Act to a plaintiff who did not meet the threshold for non-economic loss contained in the New South Wales Civil Liability Act. The facts are actually indicative of the problem that the government has presented to the Senate. In fact, the brief circumstances were that the plaintiff in the case of Johnson v. Golden Circle was handed a glass of orange juice to sample and a piece of plastic that was in the cup stuck in her throat, which must have been very unpleasant, and she had some difficulty dislodging it. Medical reports from a general practitioner indicated that the plaintiff’s sore throat was caused by something other than the incident. His Honour found for the plaintiff on both the negligence count and the trade practices count on the basis that he found Golden Circle to be the manufacturer of the plastic cups.

Having made these findings, His Honour found that under the Civil Liability Act the plaintiff simply did not reach or overcome the threshold for non-economic loss contained in section 16. But, wait, the Trade Practices Act was there. So she was awarded $10,000 for general damages pursuant to the Trade Practices Act. This related to a case not on personal injuries per se but was a product liability cause of action. I think the Senate can see the point that the alternative way for recovering for personal injuries under the Trade Practices Act is well and truly alive and enlivened. We do not need to imag-
ine how the failure of the federal parliament to act might undermine state reforms. It is already happening.

The House of Representatives has now sent a message to the Senate that it does not accept the Senate amendments to this bill and it is up to the Senate to give serious consideration as to whether it will still insist on its proposed amendments. For the good of the community and the interests of restoring some balance to the system in a timely way, I urge the Senate to take this opportunity to reconsider its proposed amendments and to pass the government’s bill unamended. The original bill has the support of the majority of state and territory governments, specifically Western Australia, South Australia, Tasmania, New South Wales, the Australian Capital Territory and the Northern Territory. Indeed, New South Wales and Tasmania have already passed amendments to their own fair trading laws based on the agreement that was reached at the ministerial council to stop the nonsense that allows a person to sue another for personal injuries or death where that other person is found by a court of law to have acted reasonably or honestly and with the utmost care.

After the initial debate on this bill last year, I wrote again to my state and territory counterparts to again confirm the agreement struck at ministerial meetings on public liability insurance and to confirm their preference, indeed their strong preference, for the government to press ahead with its legislation as drafted. It is interesting to note that the Carr government in New South Wales responded by advising that the government’s legislation without any amendment was consistent with the Ipp review’s recommendations and consistent with the New South Wales government amendments to the Fair Trading Act. The Carr government, through its Treasurer, Mr Michael Egan, made it clear that they would prefer this bill to be passed without amendment.

Some of those following the passage of this legislation had been hoping that the new Leader of the Opposition, the member for Werriwa, Mr Latham, and Labor senators might be willing to take a reasonable approach to this legislation and support their state counterparts rather than take the political view in this debate. I suspect some were misled by the rhetoric about no more opposition for opposition’s sake and thought that, when Labor’s senators reconsidered this bill, they would decide they no longer wanted to be out of step with every single state and territory, with expert opinion and with the review of the law of negligence. But so far as I know—unless the vote changes—these hopes are unfounded and Mr Latham is set to clash once again with his old sparring partner Mr Carr and the New South Wales government. Despite his steady stream of backflips since he took the reins, Mr Latham appears unwilling to steer his party towards a practical solution with real outcomes that will be good for the future of this country and for the whole area of loss and allocation of risk when it comes to amending the Trade Practices Act 1974.

As well as having the support of states and territories, the government has the support of industry and the Insurance Council of Australia, which strongly indicated before the Senate Economics Legislation Committee that the bill should go ahead unamended. The Insurance Council of Australia subsequently confirmed a clear preference for the government’s bill as drafted. The ICA’s October newsletter, Briefings, said:

ICA has made clear to the Australian Government that the insurance industry supports the Trade Practices Amendment (Personal Injuries and Death) Bill 2003 in its present form. The Bill’s passage through Parliament may now be delayed however, following proposals by the ALP Oppo-
sition and Australian Democrat Parties pushing for a number of amendments.

The Government’s Bill is part of a national program of tort reform. Its passage is vital to avoid claims transferring from state & territory negligence laws to the Commonwealth’s Trade Practice law.

I went back and had a look. The Senate committee rejected arguments put by the opposition that this bill would lead to detriments to consumers—which is certainly something this government does not want to see—and concluded that it should be passed unamended. The Senate can and should pass the government’s bill without amendments—the model preferred amongst other governments and recommended by the review of the law of negligence. There is no need to settle for what the states and territories and the insurance industry clearly see as a second-rate solution.

The Senate’s attempts to alter this bill follow, as I said earlier, the universal acceptance by all Australian governments of the Ipp review recommendations, including that, as the Trade Practices Act 1974 currently stands, it leaves open the very real prospect that plaintiffs can easily substitute a no-fault required section 52 action for a common law fault required action and thereby circumvent state and territory law reforms in relation to claims for damages for personal injuries and death, and it should be redressed. In the case I referred to earlier, it is not difficult to see how a medical practitioner could be completely exposed—in the factual situation that I detailed to the Senate—for advice given that may not be correct as to what the problems were with the plaintiff’s sore throat following the incident with the plastic cup. It is very easy to see how you could frame a personal injuries action this way.

The express recognition admitted by the Australian Competition and Consumer Commission that the Trade Practices Act in its current form can provide an alternative route to a negligence claim seems to me to put beyond doubt the fact that this possibility exists, that it is not fanciful. As I said earlier, it is alive and enlivened. It is simply not reasonable to argue that personal injury and death claims should not rely on some element of fault. The misleading and deceptive prohibition in section 52 of the Trade Practices Act does not require a person to prove fault of or by another. There is no consideration of risk or responsibility, intent or negligence. The Senate’s amendments do nothing to overcome the lack of fault required to establish a breach of section 52. Section 52 would be attractive to applicants because defendants could be found liable without the need to establish fault and enlarge the range of potential ways to frame a cause of action for personal injury. Under section 52 an applicant can succeed merely by proving misleading or deceptive conduct, even if the defendant has acted with great care and complete honesty.

The government does not agree with Labor’s amendments which have been accepted by the Senate because they will result in greater uncertainty and complexity for plaintiffs, for the insurance industry and for the community more broadly, particularly as the legal linkages they create will need to be tested and challenged in the courts. Indeed, this is having a flow-on effect for overseas reinsurers in the market, who are already starting to question whether or not the reforms in which this government has taken a leadership role and which have been supported by state and territory governments will be realised because of the actions of the opposition and minor parties in the Senate.

Another problem is that the amended legislation does not define civil liability law or which types of action define the relevant cap for the purposes of the Trade Practices Act. There is no easy way to ascertain which is
the relevant cause of action to determine the applicable cap. The amendments additionally could leave open questions as to which state or territory law should be applied. I say again to the Senate: if we truly want to deliver meaningful results to resolve some of the problems in liability insurance in this country the Senate should be striving for greater certainty, not more confusion.

In earlier contributions, I mentioned that other remedies are available. This is not an attempt to shut plaintiffs out from remedies in the event of injury. To state, as the opposition has, that the government’s bill will represent a moral hazard to professionals by deterring them from engaging in good and best practice risk management is disappointing and unlikely to be sustained. Corporations will continue to be potentially liable under the law of negligence and, if the bill is read closely, you can see very clearly that a person will still be able to seek an injunction forcing a business to stop misleading or deceptive conduct or, indeed, the court can be asked to order that any contract causing damage be made void or varied. So the bill does strike a balance. That is the message that I impress upon the Senate this morning. The government’s bill, without any amendments, strikes the correct balance for all Australians. It preserves their rights at common law to claim damages for personal injuries where they can show another person was at fault and by preventing such action for damages to be taken where a person cannot be found to be at fault.

I urge the ALP, if they want to look to the future and not oppose for opposition’s sake, to support their state and territory counterparts, to support what the community has asked for and to carefully consider their position on this legislation and whether they want to be responsible for holding up the passage of such important reforms.

Senator LUDWIG (Queensland) (9.46 a.m.)—The purpose of the Trade Practices Amendment (Personal Injuries and Death) Bill 2003 is to amend the Trade Practices Act 1974 to prevent individuals recovering damages for personal injuries and death where there has been a contravention of part V, division 1 of the Trade Practices Act. The Minister for Revenue and Assistant Treasurer has made a passionate plea in respect of this particular amendment to the bill. But what the minister failed to say is that it is not fair to consumers. The government’s bill completely excuses companies that engage in misleading and deceptive conduct which causes personal injury from any requirement to compensate consumers. It might also, the minister said, lead to uncertainty. Yet the model being proposed here is the same model that the government proposes in the second round. I do not know whether the minister has considered that in her summing-up, but the minister should take notice that it will not fail for those reasons.

Our amendments strike a balance, as opposed to what the government says the bill does. The amendment which Labor has put forward—supported, as I understand, by the minor parties—is based on a proposal suggested by the ACCC. Instead of completely removing consumer rights, the amendment aligns the damages available under the TPA for personal injuries with the limitations imposed by state law. This change will be sufficient to deal with any incentive for forum shopping. It will undermine the state tort law reform. It is not complex at all—far from it—and I would ask that the government should see their way clear to support our amendments. They are a proportionate response to the issues at hand. It is disappointing to find the government not supporting these amendments. They could see their way clear; they could join with the minor parties and the opposition to support these changes.
rather than to pursue the changes that do not even get the support of the ACCC. We will be insisting on these amendments. They are a proportionate response to the matters at hand.

Senator RIDGEWAY (New South Wales) (9.48 a.m.)—I want to say a few words as well on behalf of the Australian Democrats to have the record reflect our views. The reasons that we would be insisting upon the amendments are reflected fairly much in Hansard when the debate on the Trade Practices Amendment (Personal Injuries and Death) Bill 2003 was held last year. I also want to highlight that, again, in some reform we see the response by the government, as part of the package of reforms dealing with the public liability insurance crisis in this country, to be disproportionate to a non-existent or theoretical problem. I understand that the minister has made comments to the effect that there is an unreported case in the New South Wales District Court. Certainly, we are not familiar with that. It has not been brought to our attention. Whilst the minister may have access to that information, we would want to look at the detail. Perhaps we would make that offer but, at the same time, given that there has been no approach by the minister’s office nor by departmental officers to be forthcoming with that information to allow any proper scrutiny, it would seem to be reactive to suggest that an unreported case in and of itself be a reason to change views as to whether the bill ought to be supported without amendments.

Indeed, when you consider that what the bill seeks to do is, at the end of the day, to abolish a right of action altogether, it is out of step with all the other reforms that were aimed at addressing the insurance crisis in this country. The Ipp review highlighted and the ACCC evidence showed that the Trade Practices Act has never been used to sidestep any tort law, and the proposed amendments would prevent this occurring. So when you look at this in the context of the insurance industry and their own admission, the Trade Practices Act has never had an impact on insurance premiums in this country. The ACCC, as the ALP has already mentioned, are supportive of maintaining what are basic consumer protections. That was evidenced during the inquiry last year by the deputy chair of the ACCC. Louise Sylvan, in her comments in the Age in December. At the time of the Senate hearings into the bill, the ACCC only brought one representative action based on part V, division 1 of their responsibilities.

So the federal government has not been able to secure any guarantees from the insurance industry that reforms would indeed lead to reductions in insurance premiums. I suppose that, at the end of the day, it has been highlighted that there were identifiable situations where the failure to be able to access the provisions of the TPA for personal injury and death could amount to an injustice. It is on that basis that this issue has been considered by the Australian Democrats.

The bill itself is only effective on the assumption that it will be used to bypass tort law in the future and I guess, as the ACA also pointed out in the inquiry, there is the danger that abolishing this right will undermine the strict liability consumer protection regime that the Trade Practices Act provides. So, if the bill as it currently stands is put forward, in the Democrats view it could seriously undermine consumer safety given the amendments to the Trade Practices Act in 2002. Again, notwithstanding the unreported case that the minister has highlighted, there have been no other successful cases for damages for personal injury and death under provisions of the Trade Practices Act that are dealt with by this bill.
We also have to acknowledge for the record that the government is drawing a very long bow by claiming that not passing this legislation would worsen the medical indemnity crisis or hinder its recovery. There are many factors that contributed to the medical indemnity crisis, not least the mismanagement of medical indemnity providers themselves. It would indeed be wrong to put too much emphasis on this bill as a solution to the medical indemnity crisis. So for the reasons outlined, the Australian Democrats will be insisting upon the amendments.

Senator HARRIS (Queensland) (9.53 a.m.)—I rise to comment on the message from the House of Representatives on the Trade Practices Amendment (Personal Injuries and Death) Bill 2003 and place on the record One Nation’s concerns. These concerns come from speaking directly with the medical profession and also from legal representatives working in conjunction with doctors and other associated sectors of the medical area. The concern is that if the Senate does insist on these amendments then we would be impacting on this very, very fine balance between trying to restrict the exponentially spiralling costs in relation to medical indemnity and at the same time trying to ensure that those people who have suffered, not necessarily through malpractice, are compensated. Each one of us in this chamber would recognise that in all industries, including the medical industry, we can have cases where, even with the greatest of care and the best of intentions, they can end in an outcome that is far from desirable. So it is not necessarily neglect on a doctor’s behalf that causes a patient’s pain or suffering or an undesired outcome of a medical operation.

One Nation’s concern is that if we do insist on these amendments then we will be opening a loophole that would see the doctor personally, within their own practice, become exposed to civil law suits. We saw a very disastrous exodus, particularly by specialists, during the collapse of the HIH situation. This led to people leaving the industry, not by choice but purely due to the possibility of being sued and losing not only their livelihood but those of their families through no real neglect of their own but just the outcome. So the concern is that we will once again see an exodus of those people who we should be encouraging to stay within the industry and, in fact, encouraging some of those who have left the industry to come back to the industry. It is because of that concern that One Nation will not be insisting on the amendments.

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (9.57 a.m.)—I just want to make a couple of very quick comments in response to contributions by senators on the Trade Practices Amendment (Personal Injuries and Death) Bill 2003. Senator Ludwig tried to draw some link between the government’s proposed second round amendments to the Trade Practices Act and this current bill. If I may say so, with respect, it just does not wash because the Commonwealth’s approach will introduce nationally consistent benchmarks for both quantum and limitation of actions into those parts of the Trade Practices Act where it is appropriate to recover personal injury damages. That is precisely what it is intended to do. Section 52 was never intended to provide remedies for personal injury. In fact, what Senator Ludwig has ignored is that on Labor’s amendment it leaves open a no fault cause of action. It simply does not sit. It does not align with what the states and territories have done and with the rules in relation to the laws of negligence. I would have thought the distinction was blindingly obvious.

I also want to say that, in terms of the amendments, both the opposition and the Democrats are completely out of step not
only with the government in what it is trying to do but also with state and territory Labor governments, with all their colleagues, with the Ipp report, with industry and with expert reports. Senator Ridgeway said he could not see how medical negligence could really be an issue in this matter. While I respect Senator Ridgeway and his views, it might be hard to see how he could perhaps have a superior grasp of this than Justice Ipp and the other expert colleagues who specifically identified how this amendment will expose doctors and expose other defendants in circumstances where they have not been at fault. It ought not be difficult to grasp the point.

I want to conclude by saying that this in no way affects the balance or affects plaintiffs’ ability to recover for personal injuries under the Trade Practices Act where the sections intend that to happen. I would urge all those who have a vote in this matter in a couple of minutes to reconsider their position. This is not a radical step. This is something that is consistent, and something that is entirely supported in the national interest.

Question put:

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

The Senate divided. [10.05 a.m.]

(The Deputy President—Senator J.J. Hogg)

Ayes............. 33
Noes............. 37
Majority........ 4

AYES

Alston, R.K.R. Barnett, G.
Boswell, R.L.D. Brandis, G.H.
Calvert, P.H. Campbell, I.G.
Chapman, H.G.P. Colbeck, R.
Coonan, H.L. Eggleston, A.
Ellison, C.M. Ferguson, A.B.
Ferris, J.M.* Harris, L.
Heffernan, W. Humphries, G.
Johnston, D. Kemp, C.R.
Knowles, S.C. Lightfoot, P.R.
Macdonald, I. Macdonald, J.A.L.
Mason, B.J. McGauran, J.J.
Minchin, N.H. Patterson, K.C.
Payne, M.A. Santoro, S.
Seullion, N.G. Tchen, T.
Tierney, J.W. Troeth, J.M.
Watson, J.O.W.

NOES

Allison, L.F. Bartlett, A.J.J.
Bishop, T.M. Bolkus, N.
Brown, B.L. Buckland, G.
Campbell, G. Carr, K.J.
Cherry, J.C. Collins, J.M.A.
Conroy, S.M. Cook, P.F.S.
Crossin, P.M.* Denman, K.J.
Evans, C.V. Faulkner, J.P.
Forshaw, M.G. Greig, B.
Harradine, B. Hogg, J.J.
Kirk, L. Lees, M.H.
Ludwig, J.W. Lundy, K.A.
Mackay, S.M. Marshall, G.
McLucas, J.E. Murphy, S.M.
Murray, A.J.M. Nettle, K.
Sherry, N.J. Stephens, U.
Stott Despoja, N. Webber, R.
Wong, P.

PAIRS

Hill, R.M. Hutchins, S.P.
Vanstone, A.E. O’Brien, K.W.K.

* denotes teller

Question negatived.

Senator Moore did not vote, to compensate for the vacancy caused by the resignation of Senator Alston.

Resolution reported; report adopted.

COMMITTEES

Medicare Committee

Report

Senator McLucas (Queensland) (10.08 a.m.)—I present the second report of the Select Committee on Medicare entitled MedicarePlus: the future for Medicare, together with the Hansard record of proceedings and documents presented to the committee.
Ordered that the report be printed.

Senator McLUCAS—I seek leave to move a motion in relation to the report and also seek leave to allow debate on the report to exceed 30 minutes.

Leave granted.

The DEPUTY PRESIDENT—I understand that informal arrangements have been made to allocate specific times to each of the speakers in today’s debate. With the concurrence of the Senate, I shall ask the Clerk to set the clock accordingly.

Senator McLUCAS—I move:

That the Senate take note of the report.

It is with much pleasure that I present the second report of the Select Committee on Medicare with an erratum picking up on two amendments that were made in the drafting of the report. Late last year the Senate re-established the Senate Select Committee on Medicare and asked us to inquire into the government’s new proposals for changes to Medicare. Some Liberal senators have suggested that there was no need for the inquiry. The fact that 100 submissions were received over the Christmas period, when people are by and large taking leave, tells me not only that Australians agreed that it was important to scrutinise the government’s proposals but that they were prepared to give up time during a busy time of the year to engage in the debate about the funding of our health system.

Overall, there were mixed reactions from the community to the package, but widespread concern remains about the underlying policy direction of the government. The set of proposals from the government include: the introduction of two safety nets, a $5 incentive to doctors to bulk-bill, a series of workforce measures and measures to increase access to GPs for those in aged care facilities. The workforce measures and the proposal to increase access to GPs for people in aged care facilities are generally welcomed, although the committee did express some reservation about the availability of doctors and nurses to fill the places identified. These matters are covered in chapters 4 and 5 of the report.

The two elements of the package that we spent the most time considering were the proposal for a series of safety nets and the $5 incentive to bulk-bill concession card holders and children under 16. It is important to assess these two components as related elements and to look behind them to the philosophical basis on which they are made. Whilst it is recognised that health costs for a growing number of Australians are increasing, it is the view of the committee that the government’s proposal for a safety net is flawed for both philosophical and practical reasons. Firstly, it moves Medicare away from its first principle of universality—that is, health care should be available to all on the basis of health need not capacity to pay. The safety net proposal creates two classes of people on the basis of income. There will be those who are eligible for an 80 per cent rebate of all out-of-pocket expenses after they have spent $500 and then there will be another group who gain eligibility for the rebate after they have spent $1,000.

These classifications of people bear no relation to the health needs of those individuals and families and would undermine the simplicity and fairness of Medicare. Many of the submissions identified this fundamental shift in the way Medicare is administered. The Queensland Nurses Union expressed it in this way:

... the overall thrust of the package is towards a residual rather than universal model of health care with a greater emphasis on individual (financial) responsibility through co-payments rather than a
societal or collective responsibility for the health of a nation through our taxation system. Along with these philosophical problems, there are significant practical problems inherent in the proposals for the safety nets. It is evident that the proposed thresholds are too high to deliver real benefits to many Australians. The government’s figures identify that barely 200,000 families and individuals will be covered by the safety net. Mr Abbott will say that 12 million families will be eligible for the safety net, but I say, to quote the government senators’ report, he is being ‘loose with the truth’. Australians will not be duped by his language.

The government senators’ report makes much of the cost of this proposal. I agree with them that $266.4 million over four years is a lot of money, but it is not well targeted. It assists only a small number of families and individuals with the very highest of health costs. Further, it is very expensive administratively. Some $71.5 million or 26.85 per cent of the program will be spent on administration—not on improving Australia’s health but on forms, computer programs and the like. These costs will be largely ongoing. It is a clumsy, poorly designed program reflecting the haste in which it was developed. A further problem is the proposed link to the family tax benefit A. The government proposes that recipients of family tax benefit A be eligible to access an 80 per cent rebate after the family has spent $500.

The Commonwealth Ombudsman recently undertook an inquiry into the operations of family tax benefit A following an extraordinarily high number of complaints about its operation. The Ombudsman appeared before the inquiry and raised two areas of significant concern. Firstly, family tax benefit A’s inherent reliance on income estimation by families has led many families into debt with the Australian Taxation Office. Linking fair and simple Medicare to this complex and confusing tax benefit system is simply not good public policy. Secondly, and importantly, there is the discrimination against those without children that is inherent in the policy.

As I said earlier, the government’s proposal provides no measure of health need in order to deliver health services. This is extremely evident when you look closely at who will be caught in the safety net and who will not. A family with one child, earning $84,500, will be eligible for the $500 safety net, but a single person—potentially a single person with a chronic illness—earning under $20,000 has to spend over $1,000 in order to receive assistance. A family of three which is eligible for family tax benefit A in the same circumstances, whose child turns 16 and moves to youth allowance, moves on the child’s birthday from a threshold of $500 to $1,500.

Many witnesses and submitters spoke of the potential inflationary effects of the safety net proposal. Their concerns were shared by the committee. The proposed safety net sends no signal to the medical profession, notably specialists, to contain fees. In fact, the departmental representative appearing before the committee made it very clear—he said that the signal to specialists was ‘business as usual’. The system proposed includes the uncapping of out-of-pocket costs incurred by patients. That is, irrespective of the gap charged by specialists especially, 80 per cent will be covered by the safety net. The government has shown no leadership in trying to contain specialist costs. Rather than send a message that is essentially ‘charge what you want, we’ll pick up the bill’, wouldn’t it make more sense to begin to negotiate with specialists groups to honestly and openly come to an understanding about real costs of practice and, as a result, sensible remuneration levels? The committee makes a
series of recommendations to that effect at paragraph 3.3.

GPs have been pressured, through the focus on their billing arrangements, to keep costs down. But this pressure has not been applied in any way at all to sections of the specialist sector. The committee therefore recommends that the proposed safety net contained in the Health Legislation Amendment (Medicare and Private Health Insurance) Bill 2003 be rejected in its current form. We are rejecting it not only because the safety net is clumsy in design, not only because it is complex for consumers, not only because the safety nets are poorly targeted—missing many who need assistance and collecting some who do not—but because it is based on the wrong principles. It is based on the government’s view that there can be two types of access to health services and the principle that health care can be treated as a welfare program.

That is not Medicare. That is not the fair, simple and universal Medicare that all of us in this chamber know that Australians understand and value. I urge senators who are contemplating negotiations with the government at the moment to take extreme care. Australians know that the Howard government has always wanted to dismantle Medicare. Independent and minor party senators need to ensure that the first principle of Medicare—that is, its universality—is preserved.

My colleagues Senator Forshaw and Senator Stephens, whom I wish to thank for their participation in the inquiry, will address other elements in the package later in this debate. Again, I thank other members of the committee—Senator Knowles, Senator Barnett, Senator Humphries, Senator Lees and Senator Allison—for giving up a lot of their Christmas holidays to participate in the inquiry. Finally, I thank the secretariat for the work that they have done, probably when they were wanting to have a Christmas holiday—Jonathan Curtis, Tim Watling and Hanna Allison—and for their hard work, cheerfulness and great advice.

Senator KNOWLES (Western Australia) (10.19 a.m.)—Today we are tabling the report of the Senate Select Committee on Medicare entitled Medicare Plus: the future for Medicare? It is a particularly disappointing majority report, instigated, of course, by the Labor Party, where they are rejecting a government measure to help people pay for their out-of-pocket, out-of-hospital expenses. I think that it is quite amazing for a Labor Party that pretends to stand up for the battlers to say to a family or an individual who is confronted with a serious illness, an accident or whatever that involves ongoing treatment and therefore incurs a lot of extra costs, ‘We are not going to help you.’

The government are saying to a person who might be involved in an accident or who might be diagnosed with cancer: ‘If you need ongoing general practice and specialist treatment with maybe chemotherapy, radiotherapy, physiotherapy, blood tests and the rest, we will help you pay for your out-of-pocket expenses that are incurred out of hospital’—and the Labor Party are saying, ‘We won’t.’ Simple. Game, set and match. And why won’t they do it? Because their political masters in the House of Representatives want to make health an issue for the election. They have made health an issue all right, because I can guarantee you that, from here on in, this government will go out there and say that that side of the chamber universally has rejected an opportunity to help people pay their out-of-pocket expenses. I think we would all know people who have gone through a most traumatic event in their life, whether it be the onset of critical illness, a tragic car accident or whatever. It might in fact be a child who has ongoing need for treatment for a disability. What are the Labor
Party saying? ‘We won’t help you pay those costs.’ This government are saying, ‘We want to help you cover those out-of-pocket expenses.’

I think it is quite disgraceful for an opposition to say to those families, ‘We’re not going to help you.’ They have an absolute obsession with bulk-billing. If somehow bulk-billing were miraculously provided to everyone and they were bulk-billed for 100 per cent of general practice services—

Senator McLucas—It is not about GPs.

Senator KNOWLES—Isn’t that interesting? The chair of the committee just said that it is not about GPs. GPs’ fees are contributing to the safety net. I am surprised that the chair of the inquiry did not know that. That is part of the cost. I come back to the example: if 100 per cent of the population were somehow able to be bulk-billed, that is still not going to solve the problem of out-of-pocket out-of-hospital expenses. But the obsession that the Labor Party have with bulk-billing is something that just drives them insane to the point of not being able to see where help can be offered to a family in need and where they can reject it.

They talk about the fact that we are undermining access to Medicare. There is not one person in this country that does not have the same access to Medicare. Access to Medicare is universal: all Australians can access affordable health care no matter where they live or how much they earn; all Australians are eligible for a universal rebate for the services they receive no matter where they live or how much they earn; all Australians are able to benefit from free care in public hospitals no matter where they live or how much they earn; and all Australians are able to receive subsidised medicines through the PBS no matter where they live or how much they earn. Yet we hear the opposition day in and day out saying that this government has undermined the principles of Medicare. There is not one principle of Medicare that has been sacrificed, not one.

The other interesting point in the context of this debate is that one might ask themselves: what would the Labor Party do if ever elected to government? They have now been in opposition for eight years. They have not put forward one policy initiative to help people with out-of-pocket out-of-hospital expenses, not one single policy initiative. The government comes forward wanting to help individuals and families and they say, ‘Not on your nelly. We’re not going to give you that sort of support. You just pay up.’ I can tell you that any person who contacts my office about high out-of-pocket expenses from here on in I will direct them to the Labor Party and say, ‘Go and ask them. Go and ask Senator McLucas why they would not help you with your out-of-pocket expenses.’

Senator McLucas just said in her contribution that the problem with the policy was that it assists only a small number of people. Well, isn’t a small number of people better than none? And isn’t that a reflection of the fact that it is a relatively small number of people who incur those out-of-pocket out-of-hospital expenses? This policy would benefit 200,000 families each year. Senator McLucas comes in here and says, ‘But it is only a small number of people.’ I put it to you: do you not think that the 200,000 families outside of this chamber who would benefit from getting government assistance to help pay for their out-of-pocket out-of-hospital expenses matter? They do.

Senator Ian Campbell—If there’s a Labor government, don’t get sick.

Senator KNOWLES—That is right. If there is a Labor government, do not get sick. More importantly, do not get chronically ill. Do not have something that needs ongoing treatment. It is just a disgrace to think that
this opposition can be that reckless with people’s health and the payment of their expenses to come in here today and say that they are going to reject assistance. They wanted to also reject the principle of the practice nurses. They also wanted to reject the principle of having a $5 increase in the rebate—knock, knock, knock. You know the old joke: ‘Knock, knock, who’s there?’ Mr Latham—that is who is there. He is the only person now who can knock, knock, knock. He has a whole band of them there now knocking everything we want to do. What did the Labor Party do when the A Fairer Medicare package was brought in by Senator Patterson? Knocked the whole lot. What did the Labor Party do when the MedicarePlus package was brought in? Knocked the whole lot.

So I find this a very sad day when the Labor Party will not help 200,000 families a year. This inquiry has been incredibly interesting from the point of view that the doctors support it and many other people out there support it but they did not want to hear from them; they just wanted to hear from those who are knockers. May I also say a huge thank you to the secretariat—Mr Jonathon Curtis, Tim Watling and Hanna Allison. They have been outstanding yet again in their contribution to the committee, for which we are enormously grateful.

Senator LEES (South Australia) (10.25 a.m.)—I would like to begin by thanking the committee secretariat—Tim, Jonathon and Hanna—and also all of those people who, in what is usually a fairly quiet time of the year, put enormous effort into the submissions and also into the two days of hearings, coming and working through with us this new package that the government has put before us. For me there are three general problem areas and I would like to begin with the safety net. But I would like to begin by pointing out that Medicare itself is supposed to be the safety net. It was designed to make sure that no-one in Australia fell through gaps, that when they got ill they would not have to check whether or not they could actually afford to pay for the doctor’s visit or the medicine or whatever it was they needed at that particular time.

We must remember that when Medicare was introduced it contained a safety net. For me, one of the very important parts of the debate before the committee was whether we could change the existing safety net to bring it up to speed, because it does not count anything above the schedule fee. Unfortunately these days, particularly in some specialty areas, there are doctors charging well above the schedule fee. This new safety net allows for the additional charge above the schedule fee. One of my concerns with that is its potential inflationary impact.

The other issue for me was whether or not we should be looking at a combined safety net, one that includes the PBS, because for many Australians that is an area where, unfortunately, they are struggling to make ends meet and are facing growing costs. One of our recommendations is that we look at a combined safety net where the PBS and the MBS are put together. I believe this would provide better support for those Australians whom previous speakers have talked about—those who are chronically ill and are having to look in their pockets before deciding whether or not they can continue with the medication or indeed afford that extra doctor’s visit.

One of the other issues with the safety net—and I know that to some extent this is an ideological problem—as we begin to split Medicare and look at treating groups of people differently, involves a group that I believe will now fall through the middle. I think it is fair to say that a lot of the committee’s time, particularly as we had the witnesses before us, was spent on that group
that will not make the $500 threshold. They will have to go over into the $1,000 threshold when they are, in fact, on very low incomes. They do not qualify for the health care card. As Senator McLucas said, often they will be single people who do not qualify under tax benefit A. That is one of the issues I will continue to pursue with government. Tax benefit A is an issue that still has to be clarified, given some of the complexities and the problems of qualifying. We do not need a system that creates further problems with eligibility and which places further stress on people, particularly those who are chronically ill and do not need any stress on them at that point in time.

One of the two key issues concerns the support that doctors will now receive to bulk-bill. They will receive an additional $5 when they bulk-bill health care card holders and children. I believe that is something the chamber will support, even though we may feel it should apply to everyone. But again it is sending signals that we are moving towards a welfare model of health, not a universal health system. As we try to have some discussions with government and are being pulled back from that model it has become, for me, one of the highest priorities.

Another priority area that I will mention is that of allied health. It is covered in chapter 5 of the report, I think, and looks at some of those issues that were raised with the committee. It relates to some of the work force issues that have been dealt with very well by government in this package—the additional doctors, the push to get them out into rural and regional areas, the two-item numbers for nurses who are working with doctors on immunisation and on wound management. I think we need to take it a step further by involving allied health. This would further reduce pressure on doctors. It would give us, hopefully, less reliance on overseas trained doctors and would benefit those consumers who need the specialist services of a physiotherapist, podiatrist, dietician or psychologist.

As we look at the More Allied Health Services program which is operating in rural areas we see how these health professionals are able to work side by side with doctors and provide people with the specific specialist care that they need at the time they need it. There are enormous shortages in these work force areas. As well as doctor and nursing shortages, governments need to address the shortage of dentists, physios, podiatrists and a long list of other health professionals—if we really are to get a proper teamwork approach and if we really are to get the maximum results and benefits for all Australians.

The overall MedicarePlus package before us is certainly an improvement on the original package, but I want to stress three areas that I have concerns with. I have problems with the new safety net and the way it is structured; I have significant problems with the fact that doctors will only be supported to bulk-bill some Australians. I am also concerned about the issue of allied health, which has been largely left out of the package. I think there are a number of innovative ways to now bring it in. Extending the MAHS program into the cities is one and looking at specific item numbers for allied health professionals, such as podiatrists, is another. If they just had an item number so they could support those people with diabetes who are already showing signs of significant foot problems, it would keep many Australians out of hospitals and nursing homes. It would keep them on their feet rather than their having to see further deterioration. I again thank the committee and all of those involved. I thank other senators and those people who set aside time in December and January to put together all the submissions and appear before us.
Senator FORSHA W (New South Wales) (10.36 a.m.)—I rise to speak to the report of the Select Committee on Medicare and to reiterate our thanks to the staff of the secretariat for the fine work they did under great pressure in a short period of time. The first thing to note in this debate is that this is the second package that the government has brought forward in terms of reforming Medicare or making changes to Medicare to try to address what everybody recognises is a system that is in decline. It is a system in decline because of the inaction of this government since it came to office in 1996. It has done virtually nothing to try to encourage doctors to continue to bulk-bill. That of course is evidenced by the fact that since it came to office bulk-billing levels have steadily and, in more recent years, dramatically declined from over 80 per cent to around 60 per cent. In some parts of Australia bulk-billing is either virtually nonexistent or at very low levels. That is particularly the case in rural and regional Australia.

Even the government recognised that there were substantial problems that they should address. They brought in the so-called A Fairer Medicare package. There was such condemnation of that package last year that the government withdrew it. Indeed, I recall Senator Patterson, the then minister for health, was quoted as saying that this was not the package that she would have wanted to have brought forward, but of course she was a rather ineffective minister for health and was not able to convince her colleagues to do anything more. The A Fairer Medicare package, which was examined by this same select committee and reported on last year, was a dud. What we see today is a revised package where some critical key elements of that first package have been withdrawn.

The government has abandoned its ridiculous proposal to pay an incentive payment to doctors—in some cases as little as $1 per patient—if they bulk-billed all their patients in that practice. It has abandoned its proposal to allow private health insurance companies to provide health insurance coverage for out-of-pocket expenses. In those two areas it has come back with revised proposals: firstly, a payment of $5 by way of an increase in the Medicare rebate where concession card holders and children under 16 are bulk-billed and, secondly, the introduction of two new safety nets which have been already addressed by my colleague Senator McLucas. So there is an admission already. This government failed when it tried to fix the problems in Medicare that it is responsible for. This package by and large is a failure as well. We have acknowledged that there are some good things in the package, particularly in relation to the workforce area, but overall this package is pretty much again a dud.

Before I deal with the changes in bulk-billing I want to quickly note some of the comments in the government senators’ report. I encourage members of the public particularly to get copies of this report and read it because health is a critical issue and will be in the coming election. We have a unanimous report of about 100 pages by the Labor Party senators, the Democrats and Senator Lees raising concerns with this package. We then have a 2½-page government senators’ report endeavouring to defend the government’s package. Frankly, it is a pitiful attempt to address serious issues raised in the majority report. Let me quote a couple of comments. Firstly, in the government senators’ report they start off by saying:

Quite predictably, the Government Senators cannot support the Labor Party’s response to Medicare Plus as their report is naive at best and loose with the truth at worst.

Senator Humphries—Hear, hear!

Senator FORSHA W—Senator Humphries says, ‘Hear, hear!’ It is quite predict-
able that the government would oppose anything that the Labor Party put forward. This government makes allegations or accusations about being loose with the truth, but this government, led by this Prime Minister, is a master at being loose with the truth. Let us, for instance, point to the very comment I just read out. This is not the Labor Party’s majority report; this is a report that is supported by the Democrats and by Senator Lees, so it does not just represent the views of the Labor Party opposition. As we know, Senator Lees and Senator Allison, who represented the Democrats on this committee, have a longstanding interest in health issues and greatly contributed their expertise and knowledge to the preparation of this report. So who is being loose with the truth? Then they go on to say:

It is also worth noting that there is nothing in this Bill, or any previous Bill, that will prevent any patient being bulk billed. It is quite dishonest to suggest otherwise.

In this flippant report they really attack not the issues but the people who appeared before the committee and those who wrote the report. They are effectively suggesting that groups such as St Vincent de Paul, the Country Women’s Association, the Council on the Ageing, Catholic Health Australia, Uniting-Care, medical practitioners and Professor Deeble, the architect of Medicare, who all gave evidence to this committee and raised serious concerns about this package, are dishonest. I resent that, and this government and these senators should apologise. These people appeared before the committee. They are from reputable organisations expressing their serious concerns and reflecting the views of hundreds and hundreds of thousands of Australians in this country about this government’s attitude to Medicare. Senators Knowles, Humphries and Barnett have the temerity to accuse them of being effectively dishonest. But that is the sort of government we get today.

Let us now look at one element of this package—the payment of an additional $5 to doctors where they bulk-bill patients who are concession card holders or children under 16.

Senator Barnett—The senator has made an untrue and false accusation in terms of accusing us of being dishonest. I ask him to withdraw it.

The ACTING DEPUTY PRESIDENT (Senator Bolkus)—There is no point of order.

Senator FORSHAW—If you think ‘dishonest’ is an unparliamentary word, Senator Barnett, you might seek to withdraw the references in your report. The issue here is universality of access. One of the inherent principles of Medicare is that the system of bulk-billing provides rebates that are available to all patients on an equitable basis. This proposal introduces a new element whereby a doctor, when treating certain patients, will be entitled to an additional payment if he bulk-bills those patients. It has been said and acknowledged quite clearly that, firstly, this payment—an additional $5—will do nothing to lift bulk-billing rates overall. It will not encourage one more doctor to bulk-bill new patients. At best it will hold the line. Secondly, the question arises: why in this system would the government want to establish a regime where a doctor, when treating certain patients, is entitled to more in terms of the bulk-billing payment than when treating other patients? It is quite clear that the reason for doing that is, essentially, to ultimately direct bulk-billing to a small sector of the Australian population only. That is what this is about. We recommended that the government extend the $5 increase in the rebate to all patients who are bulk-billed. Maintaining the universality of the level of the payment:
that is the challenge for the government. (Time expired)

Senator BARNETT (Tasmania) (10.46 a.m.)—I would also like to speak to the report by the Select Committee on Medicare. Firstly, I thank the members of the secretariat for their support and assistance during a very busy summer period. I would also like to refute immediately the accusation by Senator Forshaw that Senator Knowles, Senator Humphries and I have been dishonest and have been making allegations that participants in and witnesses to the inquiry were making false allegations and being untrue. We made no such allegations in our report. Our words related to the report by the Labor Party, not to the witnesses to the inquiry.

In my view, Labor’s position on this Medicare report is demonstrably—transparently and blatantly—election politics at its worst. It is denying all Australians a safety net that means there will be cheaper out-of-pocket and out-of-hospital health costs. Who will benefit? Who will have the security of knowing that they have a safety net? Let us have a look. There are 12 million Australians—or four out of five families—who will benefit from that security with regard to the $500. A further eight million will be covered by the $1,000 safety net threshold. According to the department, around 200,000 Australians each year are likely to access the safety net. So, in short, the health costs for those Australians will be some $266 million cheaper this year and over the next three years. That is a lot of money. That is an impost which, effectively, the Labor Party is imposing on those Australians. I say that because Labor says that it does not support the safety net in its current form. Why does it not pass it, and amend or tweak it if it ever gets into government? Why impose this cruel hoax—that is what I call it: a cruel hoax—on the Australian people who are going to be missing out and paying those higher health costs? I refer particularly to those who are having a health crisis or a crisis in their family in terms of health issues, and to the chronically ill.

Let us talk about the chronically ill. You have not heard much from the Labor Party on that issue in this debate. I am intimately involved with the diabetes community, and I can tell you that many people in the diabetes community have that chronic illness and, from time to time, suffer very significant health costs. They are costs that they would now have to pay, if it were not for this safety net. If this safety net is imposed they will pay lower costs. They will have that threshold—the $500 threshold or the $1,000 threshold. There are members of the associations and organisations that represent people with chronic illness who will be disappointed and devastated by the Labor Party’s position with respect to its rejection of this safety net. Why would it want to oppose such a safety net? In my view, this is a Labor Party that has claimed to be the white knight of health care in Australia. Yet, for purely political reasons, Labor is denying Australians this valuable and timely assistance. The Labor Party is not interested in genuine health care outcomes; it is only interested in winding up health as an election issue, with nothing but contempt for all those Australian families who will now miss out on that safety net.

As I mentioned earlier, the out-of-pocket expenses incurred for out-of-hospital services can be financially crippling in some instances, especially when the services required are expensive, ongoing and intense. Often they are unforeseen because they are due to an accident or the sudden onset of serious illness. I have referred to chronic diseases in particular. That is a growing problem—it is a bit of an epidemic in this country. I have talked about it before in this chamber, in terms of obesity and the diabetes
epidemic. It is those people who are going to miss out because of the Labor Party’s opposition to and rejection of this safety net. This measure includes not only medical expenses for GPs and specialists but also diagnostic expenses such as pathology, radiology, psychiatry, tissue biopsy, radiotherapy and pap smears. The expenses associated with these services have by far been mainly responsible for the largest increase in costs to patients since 1984-85.

Contrary to the Labor Party claims, the underlying principles of Medicare as framed by Labor at Medicare’s inception remain key features of our Medicare policy. We have drawn a line in the sand. We support Medicare 100 per cent, and in fact we have a package that will now boost and protect Medicare for decades to come. And guess what? This package is already under way. It is being implemented from 1 January this year. The $5 incentive for doctors to bulk-bill concession card holders started on 1 February. And guess what? They are taking it up. The system is working. MedicarePlus is under way, it is happening and it is benefiting Australians, concession card holders in particular, from 1 February this year.

Why would the medical profession be supporting this? Why would the Australian Division of General Practice as late as yesterday put out a media release saying, ‘Pass the safety net, Labor Senators; pass the safety net, Parliament of Australia’? Because they know it is going to be good for their patients. Why would the AMA put out a statement and publicly support the passing of the safety net? Because they know it is good for their patients. They also know and understand that if they subscribe to all the parts of the MedicarePlus package they will receive between $35,000 and $43,000 extra each year. Those figures are maximum. I congratulate them and thank them for their support. I hope that with their support and that of others we can get this safety net legislation through.

The package also includes 1,500 full-time equivalent GPs injected into the community, and that is now happening and under way, and 1,600 extra practice nurses injected into the community and including into rural and regional areas including parts of Tasmania where they are dearly needed. But this Labor Party is opposing the safety net. It had the same response to a reasonable and modest increase in the Pharmaceutical Benefits Scheme. If it is a government measure, the Labor Party says, ‘Let’s block it.’ It says the same to the 30 per cent private health insurance rebate: ‘If it is a government measure, let’s block it.’ It is negative and carping and it is opposed at every instance, no matter what this would cost each Australian family. With regard to private health insurance, let us remember that if that is slashed and killed off by the Labor Party, which I have no doubt that it will be doing, that will cost $750 extra per year.

I want to address two other points that have been raised in the Labor Party’s report and they relate to dental services. They call for and recommend a Commonwealth dental health services scheme. But we must remember that that is actually a state government responsibility and has been for years and years. Why is it? I know why: they have been lobbied by their state Labor government counterparts to say, ‘Push this onto the Commonwealth and we will be fine. We have got the money we need.’ They have actually just received the $10 billion extra increase in funding for public hospitals. That is a 17 per cent increase in real terms over the next five years. Why do they not use some of that money to cover the dental waiting lists in those states? That is not to mention that, in addition, they are actually swimming in the GST windfall gains as from
this year. Most of the states in Australia are now swimming in it.

Senator Eggleston—They are swishing around in it.

Senator Barnett—They are swishing around, as Senator Alan Eggleston says. They have all that money. They should be using that to fulfil their own responsibilities and to bring down those waiting lists, in particular those in dental health.

Finally, Labor’s recommendation 3.3 in its report is nothing short of price fixing. Let me read it:

The Committee recommends that the government adopt, as a formal policy objective, the raising of the level of bulk billing and adherence to the schedule fee by specialists.

I admit that there is an issue with specialists and their fees and I know that Minister Abbott is looking at it, but this adherence to the schedule fee by specialists is price fixing, and we know what that means. That means communist policies being imposed here in Australia by the Labor Party, and I reject it out of hand. I hope for a rethink by the Labor Party and all senators in this place so that we can pass the safety net legislation.

Senator Allison (Victoria) (10.57 a.m.)—As we all know, Medicare has problems. Rates of bulk-billing have fallen from a high of 81 per cent in 1996 to the current 67 per cent and every indication is there that they will continue to decline. Patients are quite simply paying more for primary health care than they have since the inception of Medicare as a universal health insurance scheme, and there are serious shortages of doctors in many areas around the country. Medicare is universal in the sense that the same insurance scheme set at 85 per cent of the various schedule fees is paid to all Australians with Medicare cards regardless of their circumstances or income. Medicare was effectively a social contract between government and the providers of primary health care, obliging the government to set the schedule fee at a rate that was reasonable and in return practitioners would adhere to that fee.

Bulk-billing was a welcome feature which had the effect of providing patients with service without additional cost on their part, and this had the advantage of also constraining fees. Restoring higher levels of bulk-billing is obviously desirable for equity and for cost control reasons. Increases in fees above the schedule fee, coupled with shortages of doctors in many areas and decreases in the percentage of out-of-hospital consultations that are bulk-billed, are indications that primary health care costs have already shifted to patients and will continue to do so.

MedicarePlus was a marked improvement on A Fairer Medicare, so-called. The most significant and important change was the government’s withdrawal from its proposal to cover these costs with private health insurance, which the Democrats strongly opposed. It also withdrew its differential rebate increase payment based on geographic location. There are new safety nets which are the subject of legislation which has been introduced now into the Senate. All concession card holders and families in receipt of family tax benefit A will be eligible for an 80 per cent rebate of all out-of-pocket expenses in excess of $500 in each calendar year and all other families and individuals will have a threshold of $1,000. The government has put forward a much more comprehensive work force shortage proposal, which we endorse.

However, we think these measures are unlikely to solve all of the problems of Medicare. Of the $385 million out-of-pocket GP costs paid by patients in 2002-03, about one-third was for charges up to the schedule fee level and nearly two-thirds for fees over that schedule. GP fees for a standard consul-
tation now average $42 and out-of-pocket expenses are almost $13. Specialist out-of-pocket expenses for non-bulk-billed services are now averaging $30.

There is a real question of whether the government’s offer of $5 extra per consultation for concession card holders and children will make any difference to these charges. There is no certainty at all that doctors who previously bulk-billed will reverse their decision based on this offer. By identifying these two groups—however worthy they may be—the universality of Medicare is compromised and the arrangements are complex and, most importantly, do not provide the necessary incentives to make a difference.

There was a lot in submissions to our inquiry on the reasons why the schedule fee was too low and a cause of the drop in bulk-billing rates. Specifically, the generic WC 15 index used to annually adjust schedule fee has not reflected inflationary pressures associated with care. The ACA argued a case for rebates to be linked to real wage growth and calculated that, if this were the case, a $5 to $6 increase in the rebate would be warranted. The Australian Health Care Reform Alliance argued that the schedule fee should be increased from the current $25.03 for a standard consultation to $40.00. This increase would require an extra $1.5 billion a year.

Other factors include the relative values study, comparing the rebates for specialists and GPs. There is no doubt that encouraged GPs to claim that a doubling of the rebate was warranted. There has been antagonism towards Medicare on the part of the AMA and others, and that has emerged in recent years as encouragement for practitioners to depart from bulk-billing, at least for all patients. Many doctors express the view that bulk-billing encourages unnecessary use of their services. The common perception is that bulk-billing necessitates short consultations. That perception is not correct. In fact, studies have shown that there is no difference and that many bulk-billing consultations are longer than those which are not bulk-billed; it is just that those doctors who bulk-bill all their patients seem to work longer hours. Another argument was that the current government, when in opposition, opposed Medicare and is reluctant to now publicly support and promote bulk-billing, and doctor shortages in some areas have reduced the competitive driver for bulk-billing.

The complexities of these factors suggest that it will be very difficult to restore bulk-billing rates to their peak in 1996 or to even arrest the decline. After extensive consultation with GPs, it is our view that it is unlikely that GPs will return to bulk-billing once their practice has decided to charge above the schedule fee and established business processes to support that. It must also be pointed out that, even if rates were to rise, people in geographic areas where bulk-billing rates have historically been lower than average are unlikely to see much change. At 80 per cent bulk-billing levels, the situation will not be improved for people with high use—21 per cent of people use more than 15 Medicare services in a typical year—and those on low incomes who still do not have access to bulk-billing; the other 20 per cent, in other words.

That means two things. Firstly, doctors need to be provided with real incentives to bulk-bill more consultations than they currently do. We suggest that all bulk-billed consultations should receive the increase and that this increase should only be available if doctors meet agreed targets. It also means that there does need to be a better safety net in place for those who, even if rates of bulk billing are improved, will not have access to them. As long as there are significant differences from electorate to electorate, even within regions, in terms of bulk-billing rates
and the extent to which doctors charge over the schedule fee, people will miss out of health care that is affordable. Data aggregated into regions shows that average incomes and the bulk-billing rates fall as they are more distant from capital cities. For the March quarter of 2003, bulk-billing rates for inner metropolitan regions were 74.5 per cent and average incomes were $37,300, whereas rates of bulk-billing in rural areas were 56.2 per cent and incomes were $29,300.

In 2001-02, Medicare benefits per person in capital cities were almost $160 but fell to around $135 in rural centres and just $80 in remote areas. These are the people who need alternative solutions such as more flexible regional funding, proactive programs for high-risk or high-needs times of life and multidisciplinary care teams. We recommend that alternative funding mechanisms that enhance equitable access across regions and areas of socioeconomic disadvantage be developed. We also argue for alternative streams of funding for those areas unable to attract GPs, so that alternative models of care can be explored, particularly in allied health professional areas. We also believe that support through contractual arrangements where the infrastructure is owned by the government and GPs can have predictable income and access to career enhancing entitlements such as sabbaticals are preferable to focusing solely on increasing the rebate. It is worth mentioning that specialists bulk-billed only 27 per cent of consultations, down from 33 per cent in 1996-97. Two thirds of all out-of-pocket costs are for specialist services.

I do not have much time left, but I want to talk briefly about the schedule fee. The health department admitted to the inquiry that the schedule fee is effectively irrelevant now. Professor Deeble stated that the safety net concept was originally for high users, not for high costs, because it was assumed most people would pay no more than 15 per cent within the schedule fee. But the proposed safety net assumes irrelevance of the schedule fee. This in turn undermines Medicare’s basis: the agreement between profession and government about how they are paid. This is a fundamental error in the safety net proposal. Health says that non-GP services represent 80 per cent of government costs, and this shows that the safety net has been introduced as a means of cost-sharing this. They also say that consumer costs for specialists have risen dramatically—much higher than GP copays—and that means that the government is not going to intervene in the specialist market other than to limit patient costs. This is really a cause for concern for us.

We have always had a safety net, and a better one should be introduced. However, too great a reliance on a safety net or package that sells on the basis of safety net is poor policy in our view and should not be supported. There is doubt about the interaction of the existing safety net and the new one. There is also the question of whether the department makes a decision about which one should operate first. A reduced reliance on the safety net is the best way forward, but recognising that until we get a significant structural reform then people with high costs should be protected. We argue that a lower threshold that covers all people with automatic recording of costs and retrospective claiming that includes PBS costs should be introduced. That would be more costly, but only as long as it takes to bring Medicare back to the affordable system it was designed to be.
The ACTING DEPUTY PRESIDENT—
I am told that you are unable to seek leave to continue your remarks, but you can seek leave to incorporate the rest of your speech.

Senator ALLISON—Thank you, Madam Acting Deputy President. It may take me a few moments to put together the remainder of my speech, so I will not seek leave to incorporate it.

Senator HUMPHRIES (Australian Capital Territory) (11.07 a.m.)—I see this inquiry, and particularly the majority report that arises from it, as a major missed opportunity to have had a meaningful debate about reform of Australia’s health care system and particularly about how well Medicare in its current form is serving the needs of Australians. As senators will know, Medicare is 20 years old this month. It is essentially a sound health insurance system and it has served Australia well over the last two decades, but it is not perfect. As custodians of that system, we have a right—indeed, we have a duty—to consider whether the system should be modified or improved to address the contemporary needs of this nation.

What is disappointing about the process used in this inquiry and the one that preceded it is a lack of engagement in the exercise on the part of key stakeholders. A belief seemed to permeate most of the stakeholders—indeed, all non-government members of the committee—that any tampering with the fundamentals of Medicare was unthinkable and that Medicare as conceived 20 years ago, in an age when health costs in relative and absolute terms were vastly lower than they are today, was perfectly serviceable and therefore beyond structural improvement.

I should make it clear that the exception to this view before the most recent iteration of this inquiry was doctors. Others took a nothing-must-change approach to the fundamentals of Medicare. Doctors argued that the changes proposed in the government’s package were broadly welcomed and only in the last couple of days called for the safety net provisions now before the Senate to be implemented. They welcome these initiatives, particularly as far as work force measures and the $5 incentive to bulk-bill concession card holders and children were concerned. It is interesting to note that those views got short shrift in the majority report of the committee. I noted with interest, for example, that the Doctors Reform Society, which represents a tiny fraction of the medical profession of this country, was quoted three times in the course of the majority report and that the Australian Medical Association—which is vastly more representative of medical practice in this country—was not quoted once.

There was disappointing negativity from many of the stakeholders. I think some people’s reaction to change was, frankly, a little bit hysterical. In one submission an organisation which ought to have known better told the committee:

If the safety net is introduced, a natural consequence is that thousands of Australians will just put off seeing a GP.

How does a person not go and see a doctor because a safety net is there? Why would they make that decision? There is no logic to that. When pressed to explain why a person would fail to see a doctor because they had a safety net under them, the representative of that organisation said, ‘The safety net is irrelevant.’

Senator Knowles—Who was that?

Senator HUMPHRIES—I will not name the organisation. It is a good organisation and it does good work in the community but, frankly, it ought to have known better than to have made those sorts of comments to this committee.
The safety net is not irrelevant to thousands of Australian families, particularly to those who face serious or sustained episodes of illness at the present time. For them, bulk-billing is not the key issue because the most significant costs they are running up are not the costs they have to meet when they go to the GP. Their wallets and purses are being hit at the radiologist, at the pathology lab, at the radiotherapist, at the psychiatrist, at the physiotherapist, when they go and get a tissue biopsy or whatever. Those costs are crippling some families. Bulk-billing does not assist them in that respect. This is the crucial point about the majority report. Costs associated with non-GP services are the ones that have arisen most dramatically since Medicare was introduced in 1984. They are the costs that have gone up the most severely. Frankly, Medicare as it is currently structured does not have an answer to that problem. The government's package does, and that is why it should have been better and more fairly considered by the majority in the committee and, indeed, by many of the stakeholders.

As ever, so much of politics is about balancing priorities. I personally think we are unlikely to ever be able to meet all of the costs of a first-class health system purely from the public purse, even if that were a desirable outcome. So choices are necessary. I ask the majority of the committee to consider what is more important in balancing those priorities. Is it more important that we ensure bulk-billing is available to wealthy Australians or that we meet the prohibitive health costs of poorer Australian families—that is, meet the costs those families presently cannot recover from Medicare? Or should we do other things with that money, such as extend our coverage of dental care in Australia? The government's package is a $2.4 billion injection into Australian health. It is $1½ billion more than was offered in the A Fairer Medicare package. It is the largest new financial commitment to the health system in this country that I can remember. It is the largest single new commitment in memory. I would like to hear whether other senators can think of a bigger contribution to the health of Australia than that made with this package. It significantly improves the measures that were available in A Fairer Medicare.

The majority of the committee refers to the safety net being 'clumsy in design' and 'poorly targeted'. Perhaps so. I point out that one reason for the simplicity of this safety net was criticism in the earlier iteration of the committee of the complexity of the measures provided for in A Fairer Medicare. This measure is simple, and now it is being attacked for being too simple. Fair enough. But let us not lose sight of the fact that even a flawed safety net is better than no safety net at all. A flawed safety net is better for those Australians who are caught by it and, as such, ought to be supported by this Senate.

There are other suggestions in the government members' report which I think deserve to be considered, and I hope will be considered, by the government. We have suggested that the number of item numbers which attract the Medicare rebate that nurses may perform in a practice should be expanded. At present it covers only wound management and immunisation. I believe that other functions, such as pap smears, could quite legitimately be conducted by nurses in those practices. That would relieve pressure on doctors to perform more important tasks or, at least, more significant specialist tasks and allow more people to be seen and a high quality of service to be offered. We have also suggested that the rebate be increased for longer consultations, aware of the fact that the take-up of GP services in this country has increased in recent years and
the need for long consultations is very much there. In the first iteration of this report, we were charged with the task of examining Labor’s alternative policies to the package put forward by the government.

Senator Knowles—It was a quick examination!

Senator HUMPHRIES—It was a quick examination on that occasion because there was not much of a policy on the table. We were not sent on that wild goose chase in the second iteration of the report, but the questions remain from that time. How will Labor sort these problems out? What are its alternatives? How will it pay for the solution that it thinks needs to be put forward to solve those problems of higher costs for Australian families? We have a solution. It is on the table, and this week the Senate is invited to support that package, but we do not know what Labor’s alternative is. There are 200,000 Australians who will benefit from that package each year, and that is the direct benefit. There is also the indirect benefit to those families and people who go to the doctor and who might be facing a serious illness who, ultimately, might not reach the thresholds but have the assurance and comfort of knowing that, if they do get down that track and reach that point, they will be covered. That is reassurance, and that encourages families to visit the doctor when otherwise they might put it off because of a fear of the mounting costs.

So what do we say to Australian families who cannot get this help and cannot get the benefit of the safety net? We tell them that the Labor Party considers that it is not philosophically appropriate to provide this to Medicare—it should not be there. That is a very poor answer indeed. We have a solution, and I urge the Senate to consider the benefits provided to those 200,000 Australians and to support this package when it comes before the Senate later this week.
aspects of the MedicarePlus package are now being dealt with by regulation.

This inquiry has been a very significant inquiry. The fact that the committee received over 100 submissions and heard evidence from over 30 witnesses during its reconvened public hearings cannot be underestimated in terms of its significance. There was strong agreement, and I am happy to agree, that MedicarePlus did represent a major shift away from the fundamental nature of Medicare as a universal insurer that delivers benefits based on need, not income, and there was general agreement that MedicarePlus made more significant progress in addressing the health needs of the Australian health system than the previous package had done. But the criticisms that we continued to hear both through the submissions and through the public hearings focused on the very strong messages that have continued, even in the public debate and today, that the separation of the safety net into two thresholds creates a system of winners and losers. By doing so, it offends the principle of universality, which is such an important basis of Medicare. We heard ample evidence from a range of groups that the $500 and the $1,000 thresholds are too high to effectively tackle the significant costs of accessing basic care and are instead focused on covering high-cost specialist fees.

So in that sense they do nothing to address the needs of young families with children who might all be sick at the same time. We heard this kind of case put to us during the Senate hearings—the common situation of a young family on an income that was slightly above the threshold that would allow them to access the safety net just meant that they were people who were going to slip through that net and would have to make some pretty tough decisions about accessing medical care for their families.

That really meant to us that the thresholds were just too high to deliver any meaningful benefits to more than a tiny handful of Australians each year. I know Senator Knowles tried to make an important point for herself when she said that Labor was denying 200,000 Australians access to the safety net if we rejected this legislation, but in fact that is three per cent of Australian families and we think that Australian families deserve much better than this.

The two categories chosen to receive that lower threshold—that is the concession card status and families in receipt of the family tax benefit A—have been demonstrated to us by several of the submissions and the evidence to the inquiry as being a very poor measure of need. They particularly discriminate against those without dependent children and, as I said, low income individuals, but at the same time provide significant benefits to many higher income families. The model that Senator Humphries suggests is a much simpler model than the original package is in fact confounded by linking the benefits to the complicated family tax benefit system. We heard evidence again that the payment of uncapped, out-of-pocket expenses benefits will have an inflationary effect and is poor public policy. Isn’t that what we are all about—actually generating some good public policy around the issue of public health?

We also heard evidence that the number of submissions urging the committee to recommend that the $5 incentive payment for bulk-billed services should not be supported. The evidence given to us was that this limited incentive scheme raises a profound question over the question of a universal Medicare and the role that bulk-billing plays in this system. The issue certainly is not that concession card holders and children under 16 do not deserve access to bulk-billing but that there should be a commitment to provid-
ing bulk-billing access to everyone, as Labor has proposed.

I would just like to make some remarks about chapter 4 of the report, which is a quite significant chapter addressing the work force measures of the proposed MedicarePlus package. We certainly took a great deal of evidence on the work force proposals and, while there was general agreement that the work force measures are needed, there were many potential issues and problems raised with the plans, particularly those plans that centre around the recruitment of overseas trained doctors. But it is important that people do pay attention to chapter 4 of the report. While there is not a specific recommendation in this chapter, there are very important issues raised in the chapter. I refer my colleagues to the specific chapter. I just want to read from the report, where we have a very strong message that came to us from the Australian Health Care Reform Alliance about the work force initiatives. It says:

It is totally unrealistic to suggest that an immediate increase of 1,500 in the number of full time equivalent doctors available to the system is achievable. Totally inadequate numbers of additional places for medical students and nurses in Universities and Colleges will not see us adequately address our long-term need for more professionals from these health disciplines.

And several other submissions are also cited in the report about the importance of making sure that we link one section of our public policy with another. So we cannot just treat the health system as a single entity that does not have implications across both the economy and the education and training sectors.

The significant concern that people raised with us in several submissions and during evidence was the increasing use of overseas trained doctors. The intent of depending in the future on overseas trained doctors is something that has been raised many times in this place, and I am sure will be raised in part of the debate about the legislation. I would just like to finish this morning by—

The ACTING DEPUTY PRESIDENT (Senator Kirk)—Senator, your time has expired.

Senator STEPHENS—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

FISHERIES LEGISLATION AMENDMENT (HIGH SEAS FISHING ACTIVITIES AND OTHER MATTERS) BILL 2003 [2004]

Second Reading

Debate resumed from 28 November 2003, on motion by Senator Ian Campbell:

That this bill be now read a second time.

Senator O’BRIEN (Tasmania) (11.28 a.m.)—The Fisheries Legislation Amendment (High Seas Fishing Activities and Other Matters) Bill 2003 is the second of two bills presented by the government that relate to the Australian fishing industry in this session. The purpose of this bill is to amend the Fisheries Administration Act 1991 and the Fisheries Management Act 1991. It has two parts. The first is to ensure compliance with the United Nations Food and Agriculture Organisation’s agreement to promote compliance with international conservation and management measures for fishing vessels on the high seas in preparation for Australia’s acceptance of that agreement. The agreement was approved by the FAO in November 1993 but only came into effect in April last year.

The government advises that Australia has not yet accepted the compliance agreement because its laws do not yet comply with the agreement’s requirements. The government has indicated that it will accept the agreement once this bill has been passed by the parliament. The compliance agreement was created in response to concerns about depletion of fish stocks in the high seas as a result
of increasing illegal, unreported and unregulated fishing. The Joint Standing Committee on Treaties has recommended that Australia should participate in the agreement.

Secondly, the bill makes amendments to the Fisheries Management Act that are intended to improve the efficiency and effectiveness of the Australian Fisheries Management Authority. The most significant is an increase in the powers of AFMA and other agencies, including the Australian Federal Police, Defence or Customs officers to intercept, detain, board and search vehicles and aircraft without the consent of the owner or a warrant. Currently these powers can only be exercised with the consent of the owner or operator or with a warrant. The government argues that this additional power is necessary because there is not always sufficient time to get a warrant and, if the suspicion has foundation, consent may not be forthcoming.

Other amendments include changes to the management of logbooks relating to the use of a fishery, charter boats to be classed as recreational vessels rather than a commercial activity, and amendments that will not require regulations to be made every time there is a change to the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America. Labor is prepared to support these amendments. However, the opposition does note the significant increase in power extended to officers to stop, detain and search boats without a warrant or consent. I note that such action can be taken ‘if there are reasonable grounds’ to believe that there may be something in the vehicle or aircraft that may be evidence of an offence and that a warrant cannot be obtained in a timely manner.

The Senate Standing Committee on the Scrutiny of Bills considered the issue of extending powers in this way in 2000. The committee concluded that such an exemption from the general principle that consent or a warrant should be required could be justified on the grounds that it was impractical to obtain a warrant. It noted, however, that the impracticality of obtaining a warrant should be assessed in the context of current technology. The Fisheries Management Act already allows for warrants to be obtained by electronic means in urgent circumstances. I assume that there is a basis for the need to increase this power. That is, I assume that officers have been confronted with circumstances where they have not been able to do their job because of a lack of consent to search, or the inability to obtain a warrant. On that point, I would appreciate some advice from the minister in the context of either the second reading debate or in what I understand will be the committee stage. It is the opposition’s intention to support this bill.

Senator GREIG (Western Australia) (11.32 a.m.) The bill before us, the Fisheries Legislation Amendment (High Seas Fishing Activities and Other Matters) Bill 2003, is the second part of the package of bills that we began yesterday and that have been introduced by the government in an attempt to improve the Commonwealth’s fisheries legislation. More particularly, their primary purpose is to rightly deter illegal fishing by foreigners in Australian waters. This bill will make several minor changes to the Fisheries Administration Act and the Fisheries Management Act to enable Australia to implement the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas.

These changes include allowing AFMA to refuse to grant a fishing concession that authorises the use of an Australian flagged boat on the high seas if the boat was previously registered in a foreign country and had
its foreign fishing authority suspended or cancelled because it undermined international conservation and management measures. The bill also includes amendments to allow AFMA to impose a condition on a fishing concession requiring the holder of that concession to obtain AFMA’s consent before it uses another boat. Both of these amendments are designed to deter fishers from trying to reflag fishing vessels that have been caught fishing illegally.

A further measure included in the bill to help stamp out reflagging problems is the establishment of a register of vessels authorised to fish on the high seas. AFMA will be able to share the information on the register with other nations that are parties to the compliance agreement. These provisions will make it easier for AFMA and other nations to determine which Australian flag vessels are authorised to fish on the high seas. As I discussed in relation to the Fisheries Legislation Amendment (Compliance and Deterrence Measures and Other Matters) Bill 2003 that we dealt with yesterday, illegal fishing by foreign vessels in Australian waters is a significant problem and, most particularly, in our subantarctic territories. Hopefully, the compliance agreement and the measures contained in this bill will assist in deterring illegal fishing. But I must reiterate some of what I said earlier: enforcement and monitoring should only ever be part of the solution to illegal fishing.

The second, and equally important, plank of the response to illegal fishing must be measures to curtail the trade in illegally sourced seafood products. In many instances, it will be impossible to prevent the trade in illegally sourced fish. However, where the product is relatively easy to identify and the trade is relatively small, trade restrictions are both possible and important. The patagonian toothfish is one case where trade restrictions can work effectively to reduce illegal fishing.

The government has made efforts to reduce the trade in illegally sourced patagonian toothfish. However, it has baulked at nominating, or persisting with the nomination of, patagonian toothfish for inclusion on appendix II to CITES. I spoke of that yesterday. It has also not listed the patagonian toothfish as ‘nationally threatened’ under the Environment Protection and Biodiversity Conservation Act. It is time for both of those things to occur.

While the most important provisions of this bill concern the implementation of the compliance agreement and deterring illegal fishing by foreign vessels, it also contains several other important amendments to the Fisheries Management Act. These include an amendment to alter the arrangements for logbooks to allow the requirement to keep and furnish logbooks to be made by determination, rather than via a condition of fishing concessions. An issue that the Australian Democrats have been concerned about in relation to logbooks is the degree to which members of the public can gain access to logbook statistics. At present, AFMA publishes data on most fisheries. This includes statistics on total allowable catch levels, actual catch levels and data on the effort levels in those fisheries. However, AFMA refuses to publish logbook data on several small fisheries. In many cases these fisheries are exploratory fisheries, where the ability of the ecosystem to cope with industrial fishing practices is unknown. This policy is often guided by what is known as the ‘five-boat rule’, which dictates that information will not be made publicly available where there are fewer than five fishers operating in a particular fishery.

The argument used by the government to justify the refusal to disclose this information is that it would deter investment in small and exploratory fisheries and would disclose trade secrets. There is some legitimacy in
those arguments but, on the other hand, fisheries are a public resource. Therefore there is a need to ensure that the public has access to data on how much these resources are being used and how they are being managed. In addition, the refusal to disclose data from small fisheries can hamper marine and fisheries research. It can also impede the enforcement and administration of environmental laws, such as the Environment Protection and Biodiversity Conservation Act. In that regard, the Australian Democrats have heard reports that there is no formal system to ensure that logbook data is made available to other Commonwealth agencies, such as the Department of the Environment and Heritage, for the purposes of enforcement and marine research. The provision in this bill concerning the maintenance of logbooks merely provides AFMA with a power to publish such data as it sees fit. In that context, we will be seeking an amendment to this provision to ensure two things: firstly, that AFMA is required to publish an annual report on the Internet that provides catch, effort and production statistics on every Commonwealth managed fishery; and, secondly, that AFMA make logbook data available in a timely manner to all Commonwealth agencies for the purposes of enforcement and research.

Another important aspect of the bill is the changes that will enable fishing officers to stop and detain boats without a warrant in certain circumstances. The requirement for law enforcement officers to obtain a warrant before detaining and searching a person’s property is designed to prevent the violation of basic civil liberties. Therefore there is a need to ensure that any power to stop and detain a vehicle without a warrant is reserved for extreme circumstances and that there are appropriate mechanisms to prevent that power being abused. The provisions in question only allow for a vehicle to be detained and searched without a warrant if consent has been refused and the officer believes on reasonable grounds that (a) the vehicle contains evidence of an offence and (b) the delay that would be necessary to obtain a warrant would frustrate the effective execution of the warrant. The officer must also notify the operator of the vehicle that they will be exercising the powers of detention and search without a warrant, record the reasons for exercising the powers without a warrant and provide the owner-operator with a copy of the record of the reasons if the person requests a copy. Given the difficulties associated with detaining and searching fishing vessels, particularly on the high seas, and the restrictions on the use of the arrest and detention powers, we Democrats believe that these provisions are warranted. However we ask both the government and the opposition to be vigilant in ensuring that these powers are not abused.

The final aspect of this bill I wish to make some comment on is the proposed change to the arrangements concerning charter fishing. Currently charter fishing is defined as ‘commercial fishing’ for the purposes of the Fisheries Management Act. This bill will alter this so that charter fishing will now be defined as ‘recreational fishing’. By defining charter fishing as recreational fishing, the regulation of charter fishing operations in Commonwealth fisheries will be transferred to the states and to the Northern Territory. That creates two issues: firstly, there is the potential for different regimes and standards to apply to charter fishing operations in different states. In that regard, I am aware that a number of states do not even have laws that regulate charter fishing. Those that do will need to amend their legislation to ensure these regulations apply to Commonwealth waters. The second problem is that the changes will ensure that charter fishing operators are not required to provide catch data to AFMA.
In that regard, several states do not have laws that require charter fishers to record catch data at all. I am also aware that no formal arrangement has been entered into between AFMA and the states and the Northern Territory to ensure charter fishing catch data is shared for management purposes. The inability of AFMA to obtain charter fishing catch data can create some difficulties for fisheries managers as they will be unable to accurately assess the catch and effort levels in a relevant fishery. In light of those problems, we Democrats will oppose that aspect of the bill. The remainder of the bill will have our support.

Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (11.42 a.m.)—Again, I thank both Senator O’Brien and Senator Greig for their contributions to the debate on this very important bill. I express the appreciation of the government for the support for this bill which has been indicated by both parties, albeit with some reservations from both Senator O’Brien and Senator Greig. I do not propose to go into any detail in closing this debate on the second reading but I am very happy to address those particular issues in the committee stages of the bill. To put the Fisheries Legislation Amendment (High Seas Fishing Activities and Other Matters) Bill 2003 into perspective it is probably worthwhile going back and looking at Australia’s role in fishing on the high seas. Around Australia we have very stringent and well-regulated fisheries regimes which are principally the responsibility of the various state and territory governments. Anything out to about three nautical miles is normally the responsibility of the state and territory governments; anything out to 200 nautical miles from the three-nautical-mile limit is, generally speaking, the responsibility of the Commonwealth government. Under the offshore constitutional arrangement, certain inshore fisheries are handled by the Commonwealth and some of the fisheries outside the three-nautical-mile limit are handled by various states, either individually or on behalf of others. This particular bill relates to high seas fishing which is beyond the Australian EEZ and beyond our fisheries zone.

Australia is involved in a number of regional fisheries management arrangements that attempt to a degree to regulate fishing in waters that would otherwise be called high seas. I think most senators would be aware of the Commission for the Conservation of Antarctic Marine Living Resources, which looks after the objectives of peace and science in the Antarctic. That organisation—by coincidence, almost—is left with the responsibility of regulating fishing in the Southern Ocean and the Antarctic waters. Through CCAMLR, arrangements are made to regulate fishing. Senators will have followed with interest the government’s battle against the pirates who try to poach our southern patagonian toothfish stocks in the Southern Ocean. I think senators will be aware of the government’s determination to work with other responsible countries to eliminate illegal fishing in those areas.

I have to say I have been disappointed with the response from CCAMLR. Without causing an international incident, I think I can indicate that there are some members of CCAMLR who have been less than helpful in getting a better regime for fisheries management in CCAMLR waters. I think the Russians have been less than helpful, or so it has been reported to me by the Australian delegation at the last CCAMLR meeting. The Russians refused to include some Russian-flagged ships, which are known by all other members to be involved in illegal activities, on a black list that CCAMLR is promoting. That is a disappointment.
Being a consensus organisation, if one country is against it, it does not become the law. That is one of the problems with CCAMLR that concerns me greatly. It is one of the problems that I and the government will certainly be looking at in the future. This consensus arrangement is not appropriate for a regional fisheries management organisation. Unless there is clearest evidence—which there is in this case—that CCAMLR is prepared to act unambiguously, we really have to look at the role of CCAMLR in regional fisheries management. I would hope, though, that on evidence that is as clear as it is in relation to management of the Southern Ocean fisheries CCAMLR would appropriately deal with the matter so that life can move on and CCAMLR can remain looking after those areas.

We are just one of 26 members of CCAMLR, and we play a lead role in CCAMLR. The headquarters are in Hobart, but that is just coincidental. It is an international organisation. Our delegations are led by the Department of Foreign Affairs and Trade and the Australian Antarctic Division, both of whom do a marvellous job. The Australian Antarctic Division is very well led and puts the case very well. Fisheries officers from my department and AFMA are always a very important part of the delegations to CCAMLR.

In addition to CCAMLR, the Commission for the Conservation of Southern Bluefin Tuna operates to manage bluefin tuna stocks in the Indian, Pacific and Southern oceans in Australia’s territories. Again, it is an international organisation, the membership of which is something like 12. The main players are Australia, New Zealand and Japan. I am delighted to say with some pride—and accuracy—that, through the efforts of Australian officers at the last CCSBT meeting in New Zealand just before Christmas, we were able to achieve an agreement with Japan which has avoided the CCSBT for seven or eight years. There is now agreement on what is sustainable with the southern bluefin tuna and on what allocation of the sustainable limit is to be allocated to each country. That was really a breakthrough. It heralds a whole new era of cooperation between Australia, New Zealand and Japan, principally, in relation to the proper management and conservation of the southern bluefin tuna. That is a great step forward.

The commission for the central and western Pacific is about to come into operation. It will be a fisheries management organisation involving Pacific high sea waters. It is very important to the island states and coastal states—mainly Pacific Island countries, but Australia has a very big exposure to the Pacific Ocean as well. Again, the Australian government policy has been a major factor in the establishment of that commission in a way which I believe and which I am told will be a model for regional fisheries management organisations into the future. It is a model which ensures that the coastal states—the Pacific Islands, Australia and New Zealand—have the major say in what happens in the fisheries on the high seas. In the negotiations to get to that point, there was a lot of bargaining with the distant water fishing nations, but I am told that the end result will be a very useful result, particularly for the Pacific Island states, and that we will get a regime which will sustainably manage the fish stocks in that area. That is important not only from an economic point of view but, perhaps very importantly, from a conservation point of view as well.

Not so happy, though, is my view of the Indian Ocean Tuna Commission, which has been and perhaps still is an organisation that I would describe as dysfunctional. It is a fisheries management organisation that is supposed to look after the fish stocks in the Indian Ocean. Of course that is a pretty big
Australia has not paid a lot of attention to it in the past, but I think it is something that we should address more fully. I am concerned about some of the tuna stocks there. It has been reported to me that Big Eye tuna is being overfished by something like 60,000 tonnes annually. At that rate the species will disappear from the Indian Ocean in the not too distant future.

Again I do not think I will cause an international incident by saying that I and my officials are concerned that a lot of the fishing in the Indian Ocean is a result of the excess capacity of countries to fish in the North Sea—European waters. Until recently European governments would substantially subsidise the building of fishing boats, even though there were no fish to catch in the waters that the European community normally fished in. This proliferation of fishing boats has meant that they have had to look for somewhere else to fish, and so they go further afield. It is alleged that some of them are down in the Southern Ocean, illegally catching patagonian toothfish. A lot of them go into the Indian Ocean under an arrangement with some of the underdeveloped coastal states there. These states have deals and arrangements with some of the European fishing nations and fleets.

My understanding is that a lot of effort is going into the Indian Ocean tuna fishery, which is simply not sustainable. To date the Indian Ocean Tuna Commission has not been able to properly address that particular problem. There was a meeting just before December, but I have not caught up with the results of that. It has been suggested to me that there was no improvement, but I have not been fully briefed on what happened in December. The Indian Ocean Tuna Commission does cause me a lot of concern. I have instructed our relevant officials to try and take a greater interest in this organisation to see what we can do to work with other coastal states in improving fishing regimes there.

Importantly, Indonesia and Australia are coastal states, along with the countries of the subcontinent and those along the East Coast of Africa. Over the break I paid a visit to Reunion, a French island in the Indian Ocean from which the French control their interests in the Southern Ocean and Antarctic waters. I went there particularly to speak with the French minister, who was over from Paris, to try to enhance the cooperation between Australia and France in relation to operations in the Southern Ocean. While I was there I took the opportunity of speaking with the Prime Minister of Mauritius and the fisheries minister there about a number of issues. I raised with them and with the French officials in Reunion the dysfunctional nature of the Indian Ocean Tuna Commission. I have sought the support of both France and Mauritius in trying to encourage other nations to actually get serious about fisheries management and arrangements in the Indian Ocean.

Australia is playing a fairly substantial role in trying to address matters on the high seas. I thought it was important that we had a look at that background to understand the purpose of this particular arrangement. Australia has been quite instrumental in urging closer international consideration of high sea matters generally. The laws of the high seas are governed by the United Nations Convention on the Law of the Sea. It was a very good convention—particularly when it was established about 30 or 40 years ago. It is now a bit dated. There are many responsible fishing nations that believe that the rules and criteria of the UN Convention on the Law of the Sea need to be updated to modern times. One of the reasons Australia has certain constraints in the way it polices operations on the high seas is because of UNCLOS. For example, you cannot jail people for breaching the fishing laws on the high seas under
the UNCLOS arrangement. We have very severe penalties under Australian law, but there are some difficulties with international operations. We would at times like to impose or have available a penalty of jailing, but that is simply not possible because we are a party to UNCLOS.

There are a number of responsible fishing nations who believe that we need to have a close look at UNCLOS. To that end, last June I attended an OECD roundtable on illegal unreported and unregulated fishing. As a result of that meeting, the OECD is now sponsoring a ministerial task force to look seriously at ways that we can improve the regimes on the high seas. That task force is chaired by Elliot Morley, the relevant United Kingdom minister. I am delighted to say that Australia is one of the five countries on that ministerial task force.

Australia has contributed to setting up a small secretariat. Many senators will know Mr Frank Meere, the former, now retired, CEO of AFMA. We have engaged his services to be part of a very small secretariat at the OECD to push that along. Although Mr Meere will be acting as an international public servant in that capacity, he obviously understands Australia’s approach. He will be working very closely in that secretariat to try to improve the regime internationally, and we will be doing what we can as the ministerial task force to move that along.

The Food and Agriculture Organisation of the UN has arrangements for international fisheries. I was pleased to attend their meeting last year, as well as the FAO meeting, where IUU fishing was high on the agenda. Under the FAO, there is an agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas. Australia has adopted that agreement but, to put that into effect, we have to do certain things within Australian law to ensure that we can control Australian flag vessels in a way that will allow us to comply with the FAO agreement. That is what the bill before us today is about. The bill, generally speaking, gives AFMA and the Australian authorities the power to ensure that Australian flagged fishing vessels do comply with the international agreement to which Australia is a party.

I thank the Labor Party and the Democrats for their support on this very important measure. It continues to show that Australia is very keen on this. It continues to allow us to be one of the responsible fishing nations that is prepared to do something about this internationally not just for the economic benefits but, importantly, for the conservation benefits that come from the proper management of these fisheries.

Question agreed to.

Bill read a second time.

In Committee

Senator O’BRIEN (Tasmania) (12.02 p.m.)—Just before we get to the amendments on the Fisheries Legislation Amendment (High Seas Fishing Activities and Other Matters) Bill 2003, I would like, as I indicated in my second reading contribution, the government to detail the need for the increased powers contained in this bill. I make the assumption that officers have been confronted with circumstances where they have not been able to do their job because of the lack of consent to search or the inability to obtain a warrant for a search. I reiterate that request and I think it appropriate that we commence the committee stage debate with a response to that.

Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (12.03 p.m.)—Obviously these powers are needed or we would not be
bothered with including them in legislation. The growing trend towards managing fish stocks through output control such as quotas has necessitated a need to focus fisheries compliance efforts on land by monitoring the unloading of fish from vessels. The proposed amendments are intended to address the problem of ‘leakages’ occurring in the quota management system during the transportation of the catch from the point of landing at the wharf to the fish receiver, who might be some distance away.

The verification of catch landings data by cross-referencing documents completed by fishers, fish receivers and processors is a very key element in ensuring the observation of quota stocks imposed to maintain the sustainability of the fish stock. The proposed powers aim to militate against circumstances where a catch is unloaded from a boat and no documents or false documents are completed. This power will be used only in very limited circumstances. Currently, if an officer suspects that a vehicle or an aircraft may be carrying fish and is not correctly documented, that officer has to either obtain a warrant or obtain the consent of the person in charge of the vehicle. Under this new subsection, the need to obtain that consent or warrant is restated. However, there may be occasions where the proposed power may be needed, for example in remote regions where there is no mobile phone coverage—not, I might say, that that happens very often in Australia under the Howard government’s excellent telecommunications policy.

Senator O’Brien—The Torres Strait!

Senator IAN MACDONALD—People in the Torres Strait can get the subsidy for satellite phones, Senator O’Brien—a very generous initiative of the Howard government. But in the few instances where people do not have a mobile phone or do not have coverage and where there is no public phone box, fax or computer by which a request for a warrant can be sought, obviously some help will be needed. It will also be needed where an officer is working by himself and undertaking surveillance of a vehicle for evidentiary purposes, because he cannot leave that to try to arrange for a warrant. Only in those limited circumstances is it proposed that the fisheries officers be allowed to stop, detain and search vehicles and aircraft.

There are appropriate safeguards to ensure that these powers are not abused. If the officer asks for consent of the person in charge of the vehicle and that consent is denied, the officer can only proceed without a warrant if the officer believes on reasonable grounds that the vehicle or aircraft contains evidence of an offence against the Fisheries Management Act and that the delay that would occur if an application for a warrant were made either in person or by telephone, telex, fax or other electronic means would frustrate the effective execution of the warrant. If an officer does act without a warrant that officer must, if it is practical to do so, notify the owner or the person in charge of the vehicle or aircraft that the powers will be exercised without a warrant and, if requested, he has to explain why that is so. The officer must also record the reasons for the exercise of these powers without a warrant and, upon request of the owner or person in charge of the vehicle or aircraft, provide a record of those reasons to the person affected by the exercise of those powers.

Similar powers to stop and detain vehicles without warrant are contained in the respective legislation relating to the management of state fisheries and a power to conduct searches of aircraft and vehicles is also contained in the Environment Protection and Biodiversity Conservation Act, albeit for indictable offences. Senator O’Brien, if I could just labour that point a little. I have
had a look at what we are proposing here and compared it with the EPBC Act. In my legal opinion, which is now some 14 or 15 years out of date I might add and without practice or updating, the EPBC Act is far more stringent than the amendments we are proposing. Of course you might recall that that act only fairly recently passed through this chamber.

In addition, can I also say that the Great Barrier Reef Marine Park Act of 1975 actually has stop and search positions that are similar. That is perhaps again a bit more stringent than what we are doing here. The Crimes Act also has provisions, as I understand it, that are pretty similar to what we are proposing here. I am told, and know from my own far distant practice in the law in Queensland, officers working under state fisheries regulations and legislation and certainly under a myriad of noncriminal legislation—health acts, environment acts and planning acts—have powers to stop and detain without warrants, particularly in Queensland which is the only state I can talk about with any knowledge. I always used to say to my police friends back in my early court days that they were constrained, but if they put on a uniform of a health officer they would have far more powers to investigate alleged criminal activity.

So by comparison these are fairly minor changes. They are very important changes which we believe we do need. I am aware that the Scrutiny of Bills Committee did draw some attention to this, but I hope we were able to point out to the Scrutiny of Bills Committee that these provisions were reasonable and were necessary to cover the period between when a boat stops at a wharf and starts unloading fish and when the fish get to the processing point. There have been instances when we have been at a disadvantage because this power was not available and we had to try to get a warrant in very difficult circumstances. As a result of the on

the ground difficulties that AFMA has experienced we have included this amendment in the legislation.

**Senator GREIG (Western Australia)** (12.11 p.m.)—I move Democrat amendment (1) on sheet 4134:

(1) Schedule 2, item 6, page 31 (lines 17 to 23), omit the item, substitute:

6 Subsection 167(1)
Repeal the subsection, substitute:

(1) AFMA must cause to be compiled, from logbooks or returns furnished under section 42 or from other sources, statistics in relation to matters mentioned in subsection 42(1B).

(1A) AMFA may publish or make available, in any way it thinks fit, any of the statistics compiled under subsection (1). However, as soon as practicable after 30 June each year, AFMA must publish on the Internet statistics on the total quantity of fish caught, fishing effort and the estimated total value of production in each fishery under its control for the 12 months ending on that 30 June.

(1B) AFMA must ensure that all data in its possession (whether obtained from logbooks or returns furnished under section 42 or from other sources) is made available to all Commonwealth agencies in a timely manner for the purposes of law enforcement, monitoring compliance with Commonwealth laws, and evaluating the impacts of fishing on the environment.

This amendment relates to the publication of logbook data. The first of the Democrat amendments concerns proposed section 167(1) of the Fisheries Management Act. As the bill currently stands, AFMA will have an obligation to prepare statistics from logbook data and will have the discretion to determine which of those statistics are made available to members of the public. This is the same as the current arrangements. As I
talked about earlier, though, we Democrats have concerns about the current arrangements concerning public access to that logbook data. While we do acknowledge the concerns of the industry, we do believe, however, that the public interest should override the commercial interests of fishers in this instance. Consequently, this amendment aims to do three things. Firstly, it will ensure that AFMA retains the power to compile statistics from logbooks and to publish any logbook data that it considers appropriate. Secondly, it will require AFMA to publish on the Internet the annual statistics on the total quantity of fish catch, total fishing effort and total value of production in each fishery under its control. I know that in many cases this already occurs; however, this obligation will guarantee that the data is made available for all Commonwealth managed fisheries, including small exploratory fisheries. Finally, the amendment aims to impose an obligation on AFMA to ensure that all data in its possession is made available to all other Commonwealth agencies and in a timely manner for the purposes of law enforcement and research. This is designed to ensure that AFMA does not restrict access to the data for legitimate purposes.

Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (12.14 p.m.)—I have considered Senator Greig’s amendment at some length and had discussions with my officials. In introducing our amendments we had extensive consultation not only with the fishing industry but with the conservation NGOs and other stakeholders. For very many reasons we are very reluctant to agree with paragraph (1B) of the first Democrat amendment.

I will indicate why the government is opposed to that—and, I have to say, opposed to such an extent that, if this subclause (1B) were to be included in the bill by this chamber, the government would not proceed with the bill at all. This amendment requires that all data in the possession of AFMA be made available to Commonwealth agencies in a timely manner for the purposes of law enforcement. I indicate to the chamber in fairly cautious words that in our fight against illegal fishing, particularly on the high seas, we have to rely on a range of what I would loosely call intelligence sources to help us in our activities. Any suggestion that that sort of material could go to anyone else, even if it is another Commonwealth agency, would mean that that form of help that we get from a range of sources might dry up. So it is very important from that point of view that information that AFMA get in relation to certain things is obtained in such a way that everybody knows it will go no further.

As well as that, I indicate to Senator Greig that if other authorities are investigating offences against the Fisheries Management Act then that information is already made available, and legally so, under existing legislation. If some of the information is required by other agencies for non-Fisheries Management Act activities then those other agencies can attempt to obtain that information by subpoena. In normal circumstances, the subpoena will be approved if the reasons are there and the appropriate criteria have been met. If the national interest were to be adversely impacted upon I would guess, from my recollection of the law, that the subpoena probably would not be allowable. But in all other cases, which is most cases, that avenue is currently available. So the government is opposed to the amendment for two reasons: first, there is some data that cannot go out of the possession of AFMA for any reason and, second, the effect of proposed subsection (1B) can be met from the act as it currently stands.

I indicate to Senator Greig that the government will be opposing the first of the amendments—which, I might say for the
of clarity, is what I will refer to as the first of the two alternative amendments submitted by the Democrats. We will be opposing that amendment in its entirety. The Democrats’ second amendment is the same as the first amendment, although proposed subsections (1) and (1A) are worded slightly differently. Subclause (B) in the second amendment is the same as the one I have just been talking about, as I understand it. I would not be averse to accepting Democrats amendment (2) in relation to what the Democrats have shown as subsections (1) and (1A). I would be happy to accept those because, with some minor changes, they are basically what the current provisions are. Although I hesitate to say it, I suspect that subsections (1) and (1A) of the Democrats’ amendments are perhaps better than we have drafted in the legislation we are putting before the chamber. So I would be willing to accept subsections (1) and (1A), but again, for the reasons I mentioned earlier, I will not accept subclause (B) under any circumstances.

I know that we have not got on to Democrats amendment (2) yet, but I indicate now what our opposition to Democrats amendment (1) means for their amendment (2). We will be opposing amendment (1). If the Democrats wanted to drop subclause (B) of their amendment (2), I would be prepared to support subsections (1) and (1A). I have chamber advice that, if they do not do that, I can on my feet move an amendment to their amendment to effectively delete subclause (B) from their second amendment, which I would be happy to do. Whilst I again acknowledge that we are not talking about amendment (3) at this stage, I indicate that we will be opposing that. We will talk about that later on. I hope that I will give grounds that will convince Senator Greig that that does not need to be made.

The other reason we oppose subclause (1B) in the first amendment and subclause (B) in the second amendment is that with fisheries issues we have to work with the industry. We have to encourage the industry to be accurate in the data they give us. It is very difficult—particularly if you are out on the high seas—to always double-check the data that the industry are giving you. We do run random compliance audits to try to make sure that that happens, but by and large—I guess if I had to pick a figure I would say 95 per cent of the time—we have to rely on the honesty of the industry to complete the log-books correctly. The industry are very responsible. They do try to do the right thing and they are as concerned as we all are about the sustainability of the stock—perhaps more concerned, because it is their future and their livelihood. So they are prepared to give the data without any compulsion, and we believe that they give it very accurately.

If, however, they were suspicious that the data they give could be used for other issues where they might not have quite done the right thing—non-fisheries management issues—they might not be so confident about being absolutely honest with the data they provide. Senator Greig knows, having been in the industry at one stage in his earlier life, and I know Senator O’Brien is aware of this from his wide consultations as well, that the industry is happy enough to give the information for the purposes of fisheries management and stock sustainability—which is a fisheries management issue as much as it is an environmental and conservation issue. We just think that if this sort of amendment were passed they might be suspicious and they might hold back, which means technically they would be committing offences but it would be very difficult to police. The end result of that would be that we would get less accurate data, and the decisions the fisheries managers make depend to a degree on the
maximum accuracy of the information. For those reasons as well, we oppose the amendment.

Senator O’BRIEN (Tasmania) (12.23 p.m.)—The opposition does not support either of these amendments. We are not aware of problems which would be caused by adopting the government’s amendment at this stage. We were not aware of these amendments until very recently and I suppose had we been aware when the bills were first introduced we might have had the opportunity to examine the issues perhaps through a brief committee inquiry to test the issue better. I regularly ask questions at Senate estimates and I am happy to pursue this issue further in the future, but nothing has been drawn to our attention that indicates there is a serious problem with the collection and publication of statistics. Indeed, the ABARE fisheries statistics 2001 publication compiles what I would have thought is very extensive detail of the Commonwealth fishery catch history—catch value by state and by Commonwealth—and relates that to export performance in terms of the relationship between the fisheries production and the export from the fishery. Having said that, there may be a problem, but we are not happy to amend the legislation on the run on the basis of what may be a problem. We would be happy to explore the matter further and, at the appropriate time, if some other change is demonstrated as being needed then we will give serious consideration to it. But I say again that we are not aware of any problems perceived by the industry, or any other agency for that matter, with the regime as it is proposed. For that reason, we will not support the amendment, but we are happy to pursue this matter further to test the regime in the context of the performance of the agencies, which of course by the end of the year will be providing the minister with details and we will be able to look at it much more closely then.

Question negatived.

Senator GREIG (Western Australia) (12.26 p.m.)—To assist Senator O’Brien and the minister, the context in which we constructed these amendments—and shortly I will move Democrat amendment (2), the revised amendment (1)—was this: I was advised by my research staff that there was an example recently where we Democrats learnt that AFMA was holding on to information that indicated that fishers in Commonwealth managed fisheries were breaching requirements of the EPBC Act. Upon making inquiries about this we were informed that there was no formal system for the transfer of that data from AFMA to the Department of the Environment and Heritage and that AFMA were refusing to give certain information to the department. It is our view that surely that was not an appropriate way for the Commonwealth to manage information transfer requirements between agencies. That was the context in which we came to the conclusion that these amendments ought be put forward. Without going over this particular issue again, and notwithstanding that the minister has spoken to it at some length and given his indication of support for this alternative amendment if item (B) were to be removed, I seek leave to have item (B) deleted from amendment (2) as an alternative to amendment (1), that is, item 6, subsection 167(1). If that proposal wins support, if the government is comfortable with that, then perhaps we can progress from there.

The TEMPORARY CHAIRMAN (Senator Knowles)—There is no need to seek leave. You can just move it as (1) and (1A).

Senator GREIG—On that basis I will do that. I move, having deleted ‘on the advice
and recommendation of the minister’, amendment 2:

(2) Schedule 2, item 6, page 31 (lines 17 to 23),

omit the item, substitute:

6 Subsection 167(1)

Repeal the subsection, substitute:

(1) AFMA must cause to be compiled,

from logbooks or returns furnished

under section 42 or from other sources,

statistics in relation to matters

mentioned in subsection 42(1B).

(1A) AFMA may publish or make available,

in any way it thinks fit, any of the

statistics compiled under subsection

(1).

Senator O’BRIEN (Tasmania) (12.28

p.m.)—The opposition will not support this

amendment. The proposed section requires

the publication of statistics, even though they

would be qualified. The amendment makes it

discretionary by the use of the word ‘may’.

In other words, there would be no obligation

to publish anything if we adopt this amend-

ment. It would be entirely up to AFMA as to

whether they publish or not publish. We

think it is desirable that they have an obliga-

tion, and the wording as it stands enables the

parliament through the normal estimates

process to examine AFMA on why it chose

not to publish certain data because it is re-

quired under the proposed government

amendment to publish. If it chooses not to

publish certain statistics or publishes them in

a certain way, then the parliament has an

opportunity to test AFMA as to why it made

those choices. Under the proposed amend-

ment, AFMA would have a discretion as to

whether it published anything at all. We

think that is not desirable.

Senator IAN MACDONALD (Queens-

land—Minister for Fisheries, Forestry and

Conservation) (12.30 p.m.)—On the basis of

Senator Greig’s amendment of his amend-

ment, we would support paragraphs 1 and

1A. I might say in response to Senator

O’Brien that currently, as he has pointed out, there is plenty of data and information avail-
able. One of the things that concerns me is

that the economics of some of our fisheries

are marginal. As Senator O’Brien knows,

under this government’s policy—and I sus-
pect under the previous Labor government’s

policy as well—most of the fisheries man-

agement is funded by the industry. The in-

dustry in some of the fisheries is concerned

about every bit of cost that is added to the

management of the fishery. To our political

discomfort, our government has rigidly con-
tinued that practice of the industry paying a

fair share. There are some things that the
government pays—the public good parts and

some of the environmental parts of the man-

agement—but the industry is increasingly

being called upon to pay more and more.

Costs go up as requirements are added to the

things that industry have to do. Even in-

creases in levies of $50 or $100 per licence

can hurt some operators.

Some of the industry is concerned that the

gathering and publishing of this information

can be expensive and may, in instances, not

be particularly worthwhile or go anywhere.

One of the reasons I think the Democrats’

wording is the better is that it allows some

discretion to work with industry in ways of

publishing data. I remind you that we have
done reasonably well to date, and there are a

number of publications around which will

continue to be around. AFMA understands

and if look at the review of the Common-

wealth fisheries you will understand that one

of the changes in focus in the government’s

approach to fisheries management is that we

think it works better if there is greater ac-

countability and more information made

available, not just to the fishing industry but
to the conservation NGOs and all other rele-

vant stakeholders. We have worked quite

strongly towards greater involvement of
everyone.
As I keep saying, the industry may not like a lot of the decisions that AFMA make. I will support AFMA in most cases, as I must because it is the management agency. I have insisted with AFMA that, although people may not like their decisions, I want to make sure that people understand the reasons for those decisions and the cost of making those decisions. AFMA should be confident in being able to explain their decisions to conservation NGOs, to the industry or to anyone who is interested. There should not be anything hidden. AFMA must make available all of their reasons and thoughts on why they have come to a particular conclusion. I am hopeful that there is already evidence that AFMA are being more open and involving. That is not to say they have not been in the past, but these things work better if everyone is very open and we have maximum accountability.

I know senators in the chamber will agree that the end result is that there is not any genuine competition in the management of fisheries, because everyone is working towards the same thing. If there are no stocks, if the fisheries are not managed properly, it really means that in years to come those in the industry will not have anything left to fish. The industry will be the first to agree with that proposition. Sometimes they say that in getting to that conclusion their means of operation would be different to what the management authority do, but in principle everyone agrees with that. So I am insisting that AFMA make their reasons and their thought processes—if that is the way to describe them—readily available to the industry and to NGOs so that everyone can understand how and why decisions were made. I repeat: people may not like the decisions, but I want them to understand the process and the reasons AFMA have made these decisions.

For those reasons, I think there is openness and accountability at present. Again, I invite Senator Greig, Senator O'Brien or anyone else that is interested, if they believe at times there are things happening where any government agency, particularly any I am involved with, is not doing the right thing by other agencies—as Senator Greig expressed some concern about—then please let me know. There is no competition in this. We are all working towards the same thing. If there are inappropriate or unreasonable blocks, or blocks that are done in the pursuit of some particular individual profit over the greater good, then I am prepared to talk to any agency that takes notice of me—I don’t know how many of those there are—and to use whatever influence I have as a minister to ensure that those sorts of things happen. In that comment I am trying to give comfort to Senator Greig and other senators that we do want this to work properly, but I think that the wording of the Democrats’ amendment is better for the more efficient management of the industry.

**Senator O’Brien (Tasmania)** (12.37 p.m.)—I am not surprised that the minister will take a lesser standard through the Democrat amendment. The only substantial difference between the proposed subsection and Democrat amendment (1A) is the substitution of the word ‘may’ with the word ‘must’—that is, with the second ‘must’ which appears in the third-last line of the new subsection (1) as it is printed in the bill. The Democrat amendment—and it appears that, if they wish to pursue it, they will have a win—will deliver to AFMA a discretion on whether they publish. The opposition are not going to support it. If they want to do that then the Democrats will pursue this amendment. The minister just commenced to outline a rationale for reducing the amount of information published on the justification of cost, and we will hear more and more the
justification of the non-publication of data if this amendment is carried. I cannot put it any more strongly than that. If the Democrats want in the context of this amendment—which otherwise is in the same terms as the amended act—to create the discretion for AFMA to publish in the context of the amendment then they will pursue this amendment. If they wish to ensure that data is published, albeit in a way that is qualified, then they will not pursue their amendment. That is all I can really say on this matter. We will not be supporting it. We think it is a backward step.

Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (12.39 p.m.)—In response to Senator O’Brien—and without labouring the point, although that is what I am going to do—I point out that currently, as he pointed out, there is a lot of data made available. There is more and more data coming through AFMA, and this legislative encouragement will continue that. Senator O’Brien, I know you are in touch with the fishing industry and I know you understand the difficulties that some of them are having. With respect to the wealthy fisheries I can assure you that whatever should be published will be published and the industry will pay. Their licence fees range from a few hundred dollars to many thousands of dollars, and if you added another $50 for some data it would not curtail AFMA and it would not worry me. But for some fisheries a few dollars do count, Senator O’Brien, and you would have spoken to some of those fishermen.

Senator O’Brien—I’ve spoken to a lot of them. I’m talking about publication, not collection, of data.

Senator IAN MACDONALD—It all costs money. This is some of the stuff I can produce. This is the Eastern Tuna and Billfish Fishery data summary. Those things are already going out. That is the important fishery. I know the NGOs are very interested in the Eastern Tuna and Billfish Fishery. That information is currently published and will continue to be published. The point I am really trying to make is that this gives AFMA the ability to work with industry on what should and should not be published with respect to some of these marginal fisheries, and I think the Democrat amendment gives that flexibility. It will mean that things are no worse than they are now. They will be a lot better than they are now. I urge you, Senator O’Brien—lest your arguments may have convinced the Democrats—to use your understanding of some of these fisheries. I do not play politics in these things, Senator O’Brien, as you know, but if the fishermen from some fisheries in marginal electorates are very distraught at increases in fees I will have to indicate to them that some increases may have been as a result of a compulsion to do this in the fisheries—

Senator O’Brien—From backing your amendments to the bill!

Senator IAN MACDONALD—I have been convinced by the Democrats that not all wisdom lies with the government. That is what a good, open, democratic parliament is all about. I have been convinced by the Democrats and I think their amendment is, as I indicated to them yesterday, much more sensible and appropriate in this instance. I would be very happy to support them because I think it is the better and more sensible outcome.

Senator GREIG (Western Australia) (12.43 p.m.)—I would say to Senator O’Brien: I am advised that you are wrong and that as the bill stands it mandates only for discretion—that is, AFMA is only required to exercise discretion in releasing of data. There is no obligation. Therefore the passage of the amended amendment does not
diminish the powers of the legislation. But I am prepared to get a final word on that from the minister.

Senator O’BRIEN (Tasmania) (12.44 p.m.)—I have not taken specific legal advice on this. I just have a pretty clear understanding that, when legislation uses the word ‘must’, something has to happen and, when legislation uses the word ‘may’, it provides a discretion as to whether or not it happens. The only real difference between the government’s bill and the provision that the Democrats now propose—which the government, not surprisingly in my view, now supports—is that you create the discretion not in relation to the compilation of information but as to whether it is published. We are not going to support that. I do not accept what the minister says.

Progress reported.

MATTERS OF PUBLIC INTEREST

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

Queensland: Beattie Government

Senator SANTORO (Queensland) (12.45 p.m.)—The Queensland election last Saturday gave Premier Peter Beattie a third term in office. It presented him with his second massive majority on the floor of the state legislature. That is the political reality. However, it is the administrative reality that most concerns Queenslanders, even those who voted for Peter Beattie and Labor, as his campaign line ran. The administrative reality belies the spin that the Queensland Premier puts on everything he and his government do. As a public relations vehicle, Beattie Labor is a well-oiled machine. As a government, Beattie’s Labor’s wheels fall off with depressingly regularity. As an administrative and service agency, Beattie Labor is indeed a wreck. We cannot begrudge the Queensland Premier his electoral victory. In a democracy, it is the votes of the people that count. They are the currency of the political process and they validate the administration that is formed from the majority party after an election.

But while Peter Beattie won the re-election he sought, he won it on the basis of an election called on a fraudulent platform and called, moreover, on the basis of deliberate mistruths. He cannot in his heart feel proud of that. In his heart—and he certainly knows where that is; he is forever crossing it and promising to do better next time—he knows that his political supremacy now flows even more strongly from the moral swamp into which he has led his government.

Mr Beattie called the election on 7 January, after repeatedly saying that he did not think it would be a good thing to interrupt the summer holidays and disrupt the recreational lives of Queenslanders. He called the election on 7 January, the day after the media reported him again saying that he had not made up his mind about when he would go to the polls. Fair enough. No-one in a parliamentary democracy that functions on the convention and practice of maximum terms of office rather than fixed terms would expect a premier to give away his most powerful weapon, that of surprise. Yet, it is obvious he knew that he would be springing a holiday surprise on the people of Queensland.

The election he called the day after epiphany was no surprise to Australia Post and other agencies which had Labor election literature flooding into people’s homes the very next day. That material did not just materialise out of thin air on the backs of their trucks. To stage that sort of campaign coup you have to have done everything already. You have to have had the material prepared and printed;

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you have to have had the stock delivered to distributors; you have to have had contracts signed and administrative arrangements finalised. And all this has to have been done well in advance of the green light. Yet the Premier of Queensland would like people to think that it happened in a flash.

Here is how it goes: on 6 January, Premier Beattie knew absolutely nothing about when he might feel inspired to drop in on the governor at Fernberg and advise her of his desire that she dissolve the parliament. That must be true because he told the media that day he did not know, and Premier Beattie’s proudest boast is that he is never terminologically inexact. So what happened between 6 January and 9 a.m. on 7 January? Did he wake up that day and suddenly realise that all along he had been Sergeant Schultz and that he knew nothing about the plans of the high command? Of course we know he is not Sergeant Schultz. He is not even Colonel Klink. He is certainly not one of Hogan’s Heroes. Indeed, he is the Premier of Queensland. And on 6 January—when he said he did not know when he would call the election—he knew that on 7 January, in the morning before the sun got too hot for him to hop into the limo, he would be off up the hill to Bardon for a formal audience at Government House.

But all this is beside the point, except as another discomfiting example of the exact relationship between Mr Beattie and the truth. It is a distant relationship. Of course, it is the Premier’s prerogative, as I have indicated, to call an election when he wants to. No-one would deny Mr Beattie his absolute right to wring the last possible drop of advantage out of his astonishingly comfortable incumbency. What is a real worry—and it is a worry in more than one way—is that not only was he inexact in a terminological sense prior to calling the election but he was manipulatively dishonest when he announced that the election had been called ‘for the kids’. That pretext—that reason—is simply rubbish; it is simply a pathetic excuse.

Mr Beattie would like us to believe that—after six years of energetic inaction about child abuse, after six years of facing every way other than towards the blindingly obvious truth, after six years of apparently being perfectly happy to have two incompetent ministers in charge of children’s services—he suddenly had to have an immediate election to save abused foster children and other children in state care from further harm, when all he had to do was to reconvene the Queensland parliament and, assisted by his vast majority in that place, immediately implement the child care reforms recommended by the CMC inquiry which, by the way, enjoyed the bipartisan support of the Springborg-Quinn National-Liberal coalition.

Stripped of all the rhetoric, reduced to the bare truth, the Premier’s pitch to the people of Queensland at the 2004 election was utterly cynical and completely brazen. He said, ‘I’ve got it wrong for six years. Give me three more years to fix it.’ Mr Beattie could rewrite that famous George Washington story. He could now go down in history as the boy who was caught holding an axe beside a felled cherry tree and still managed to win a reward for his wanton vandalism. What we are talking about is something that is to the dark shame of Queensland and the government of Peter Beattie—that for six years he has done nothing but procrastinate and prevaricate over child abuse. It is Premier Beattie’s handling of institutionalised child abuse in Queensland—or his mishandling of it—that is the darkest shame of his tenure. It is the single most disgraceful thing over which he has presided. He has had two terms in office and is now embarking on a third.
Where child abuse was concerned, his first two terms were characterised by denial, convenient apology, sudden flurries of money to create the impression that things were going to be fixed, and plain, outright administrative incompetence and ministerial failure. Institutional child abuse in the Queensland system is a dark stain on our state. It is a stain over which successive governments have presided. Putting this right is not a matter of partisan politics; it is the public duty, the Christian mission, of every right-thinking person. The issue is not that Mr Beattie inherited a problem for which he cannot be personally blamed. It is that the problem has been sickeningly obvious throughout his two terms in office and that he preferred to sweep the matter under the carpet. He cannot be blamed for the mess; however, he can be blamed for failing to clean it up and in doing so, in being so busily inactive, for making it worse.

Against the stain of child abuse, including sexual abuse, many of his other failures pale almost into insignificance. Against the fact that his government knew of the institutionalised child abuse in foster care and state homes, what does it matter that the smart sloganeers in the Beattie administration could not even build a pedestrian bridge for less than twice the cost originally quoted? Against the obvious fact of prevalent child abuse, who would rate the fanciful tales about who would be paying for the Lang Park redevelopment as anything more than a pain in the backside?

Against Mr Beattie’s policy of denial—he ignored the Forde inquiry recommendations, saying that it was too expensive, and he protected his preferred heir, Anna Bligh, and then the comprehensively incompetent Judy Spence from the consequences of their failures as ministers for children—does it really matter that he has turned the traffic police into yet another arm of the Office of State Revenue? Does that really matter? It certainly does not matter against his record of inaction on the issue of child abuse.

Against his preferred political tactic of shooting messengers who bear bad tidings—it is so much tidier that way apparently, particularly if the tidings are not only bad news but also embarrassing, as with child abuse—his expensive tastes in self-promotion are simply a costly joke. He cannot run a hospital system without slashing services. He cannot run a budget without running a deficit—two times in a row—even if it is hidden. He cannot run anywhere without stopping to load the blame onto someone else, to say sorry and to move on to yet another disaster for which he will again apologise.

But all of this pales into insignificance when set against his failure to act to protect children for whom the state is responsible. That he does all these things is bad enough, but he now does it with an arrogant disdain for democratic propriety that is frankly worrying. He has won the 2004 election, and he has won it with his substantial second term majority more or less intact. It is for history to decide whether this was actually as beneficial for Queensland as it was for Mr Beattie and his Labor Party. What he now needs to do is to deliver and, as I have said in this place before on this issue, I will keep getting up time after time after time and I will be carefully scrutinising the minister who will be responsible for the issues of child care and child protection. I will certainly be making Mr Beattie, at least on this particular point, accountable. As I have said previously, this parliament provides Queensland with enormous amounts of money, particularly from the GST revenue stream. We provide politically risk free money to Mr Beattie and his administration, as indeed we provide politically risk free moneys to all states in the Commonwealth and, as long as this parliament and the people of Australia keep on
doing that, we will continue to raise the issue of accountability and performance factors in any government. But in my particular case, because I am a senator from Queensland, I will seek to make the Queensland government accountable as to how it spends the moneys that this parliament gives it on behalf of the people of Queensland.

It is just another week of public shame in Queensland because it is yet another week of examples of how Labor in Queensland is not working. He should not be reappointing Bligh and Spence as ministers. He should not reward what is almost criminal incompetence and neglect of their most fundamental responsibilities—in this case, the protection of children in their care.

In the remaining time I also want to raise some issues relating to constituents who have made representations to me. Senators may be aware that the Vietnamese foreign minister, Nguyen Dy Nien, is visiting Australia today and he is meeting with our Minister for Foreign Affairs, the Hon. Alexander Downer. I was contacted earlier this week by the national leadership of the Vietnamese community and senior members of the Queensland Vietnamese community in Australia and requested to bring to the attention of the Minister for Foreign Affairs, the Hon. Alexander Downer. I was contacted earlier this week by the national leadership of the Vietnamese community and senior members of the Queensland Vietnamese community in Australia and requested to bring to the attention of the Minister for Foreign Affairs, the Hon. Alexander Downer.

In the letter, several issues of concern are raised, particularly as they relate to the violation of human rights, including:

The case of H’Boc Eban: A Montagnard hill tribe woman, she was arrested in June 2001 with her 3 children while trying to flee to Cambodia. Beaten and tortured by having electric prods shoved into her mouth and breasts repeatedly.

The case of Nguyen Ho: A former high-ranking communist official and infiltration agent in Saigon, he said “[After] over 60 years of communism, the people have no freedom. This is a shame.” Frail at nearly 90, he is now under house arrest after imprisonment.

The case of Jana Bom: A Montagnard Christian preacher and an organiser of the February 2001 peaceful demonstration of tens of thousands of Montagnards. Sentenced on 26 Sep 2001 to 12 years for “inciting civil unrest and undermining national security”. Beaten in captivity and forced to publicly confess on Vietnamese television.

There are many other instances of human rights violations that are contained in this representation that I have received, including:

The case of Ven. Thich Tri Luc (born Pham, Van Tuong): He was given refugee status by UNHCR in Cambodia on 28 June 2002, and abducted on 25 July 2002 by Vietnamese agents and brought back to imprisonment.

The case of Mr. Nguyen, Quoc Trung Tuan: On 25 June 2003, Tuan and friends distributed leaflets to protest against the 13-year sentence against democracy activist Dr Pham Hong Son. To avoid arrest, Tuan escaped to Cambodia, where in July 2003, after interviewing him, UNHCR put his case under consideration.

In early January 2004 and again last week the people who made these representations to me were told:

… he was now under house arrest in Phan Thiet and very weak, possibly due to being drugged or tortured.

They are the sorts of concerns that have been brought to my attention from the Vietnamese community. I was asked to bring these particular concerns to the attention of the Minis-
ter for Foreign Affairs, with the hope that the minister would raise these and other issues relating to human rights violations with the visiting minister for foreign affairs from Vietnam. I just wish to assure my good friends in the Vietnamese community that the Australian Minister for Foreign Affairs has assured me that he intends to do so. I also want to stress the point that in the past the government of this country has also raised its concerns about human rights issues with the visiting minister. I wanted to take the opportunity that has been presented to me in this debate to raise these matters which, as honourable senators opposite and indeed on this side would appreciate, I have raised previously in this place.

Adelaide to Darwin Railway

Senator CROSSIN (Northern Territory) (12.59 p.m.)—There are two days that will go down in the annals of history in this country as being magnificent for the progress of transport: 17 January and 3 February. I want to provide the Senate and people who might be listening this afternoon with an account of the Ghan and of the first two trains that have made it through the centre of this country from Adelaide to Alice Springs and on to Darwin. It is an exciting story and one that I know will be told for many decades to come, particularly by those of us who were there to witness the arrival of the first train in Darwin. The Adelaide to Darwin railway is a venture which has spanned three centuries. It was completed in just over 30 months—five months ahead of schedule. The inaugural freight train left Adelaide on 15 January 2004 and arrived in Darwin two days later, on Saturday, 17 January 2004. Some weeks later the first passenger train arrived in Darwin, on 3 February. Darwin, Alice Springs and Adelaide are now key cities on an exciting new transport corridor in this country.

More than 2,000 people were directly involved with construction, but thousands of others helped move the project from a concept on a piece of paper to a track across the nation. People living in northern and Central Australia anticipate the railway will bring more options for development, expansion and prosperity. Those in the south and east know that there is another route to import and export goods and to reach the centre and north of Australia. It was interesting to read what the former senator for the Northern Territory, Bob Collins, had to say on radio yesterday. He said:

I don’t think anyone should underestimate the great achievement that getting this railway financed, built and now operating was.

There was probably never a truer word spoken.

I want to provide the Senate with some information about the kinds of logistics that go into such major infrastructure as this. The project involved construction of a new 1,420-kilometre stretch of standard gauge line between Alice Springs and Darwin. The Asia Pacific Transport consortium won the commercial tender to design, construct and operate the railway. ADrail is the design and construction contractor and Freightlink is the operator.

I have been representing the Northern Territory in this chamber for over 5½ years and I remember saying in my first speech that I hoped to see the realisation of this railway. I have had the opportunity to meet many ADrail workers and supervisors during the time of the construction of this railway. They have been such a dedicated bunch of workers—hard workers—so let me quite rightly commend their efforts for what must have been very hot work in that sun day after day, laying two kilometres of track month after month in order to get this project in on time.
and on budget. As the Chairman of Asia Pacific Transport, Malcolm Kinnaird, stated:

The construction of the Alice Springs to Darwin line is now finished, but the story of the Adelaide to Darwin Railway is just beginning. What it offers is a cornucopia of opportunities for Australian businesses.

Darwin is expected to become a major transhipment point for containers and other freight into and out of Australia, and it is hoped the railway will be a major trading route between Asia and Southern Australia. The immensity of its scale and the nature of the terrain it passes over make it one of Australia’s great engineering successes and a tribute to those who have worked on it. More than 85 per cent of the construction costs were spent in South Australia and the Northern Territory, providing a stimulus to the gross state product of those states of $382 million and $440 million respectively over three years.

The railway is expected to be an important line of supply not only during peacetime military exercises but also when Australia needs to deploy equipment and personnel during times of emergency, such as during the East Timor crisis, when it would have been most useful. Transportation of military equipment, machinery and personnel from southern depots to the north will be easier via the transcontinental railway.

The railway will provide unlimited tourism opportunities for people travelling to northern and Central Australia. Tourism authorities expect the Ghan passenger service between Adelaide and Darwin to be one of the great train journeys of the world, alongside the Orient Express and the Trans Siberia. Few others cross a continent of the breadth and diversity of Australia. I clearly remember spending a lot of time with passengers and others during the last month who were recounting their stories of coming up on the freight train and on the passenger train. They spoke of winding through the hills of Adelaide and the Barossa Valley through to Port Augusta, seeing the enormous desert area of Coober Pedy and Alice Springs through to Tennant Creek contrasting with the green lush vegetation you encounter in Katherine before going through to Darwin. It will be a truly magnificent journey for those who undertake it. The rail could also bring other rewards, including expansion of the live cattle trade.

The unique climatic characteristics in northern and Central Australia provided many challenges for the workers and engineers during the project. Outback Australia has an extraordinary temperature range: between the cool of night and heat of the day there are extremes of anywhere from minus 10 degrees to 65 degrees Celsius. It was calculated the rails would be subject to temperatures ranging from 45 degrees around Darwin to 74 degrees around Alice Springs.

To give you some concept of the scale of the project, construction of the railway required 93 bridges to be built and the use of 146,000 tonnes of steel rail, 15 million cubic metres of earthworks, 46 graders, 36 bulldozers, 31 scrapers, 129 heavy trucks, 195 light vehicles and 20 buses. It cost $1.4 billion and it is 1,420 kilometres in length. The track has been designed to handle a maximum speed of 115 kilometres per hour, and computer modelling has predicted an average speed for a fully laden train of up to 80 kilometres per hour.

Employment peaked at over 1,450 people working directly for Adrail and other major contractors in September 2002. Construction depots were built at Katherine and Tennant Creek where the engine rooms of the railway were situated. At the peak of the activity, scores of people worked around the clock mixing concrete for the sleepers, cutting
them, stockpiling them, joining lengths of rail and loading trains for tracklaying.

The original gangs of railway workers who built the lines to Oodnadatta and Pine Creek in the 19th century lived under canvas tents or slept in swags; they cooked and ate out in the open and wore street clothes when they laid the rail and cleared the corridor by hand. It was certainly more labour intensive in those days than in the 21st century when this modern track was laid. The land was cleared by an armada of heavy machinery, the rail laid by huge mechanical tracklayers and most of the 1,500 employees enjoyed a more agreeable standard of living in airconditioned dongas as we call them in the Top End.

After a day in 40-degree heat, building earthworks or bridges or welding sections of rail, modern workers were able to take a cool shower, eat a hearty meal and have a good well-deserved cold beer. The camps were located along the line around 100 kilometres apart to accommodate workers who had to move regularly to keep up with construction. Some 15 per cent of the work force was Indigenous—a level that has never been achieved on any other major Australian project.

To many of us the great expanse of country between Alice Springs and Darwin may appear a barren landscape, but Aboriginal people, on the other hand, who have lived in this environment for thousands of years, consider it far from empty. The area is full of reference points and landmarks that are spiritually significant to our local people. One of the major and unheralded achievements in building the rail link between Alice Springs and Darwin has been the agreement secured between the Aboriginal people and the Northern Territory and Commonwealth governments through the land councils. Aboriginal people will benefit in many ways from the development and completion of this project.

This is the first transcontinental freight train to cross the country south to north. The railway, as I have said, was completed five months ahead of schedule. It is a project that has already seen millions of dollars worth of job contracts go to South Australian and Territory businesses and workers. Rail operator, FreightLink, has signed a deal with South Australia’s Scott group of companies for a guaranteed 120,000 tonnes of freight per year to be moved north.

There was a time when South Australian businesses supplied 80 per cent of the goods and services to the Territory, as it could not provide them for itself. Over the years, that number has dwindled to 50 per cent, with Queensland and Western Australian suppliers winning a greater share. The railway is now complete and the opportunity arises for South Australia to win back that hefty market share.

All governments must now work together to capture international trade benefits for South Australian and Northern Territory industries. Private sector advantages in utilising the railway to produce real beneficial outcomes need to be realised. South Australian exporters must have been pleased to hear of the new shipping service operated by Swires, which will now go weekly between Darwin and Singapore. The opportunity now arises to establish a regular shipping route from Darwin to northern Asian markets, a route that many South Australian exporters currently operate out of Melbourne. It would be much more time and cost effective to move that cargo by rail to Darwin, then ship it directly north.

To top it all off, the Northern Territory government will host the international freight symposium, Global Freight Connect 2004, in Darwin in February this year. This will be
another effort to raise the international awareness of the newly built AustralAsia Railway. And in April the Northern Territory government intends to embark upon a joint marketing mission to northern Asia where it will focus on the AustralAsia trade route and lobby for the development of new shipping connections between Darwin and that region.

The arrival of this train is the culmination of decades of hard work by generations of Australians. People in the Territory were able to share in the arrival of the first train, with thousands of people lining the track. There are many wonderful stories about people who were out there along the track day and night having picnics, shining torches, toasting the train with champagne and just being there to be part of the history as it rolled on through. I remember someone in Alice Springs saying to us that it looked like a long, steel caterpillar. Of course, for Indigenous people in Alice Springs, their dreaming is the Yeperenye, the caterpillar. Indigenous people in Central Australia made the connection between their dreaming of Alice Springs and the way in which this kilometre or so of steel train wound round the tracks and to them looked like a steel caterpillar.

There are many who have had historic connections with the project whose grandparents and great grandparents worked the first train line a century ago. I want to pay tribute to the hundreds of public servants in the Northern Territory, the South Australian and the Commonwealth governments who over the years have spent many hours putting pen to paper to make sure this project was realised. Tribute must also go to the previous Northern Territory governments and the previous South Australian governments for their groundbreaking work and, in particular, people like Barry Coulter and Paul Everingham who devoted much of their time and their dreams to this project. Private sector companies that won railway construction contracts and acted in partnership with the government need to be recognised, as do the men and women of the AustralAsia Railway Corporation for their work over the last six years of project development. Finally, the people of the Northern Territory need to be thanked. They persevered with this project for decades when people thought it was going to be a pipedream. People in the Territory always remained supportive. They believed in it. Their dream has finally been realised.

I want to pay tribute to this fantastic book that has been put together by David Hancock called A Vision Fulfilled. It is a wonderful pictorial display of the laying of the track from Alice Springs to Darwin. I would urge people who are listening and people in this parliament if they get a chance to buy a ticket and get on board because it really will be a trip of a lifetime.

Forestry: Timber Communities Australia

Senator BROWN (Tasmania) (1.14 p.m.)—I congratulate Senator Crossin, and I will certainly be joining that queue. In the Senate I have been subjected to some well-crafted diatribes on behalf of the woodchip industry in the recent past, so here is an informative rejoinder. There is an insidious strategy being undertaken by the forestry industry in Australia and its political backers to manipulate the forestry debate and coerce media outlets in this country, and indeed around the world. Tasmania, as you know, is the epicentre of native forest logging in Australia, and last year over five million tonnes of woodchips were exported, largely from old-growth forests. Tasmanian company Gunns Ltd is the biggest native forest logging company in Australia, and indeed the biggest hardwood woodchipping company in the world. Nevertheless, according to a recent Newspoll commissioned by Doctors for the Forest, 85.4 per cent of Australians want federal intervention to stop woodchipping of
old-growth forests in Tasmania. So the woodchippers have lost the argument for the hearts and minds of Australians and instead, as I will go on to demonstrate, have opted to bully and threaten the media to stop it running stories on the issue.

When articles on the forests appear in print or go to air, there is an outcry from the forest industry. But what at first appears to be a broad based response to a media story is, in fact, a highly orchestrated campaign by a small cabal long linked by personal history and involvement with the woodchip industry and using an innocuous-sounding organisation called Timber Communities Australia, TCA, as a front to give it credibility. Since its inception in 1987, TCA has been positioned as the voice of the little people caught between the conservation movement, governments and the large woodchip companies. It purports to be the authentic voice of those who are merely seeking to make a living and keep their jobs, to feed their families. Its advertisements feature stereotypes of the hard-working family—craftspeople, bee keepers, people in truck-stop cafes and children in the bush with their grandparents. Its web page says it is a grassroots organisation which ‘exists to encourage the sensible, balanced multiple use of our forests for the benefit of all Australians’.

In fact, it is the brainchild and mouthpiece of NAFI, the National Association of Forest Industries, headquartered in Canberra, the lobby group of Australia’s logging and woodchip corporations. NAFI and Timber Communities Australia share a common headquarters in Canberra and a common executive director, Kate Carnell. In 2001-02 only four per cent, or $43,630, of Timber Communities Australia’s income came from its members. Seventy-six per cent, or $730,000 out of $965,498, was from direct industry contributions. In the following year, 2002-03, direct contributions from industry to TCA rose to 86 per cent—$734,154 of the total of $838,977—and, conversely, member contributions fell by $4,228 to only $39,402. NAFI’s in-kind contributions to Timber Communities Australia, by way of space, salary and administrative assistance, were valued at a further $67,891. In other words, industry contributions pay the wages of Barry Chipman, Timber Communities Australia’s ubiquitous Tasmanian spokesperson, and eight other staff around Australia. So irrelevant is the role of TCA members that, under ‘Significant Accounting and Auditing Issues’ in the 2001-02 financial statements, the auditors report that Timber Communities Australia:

… has 55 branches and hence bank accounts across Australia. Of these there are 14 branches which continue to hold meetings, however there has been no activity in their bank accounts during the year.

So these branches are financially dead. Timber Communities Australia is, in fact, an astroturf organisation, to use its own public relations jargon—fake grassroots. It is part of one of the public relations industry’s more insidious inventions, the anti-environmental, self-named Wise Use movement, founded in the United States by Ron Arnold and others in the 1980s. Indeed in 1986 the chemical industry sponsored a tour of New Zealand by Mr Arnold. Describing himself as the ‘Darth Vader for the capitalist revolution’, he defended the use of the Agent Orange herbicide 245T and claimed that environmentalists were inundating the US with a wave of eco-terrorism. In a speech to Canadian timber executives in 1989, Mr Arnold advised them not to try to take their message to the public themselves. He warned, would distrust the motives of big business. Instead, he told them to organise local grassroots organisations—and this is so relevant to Australia, because this then came directly to Australia. He explained to the executives at
that meeting in Canada that a local citizens’
group:
… can do things the industry can’t. It can speak
as public spirited people who support the com-
munities and the families affected by the local
issue. It can speak as a group of people who live
close to nature and have more natural wisdom
than city people … It can evoke powerful archet-
types such as the sanctity of the family, the virtue
of the close knit community, the natural wisdom
of the rural dweller …

In 1987, Dick Darnoc assumed the leader-
ship of the Australian timber industry’s lead-
ing lobby group, known today as NAFI.
Darnoc was then managing director of Wey-
erhauser Australia Pty Ltd, a subsidiary of
the $6 billion-a-year US based forestry firm
which has helped Wise Use groups in the
United States. By the way, Mr Chipman of
Timber Communities Australia has been to
meetings in the United States which involved
representatives from corporations such as that.
Under Darnoc’s leadership, the Aus-
tralian timber industry launched the Forest Pro-
tection Society. According to NAFI’s execu-
tive director at the time, Paul Edwards, the
plan was for the timber industry to provide
the Forest Protection Society with funding to
get it off the ground. But 17 years later, as I
have indicated, the Forest Protection Society
has metamorphosed into Timber Communi-
ties Australia and is being funded 86 per cent
by direct industry donations. As Barry
Chipman, TCA’s mouthpiece, has admitted:
We could not function without that support from
the companies and the industry.

John Gay, Managing Director of Gunns Ltd,
Chairman of the Board of FIAT—the Forest
Industries Association of Tasmania—and a
director of NAFI, said this in the 2002 FIAT
annual report:

Of particular note is the invaluable alliance we
have with Timber Communities Australia … We
are pleased to be able to continue to offer support
for TCA in recognition of the very significant role
the group plays for the industry.

Mark Addis, then CEO of FIAT, said in the
1995 annual report:
It is worth noting that to work effectively with
strategic allies you have to accept you can’t just
create the networks and allegiances overnight. It
is a function of personalities, trust and continuous
communication.

Senators will remember the royal commis-
sion in Tasmania in 1990 to investigate the
attempt by Edmund Rouse, Chair of Gunns
Kilndried, now Gunns Ltd, to bribe a mem-
ber of parliament to cross the floor to stymie
the Labor-Green accord because such a
government would threaten the profits of his
timber business. The royal commission re-
port revealed that Mark Addis had, on behalf
of FIAT, promised the then Liberal Premier,
Robin Gray, $40,000 to support a second
election. There was going to be a community
campaign which was going to force a second
election and bring Mr Gray back in.

The bribery attempt failed, Mr Rouse
went to jail and the Labor-Green accord
came to power in 1989. It was undermined in
1991 when Jim Bacon, Trades and Labor
secretary of the day, and Mark Addis helped
seal up a deal with opposition leader Robin
Gray to protect the Field Labor government
long enough to secure the passage of forestry
resource security legislation through the par-
liament, breaching the accord and knowing
that the government would fall as a result,
which it duly did.

Now Jim Bacon is Premier of Tasmania
and Mark Addis has gone on to be Secretary
of the Department of Infrastructure, Energy
and Resources with responsibility for For-
estry Tasmania and the Forest Practices
Board, the industry’s self-regulatory mecha-

nism. He scored that job under the ministry
of Deputy Premier Paul Lennon. John Gay,
Mr Rouse’s CEO in 1989, is both Chair and
CEO of Gunns, and Robin Gray is on the
Gunns board in 2004. Paul Lennon, also of a former secretary of the Trades and Labour Council, now Deputy Premier and minister responsible for forestry, as I said, brought Mark Addis into the public service.

These strategic allies in industry and government swung into instant action against critical publicity. NAFI spearheaded the attack on Alan Gray’s publication, *Forest-Friendly Building Timbers* in 1999 when it was placed in hardware stores around Australia. It was withdrawn as a result of that attack. In 2003, Barry Chipman, on behalf of Timber Communities Australia, attacked the BBC’s *Earth Report* on Tasmania’s forests and had a judgment rained down on it in London. Premier Jim Bacon’s office threatened defamation against Tasmanian web site Tasmanian Times for publishing a translation of an article critical of forestry in the French newspaper *Le Figaro*. Then Qantas backed down on a billboard which had been placed at Sydney airport and had it taken down overnight because it showed Tasmanian forest destruction. The forest industry struck very quickly there. Just last month, Doctors for Forests and Newspoll were on the receiving end of very strong pressure when they published a national poll—the one to which I have referred—showing the level of opposition to woodchipping of old-growth forests. I also understand that there has been a lot of pressure brought on to the SBS *Insight* program because of a forest story it ran.

By contrast, Timber Communities Australia held no demonstration when the Burnie pulp mill closed in 1998 with the loss of 280 jobs, when North Forest Products shed 50 contractors in 1999 or when Gunns, which by then had taken over North, shed another 30 jobs in 2001. Timber Communities Australia has had its lines and media positioning helpfully crafted by huge corporate public relations machines, including Burson-Marsteller. Certainly Timber Communities Australia’s participation in the Forest and Forest Industry Council coordinated multimedia strategy—helped along with the Tasmanian government, Gunns, Forestry Tasmania and the Forest Industry Association of Tasmania—to ‘take the fight up to conservationists in a fiery national debate’ in 2004 will come from industry funding, as will its litigious campaigns against the media, if and when they continue to run stories critical of woodchipping.

Timber Communities Australia will front prominently in the campaign to provide an ‘authentic’ or ‘genuine’ veneer of credibility. For Timber Communities Australia, read Kate Carnell, John Gay and, indeed, as you will, their supporters in the Premier Jim Bacon and Deputy Premier Paul Lennon. As Ron Arnold said way back, ‘Facts don’t matter; in politics perception is reality.’ This anticonservation woodchip industry strategy, fronted by Timber Communities Australia, is an abuse of truth, a manipulation of public opinion and so an undermining of democracy, which depends on credible and properly attributed information.

In closing, as you know, Mr Acting Deputy President Cherry, the forest industries in Tasmania are effectively on public trial. Their destruction of Tasmania’s forests at the greatest rate in history—and with them the wildlife of those great forests—is an absurd abuse of a marvellous national resource and a destruction of the iconic heritage forests of this old nation. It is time this industry was brought to book by proper democratic processes and by a fair and honest and above-board debate which does not involve coercing, pressuring and litigious measures against those who wish to make this debate based more factually on credible information before the public arena.
Before Christmas I attended a number of graduations of Green Corps projects in Geelong, Bendigo and Bacchus Marsh in Victoria. These were the latest of some 30 Green Corps project launches and graduations I have attended since 1999. To me, these occasions are always inspiring because they remind me of the fundamental, rebuilding Australian community premise that categorises and underpins the success of the coalition government’s programs—that is, the premise that governments should and must have a belief in and provide for the vision, drive and resourcefulness of the ordinary Australian people whom we serve. Green Corps is an excellent example of that.

For those senators opposite and on the crossbench who are perhaps unfamiliar with the Green Corps program and what it brings to the Australian community let me first give them a brief rundown on it. Put simply, Green Corps is a voluntary youth development and environmental training program for young people aged between 17 and 20. To give it its full title, the Green Corps—Young Australians for the Environment program is an initiative of the coalition federal government which was announced in the federal budget on 20 August 1996. Following the initial success of the program, the government continued funding to provide at least 1,700 placements each year. To date, over 10,000 young people have participated in over 1,100 Green Corps projects.

The program provides young people with the opportunity to conserve, preserve and restore Australia’s natural environmental and cultural heritage. Each Green Corps project involves, for 26 weeks, 10 young people who receive an allowance ranging from $189 to $361 per week. Projects are located mainly in regional and remote areas of Australia and focus on areas where environmental and heritage restoration, protection and conservation are a high priority.

The objectives of the program are to: (1) give young people experience in projects that focus on areas where environmental conservation work and heritage restoration is required; (2) promote environmental, conservation and natural heritage outcomes and benefit the community and the environment; and (3) contribute to the Green Corp participants’ personal development, including team work and leadership skills; skill development and training through activities that are structured and sequential in their learning outcomes; strengthened connections with the community and environment through relationships, participation in and contribution to the community and environment; and improved career and employment prospects through accredited training and on-the-project training.

The environmental outputs achieved from completed projects include propagation and planting of over 9.9 million trees—put this in the context of the previous Labor government’s grand plan to plant one million trees—erection of more than 3,800 kilometres of fencing, removal of over 35,000 hectares of weeds, collection of more than 6,700 kilograms of seeds and construction or maintenance of more than 3,200 kilometres of walking tracks.

The centrepiece of a Green Corps graduation is usually a presentation by the graduating team members of their experience. As I said at the beginning, I have always found this inspiring and today I present an example to share with senators from the graduation of the Geelong ‘look, touch, feel’ sensory garden project held on 12 December 2003. I seek leave to table a list of the participants of the Geelong project.

Leave granted.
Senator TCHEN—This graduation is only unique in that I had the presence of mind to grab the speech notes of the young people who spoke. It is but an example of all Green Corps projects and participants, their endeavours and commitments. Let me read from these speeches. Belinda Nixon said:

Six months ago on the 23rd of June, Jarrah, Sarah, Tim, Brad, Jovo, Selen, Sophie, Matt, Daniel, Paul and I met for the first time as strangers, eagerly anticipating the next six months of employment and pay cheques. We graduate today, as the same nine completely different personalities but knowing each other almost as well as we know ourselves.

We have had a brilliant six months with each other and Paul—

By the way, Paul is Paul Mervin, who was the project supervisor—

who has not only shared his enthusiasm and passion for the environment with us but also has the ability to relate and communicate with us all no matter how different we are from each other. He is dedicated to helping and educating young people in their work but also to helping many of us cope with the challenges thrown at us outside work as well.

As for us fellow team members we have gained friendships with people we would never have usually talked to because of different interests and clashes of music, friendship groups, private piercing, social habits, hobbies and farting habits which we have now learnt is irrelevant as true friendship is accepting each other the way we are despite our differences. ...

I won’t deny we all had our fair share of arguments, debates, disagreements and bad days. But that was just our different personalities shining through.

I believe our project has been hugely successful because it has achieved its aim of bridging gaps and misunderstandings between young and old, different nationalities and different physical and mental capabilities. The clients at SCOPE—

That is the sponsoring agency—

not only gained a sensory garden and new friends but also taught many people the most important life skill you can ever gain and that’s acceptance of all people.

Green Corps has taught us an endless amount of new skills and qualifications, which will continue to develop and assist us no matter what our future ventures may be.

I think Green Corps is the most fantastic program as it employs youth who may not be able to get employment otherwise and it promotes and raises environmental awareness to a hard target group but the most important group for the future. It is so hard to get most people to care for the environment but if every team member in Australia gets just one other person to reconsider or even just consider their stance on protecting the world we live in then there is no way to place a value on Green Corps’ importance.

I want everyone in our team and in this room to use what they have learnt to make people think and just consider no matter what their hobbies, be it camping, rock climbing, trail bike riding, jumping of sand dunes, lying on the beach, surfing, picnics, four wheel driving, hiking, fishing, an outdoor musical festival or rave or just a Sunday drive along the coast, none of those things would be possible without people fighting to protect it.

Every person in this team and our leaders have helped to mould us into who we are and who we will become. Be true to yourself and don’t ever let yourself be limited by others criticism. That is from Belinda Nixon. And from Tim Steel we have this. Tim says:

We’ve had a lot of good times with Green Corps and a few disagreements in the past six months. I’ve seen a lot of friendships grow. Now when we came here the garden wasn’t too flash. But look at it now! Who here likes the garden? I know I sure do. The clients here were good along the way making it a happy environment and putting a smile on our faces every day. It’s really sad that this is coming to an end. But without Green Corps I wouldn’t have the confidence to do anything. I sat at home every day and slept. Now I get up every day and work.

As I said, it is truly inspiring.
Green Corps involves multiple partners from the community and other governments at the local level in projects and fosters the building of community capabilities through, firstly, promoting the contribution of young people in the community, secondly, strengthening the links of young people with the community and, thirdly, encouraging the active engagement of the local Indigenous and non-Indigenous community. This involvement by the communities and other groups and governments is also crucial to the success of the Green Corps projects.

The Geelong project was sponsored by SCOPE Disability Service in Geelong. The manager was Bill Fields, who was also a direct participant in the project and worked with the participants. The project itself was sponsored by the Geelong Ethnic Community Council, a very unusual sponsor. The CEO of the Geelong Ethnic Community Council is Jordan Marvos.

The Australian government contracts out the project management to other groups, initially to Australian conservation volunteers, and, more recently, to Job Futures and Greening Australia to deliver the programs nationally. The Victorian projects are managed by Job Futures, and I thank Ann Holland from Job Futures for the support she has given that project and me in collecting the information. Thank you.

Indigenous Affairs: Health

Senator RIDGEWAY (New South Wales) (1.40 p.m.)—I rise today to talk about an issue of concern to me and, I believe, the entire parliament. During the Christmas and New Year break I had the opportunity to participate as part of an Indigenous reference group in looking at the question of Indigenous health in this country. One of the questions we posed as part of an advertisement that appeared in the weekend magazine in the Australian was: why is the health of Indigenous Australians the worst in the developed world? I think that this is an important question for all Australians because, at a time of record national prosperity, the health and wellbeing of Indigenous Australians is in crisis. It is slipping further behind the health and wellbeing of other Australians and it really cries out for immediate action from government in terms of dealing with this issue, particularly when you consider that the health care need is eight times greater for Indigenous people than for other Australians and that that is significantly worsening. Australian Indigenous life expectancy is 20 years below the national average. As similar countries like Canada, New Zealand and the US have closed this gap to just three to seven years since 1970 we have to ask the question: why has it not changed here?

Looking at what the figures show, when you look at the percentage of the population that is expected to live to the age of 65 you see that most Indigenous people in this country will probably not live to that age. Indeed, when you compare it to Third World countries, Australian Aboriginal males and females are far below the life expectancy rates of Nigeria, Nepal, Bangladesh, India, Thailand, Vietnam and so on. In many respects, whilst we all have a concern for this, I think a key part of how we overcome it is not just looking at simplistic responses to what are very complex and challenging issues but that we often have to deal with the underlying causes rather than just the symptoms. I think it also requires better access for Indigenous people not just to health but also to education, housing and employment opportunities on par with other Australians.

Last year the government, through the Productivity Commission, released the Overcoming Indigenous Disadvantage: Key Indicators. It was produced as a necessary result to make a statement to the Australian people and, more particularly, to the parliament.
about benchmarks that needed to be set. It also highlighted Aboriginal disadvantage and demonstrated that the government needs to invest in solutions to overcome those circumstances.

Many eyes in this country, at least for the past five or six years, are looking to Cape York for solutions, and there is no doubt that the ideas coming from there are finding support particularly in government and in other quarters. I would respectfully suggest that we might also cast our eyes to the far west of New South Wales in seeking some of the answers that we need. In particular I refer you to the Murdi Paaki ATSIC region of New South Wales and the leadership there being shown by the regional council and in particular the chairperson, Mr Sam Jeffries. Regardless of our views on the shortcomings or otherwise of ATSIC, we do have a responsibility to focus on initiatives that are working and satisfy ourselves that these are worth while investing in. I believe the Murdi Paaki region presents us with such an opportunity. Murdi Paaki is moving towards a model to strengthen Aboriginal community governance over the policies and programs that impact on communities in that entire region. On a recent visit that I took to Broken Hill I had the opportunity to witness first-hand the positive impact of the Murdi Paaki approach.

One of their most successful initiatives is the Maari Ma Aboriginal Health Service, a regional service providing primary health care services to 10 communities in far west New South Wales. The key features of Maari Ma are that they are managed by an all-Aboriginal board of directors; they deliver primary health care services with a heavy focus on Aboriginal health; they manage mainstream services across the region, not just for Indigenous people, delivering services to the entire community under a very unique management agreement with New South Wales Health; and they have very strong and practical working partnerships with the Far West Area Health Service, the Royal Flying Doctor Service and the Sydney University Department of Rural Health, which are all based in Broken Hill. Maari Ma also places emphasis on community development and is active in youth development and Aboriginal men’s groups with a focus on developing and improving community leadership. It supports the Murdi Paaki Regional Council in getting more effective and responsible decision making to occur within Aboriginal communities.

So the experience that Maari Ma has gained from managing health services can, to my mind, contribute to new thinking that is emerging in the health and welfare sectors. Maari Ma is engaging its communities in the development and delivery of health services, and it is starting to move Aboriginal people away from merely being passive receivers of services. Community working parties provide community based forums that keep organisations, both Aboriginal and non-Aboriginal, accountable to the communities they are there to serve. The Murdi Paaki approach of developing Aboriginal community forums, called working parties, is designed to ensure that all the programs that are delivered in the far west are run well. This has to be an imperative in rural and remote regions to maximise benefits to communities with scarce resources.

In addition to issues of accountability and innovation, effective Aboriginal governance at the community and regional level are paramount if we are to address the disadvantage reported by the Productivity Commission. We need to find practical models that have demonstrated their ability to work well and are doing so now. In many respects, Maari Ma Health is one such model. We need to learn from the experience of those who are involved in organisations such as Maari Ma and their partners to ensure that
we remain positive about the challenges that Indigenous disadvantage presents us, rather than sinking into the inertia that is often associated with thinking that the issues are too formidable to be overcome.

In many respects when you consider the innovative approach that has been taken in the far west of New South Wales, it is one of those areas from which—whilst it has been designated under the government’s COAG trials—we can take some lessons and which might perhaps be replicated across the country. What I find so exciting about the approach is the fact, as I have mentioned, that they have entered into partnerships with a range of different non-Indigenous organisations, including government. They are delivering services to non-Indigenous people in the community, and that has to be a good thing. It promotes greater partnerships, greater trust and confidence in the way that relationships are formed. It also contributes to the spirit of how towns in rural and regional locations can work together if there is an opportunity for that to occur.

So the developments that are occurring in the Murdi Paaki region are worth our attention. This region is in fact the New South Wales pilot, as I have said, for the COAG ‘shared responsibility’ initiative. We need to inform the current debate on Aboriginal affairs with ideas and concepts that are progressive and innovative. I know that we sometimes get caught up on the issues about review, reform and restructure of organisations such as ATSIC. Sometimes we look at the wallpaper more than the house burning, and I think we need to focus more on the house to make sure that there is a way of being able to move forward. We can learn from the developments occurring in the Murdi Paaki region of New South Wales. All governments and all Australians must get behind these types of initiatives and start rewarding the good rather than treating the good, the bad and the ugly solutions in the same way. In many respects, I suppose, if we consider the regional partnership approach and we are talking about broader access issues of housing, education and employment as other issues that need to be looked at, we need also to question the way in which grants are made and whether or not they are achieving the goals that need to be set.

Last week I met with five shire councils in the far west that have formed what is called the Barwon Darling Alliance. The Barwon Darling Alliance, chaired by Sam Jeffries of the Murdi Paaki region, is one where the members are sitting down and talking to the New South Wales government. I understand they have met with the federal government to talk about things such as economic zones being created. The purpose is not so much about trying to get an edge or an advantage over anyone else; the idea is to recognise that these are distressed economic communities, and where one suffers the rest suffer as well. They are showing the sort of leadership that is required in order to address the problems that many young people in their communities face. Yes, there are the young who head off to the larger regional cities and perhaps to places such as Sydney, Melbourne, Brisbane and so on, but, more often than not, there are those who stay behind. They are young Indigenous people and, unfortunately, most of them end up on the treadmill of being sent to juvenile institutions across the state. They are eventually bound to a permanent pathway to end up in the nation’s jails.

One suggestion they are promoting is that the government may see some way forward to assist these shire councils. They are doing a good job. The Murdi Paaki Regional Council is part of that approach. It is looking for innovative ways that are cost effective; I do not believe that they would cost a lot of money. If we think about how the tax system operates in this country, it needs to be more
focused on looking at social economics and providing some opportunities for communities to be able to lead themselves out of some of the troubles they find themselves in.

Of course, this is compounded by some of the problems that we see—not just in western New South Wales but across the country—because of the effects of drought and other sorts of natural hardships, but we cannot continue to blame that for things that have gone bad. Most of all, when you consider the question of the alarming life expectancy rates amongst Indigenous people as the No. 1 indicator of how bad things are, that really requires that we need to do more. I would encourage the government—and I know that Senator Macdonald, from his work in Queensland, and Senator McGauran both have an interest in this issue. We deal with things through our various committees but, at the end of the day, if there is an opportunity to be able to move a little further to promote these partnerships and provide the right sorts of tax incentives, grants are part of the process but I think we have to look beyond that.

We have to change the conditions to allow these communities to build their own capacity to be sustainable economic, social and cultural communities into the future. I think it is about a very progressive, honest and responsible approach to Indigenous affairs, particularly when, in the coming weeks and months, it is more than likely that the parliament will get the opportunity to hear what the government says in response to suggested changes to ATSIC. Much of what has been said about Indigenous affairs, unfortunately, has ended on the head of ATSIC when about 15 per cent of Indigenous programs are dealt with by ATSIC and the rest by primary agencies—health, education, housing and so on. At the end of the day, whatever the response is, I think it has to be proportional to the responsibility. They do their bit under very trying circumstances. Unfortunately, the story is not always portrayed as positively as we would like. Yes, there are problems, but I also see enormous opportunities. When you consider that almost 70 per cent of the Indigenous population are now under the age of 25, and half of them under the age of 18, it is a very youthful population when compared with the rest of the country.

I see opportunities in terms of leadership and I see opportunities in terms of a work force by giving them chances to learn and to take on the responsibilities of leadership for initiatives like Murdie Paaki and Maari Ma. Most of all, it is an opportunity for the government and all of us to ensure that there is a future where Indigenous people in this country can enjoy the same life expectancies and life enjoyment outcomes and opportunities that other Australians get to enjoy. For many Australians it is a privilege, but for Indigenous people it is a struggle and an issue of survival. I think we ought to draw attention to the fact that we have Third World and Fourth World conditions in many Indigenous communities. We do need to deal with the gap of life expectancy rates—they are getting worse, not better—and I think the government needs to turn its mind to that as the No. 1 priority in an election year.

**Forestry: Timber Communities Australia**

Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (1.54 p.m.)—I appreciate what Senator Ridgeway has said and agree with many of his comments. I draw to Senator Ridgeway’s attention the Howard government’s Indigenous forestry strategy. We hope to get Indigenous people involved in the land, to which they have a natural attachment, and we think they can do this by working in forestry and getting involved in forestry in a very sustainable way. This brings me to the point that I really want to
raise in the few minutes available to me in this debate on matters of public interest.

Timber Communities Australia is a magnificent grassroots organisation. It is a group of ordinary Australians—if you can call them that—working in the industry, working in country communities, who are eventually getting their message across about the hypocrisy of the Greens and their very left-wing agenda. We had to sit through Senator Brown’s tirade against Timber Communities Australia and against various other people who are not in a position to defend themselves in this chamber. I usually dismiss most of what Senator Brown says as just the ultra-left-wing rhetoric that he goes on with, but I noticed in this case that he read every single word of his speech. So it was a premeditated attack upon good people in Australia who are trying to protect their jobs and their rural communities. Senator Brown has nothing but contempt for those workers, genuine Australians who understand what forestry in Tasmania and elsewhere is all about.

Senator Brown went on with a litany of complaints that he allegedly has against individuals and groups in the timber industry. Of course, he never once mentioned his absolute hypocrisy in the way he deals with forestry matters. You will recall the debate on the regional forest agreement, where Senator Brown used to make these wide statements about logging happening in World Heritage areas. I challenged him four times on that. It all sounded pretty good to anyone listening to the debate, but when you challenge him and ask him for details he changes the subject. He never comes back to it, because he just talks; the words just fall out of his mouth because it is part of the left-wing agenda that he wants to promote.

Timber Communities Australia are a magnificent group of people who care about Australia and who care about sustainable forestry. They understand that sustainable forestry will help not only rural communities and workers in their jobs but also our balance of payments exports. Senator Brown, by contrast, makes these wild accusations that have no credence at all and no basis in fact. Unfortunately, it seems that Senator Brown is indirectly supporting the inappropriate logging practices that we know happen in other parts of the world. I say that because Australia has a $2 billion trade deficit in forest and wood products and a lot of the imports that Australia has to have come from forests that are nowhere near as sustainably managed as are the forests in Australia. But Senator Brown chooses to try to disrupt a sustainable, well-managed, environmentally friendly forestry industry in Australia and, by so doing, he makes Australia much more reliant upon imports of product from forests that are nowhere near as sustainably managed.

I wish I had more time to go through Senator Brown’s speech in detail and point out his inconsistencies and his general ability to denigrate people who are not able to defend themselves—really genuine Australians, genuine workers, people who are out there caring for themselves, their families and their country communities. Some day we will have the opportunity to have this debate. It rarely arises from Senator Brown, who has no interest in the environment unless it is something that suits his ultra-left-wing political agenda. He needs to get accurate when he talks about these things rather than just letting the diatribe fall from his mouth, denigrating people who cannot defend themselves in this chamber.

**QUESTIONS WITHOUT NOTICE**

**Foreign Affairs: Hong Kong**

Senator ROBERT RAY (2.00 p.m.)—I direct my question to Senator Ellison, the
Minister for Justice and Customs. In relation to the minister’s decision to refuse the extradition of Mr David Hendy and Mr Carl Voigt to Hong Kong, does the minister stand by his statement in the Senate yesterday:

This has not affected our relationship in any way.

Is the minister aware that Mr Wayne Walsh, a deputy principal government counsel with the Hong Kong Independent Commission Against Corruption, stated in the South China Morning Post on 6 February:

We are surprised and disappointed by the decision, doubly so now that it has happened to both men. We have had some setbacks in the past, but this is the first major setback we have encountered since the hand-over.

Given that a senior law enforcement official has publicly stated that Hong Kong authorities regard the minister’s decision as a ‘major setback’, how can the minister seriously maintain that his decision will have no impact on the relationship, which is so important in protecting Australians from the activities of criminals?

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**Senator ELLISON**—One would expect and assume that Hong Kong law enforcement officials such as Mr Walsh would be disappointed at the decision. Certainly Australia, in turn, has been disappointed at decisions made by other countries, but that has not affected our relationship with those countries. I refer to the law enforcement relationship, in which I have experience. In this particular instance we have no reason to believe that Hong Kong will not continue to work closely with Australia in relation to law enforcement matters, nor that Australia would not do likewise. There are a number of ongoing operations where Hong Kong is working closely with Australia in relation to law enforcement matters, and I have had no-one indicate to me that that has in any way been impaired by the decision that I have made. As I indicated yesterday, the agreement between Hong Kong and Australia in relation to extradition provides a discretion to the minister—a number of discretionary grounds—for refusal of surrender, one in particular which is broad.

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**Senator ROBERT RAY**—Mr President, I ask a supplementary question. In light of that answer by the minister and his answer yesterday, can the minister confirm that in the diplomatic notes provided to Hong Kong there was no explanation? Is he aware that an official in Hong Kong, quoted in the South China Morning Post of the same date, said:

Top level officials from the Security Bureau, the Justice Department and the Independent Commission against Corruption and senior politicians, have been demanding an answer from the Perth based senator, but without success.

Why can’t we offer them some explanation as to the minister’s decision? Isn’t this creating tension and difficulties between both law enforcement bodies?

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**Senator ELLISON**—In relation to Mr Voigt, which was the first decision that I made, a diplomatic note was issued. There was a follow-up query from the Hong Kong authorities. A second diplomatic note was issued, which had in it further information. I am not going to divulge that information, which was issued between the Australian government and the Hong Kong government. It was a diplomatic note which contained more information about the decision. That was in relation to Mr Voigt.

In relation to Mr Hendy a diplomatic note was issued. I made inquiries with the department yesterday and the record shows that there has been no such query as was made in relation to Mr Voigt. I do say this: in relation to the agreement between Hong Kong and Australia, it is specifically provided that reasons do not have to be given. As I said yesterday, in extradition matters it is the norm
that reasons are not given. There is nothing untoward in that. (Time expired)

**Trade: Free Trade Agreement**

**Senator COLBECK** (2.04 p.m.)—My question is to the Minister representing the Minister for Agriculture, Fisheries and Forestry, Senator Ian Macdonald. Will the minister outline to the Senate the benefits to Australia’s primary producers from the free trade agreement with the United States of America. Is the minister aware of any alternative policies?

**Senator IAN MACDONALD**—Perhaps I can do better by quoting Australia’s leading farming lobbyist, Mr Peter Corris, from the National Farmers Federation. He says:

> For horticulture, a reduction to zero in tariff for Australia’s top four traded products into the US as well as the deal done on avocados is a real positive.

Senator Colbeck would be interested from the point of view of his state that the Tasmanian Farmers and Graziers Association President, Brendan Thomson, said:

> The agreement will help the state’s dairy, sheep, meat and wool industries.

I can understand why Senator O’Brien is not asking these anti-free trade questions. It is because Senator O’Brien understands, as you do, Senator Colbeck, that for Tasmanian primary producers this is a fantastic outcome.

The agreement offers enormous opportunities for closer integration with the world’s largest economy. That has to be understood. We are getting access to the world’s largest economy. This will generate hundreds of millions of dollars for Australian primary industries over the next few years. This is a once-in-a-generation opportunity to link the Australian economy and its primary producers with the world’s most dynamic and richest economy—comprising a third of the world’s GDP—and the world’s largest merchandise and service exporter and importer. I reiterate that two-thirds of all primary production tariff will be eliminated immediately and a further nine per cent of those tariffs will be cut to zero within four years.

For our wool industry, zero tariff for greasy wool will be achieved in four years and, for other wool, within 10 years. Zero tariff for oranges will save something like $670,000 in duties alone. Avocados from Australia will have access to the US market in volumes of up to 4,000 tonnes. Two of our fastest growing horticultural industries—macadamia nuts and olives—will benefit substantially from this free trade agreement. Our peanut industry will get access to the US market. Whereas it currently has nothing, it will get 500 tonnes a year, expanding over time.

This morning on the radio Labor have been challenging a figure I mentioned of somewhere around $4 billion in benefits to Australia. I ask the Labor Party: can you cost what the benefit will be to Australia? Is it going to be $1 billion, $2 billion, $3 billion or $5 billion? You cost it at whatever you want to cost it at, but it is going to be big bucks for Australia. It will be of huge benefit to Australia. Indeed the Executive Director of the Centre for International Economics, Dr Andrew Stoeckel, has said in relation to this—

**Opposition senators interjecting**—

**The PRESIDENT**—Order! Senators on my left, particularly Senator Conroy, continuing to shout across the chamber is disorderly and I would ask you to come to order.

**Senator IAN MACDONALD**—You can understand why Labor try to shout you down when your extol the virtues of this free trade agreement—because they know them, and they know their leader has made a monumental blunder in opposing this great work for Australia. Indeed all of the state premiers...
know that—of course they know that. Mr Cameron, the significant unionist, criticised the Labor premiers for supporting it. He said of the Labor premiers supporting this that they were like Pavlov’s dogs and drooled and leaked ‘fluid from every orifice’ in their rush to support the free trade agreement with the US. So everyone supports this except the Labor opposition. (Time expired)

Trade: Free Trade Agreement

Senator CONROY (2.09 p.m.)—My question is to Senator Hill, representing the Minister for Trade. Does the minister recall that yesterday in answer to questions on the trade deal with the US both he and Senator Macdonald referred to ‘$4 billion of benefits to Australia’—the famous big bucks? Can the minister confirm that this $4 billion figure was based on the complete removal of all barriers to trade—including in sugar, beef and dairy—as well as the abolition of the Foreign Investment Review Board and foreign investment limits in media ownership and other Australian assets, including banks and airlines, as well as an Australian dollar exchange rate of 50c—when it is now trading around 70c? Can the minister now give us a figure on the impact on the economy of the actual deal?

Senator HILL—I could say that I think Senator Macdonald has already adequately answered that question. But, to be frank, I have to confess that I got that figure from the ABC—so it must be right! The ABC reporter said on The 7.30 Report on Monday night:

The prize for Australia—improved access to the most lucrative economy of them all, worth anything up to $4 billion a year.

So it must be right! I presume that the reporter was getting that figure from Dr Stoeckel’s work, which I think is what was being referred to in the question. That work certainly did take into account some opportunities that were not realised in the final agreement, but it also failed to take into account new opportunities that were, for example, the opportunities in the US government procurement program. There is huge potential there.

Senator Cook—The econometric study did take that into account. There was a chapter on procurement in the econometric study.

Senator HILL—I do not think Senator Cook is well qualified to lecture us on economics. We have heard Senator Cook in the past. I think the point is that there are new opportunities, great opportunities, in this agreement. It has opened up new avenues in agriculture and new avenues in manufacturing. It has opened up new avenues in so many sectors provided that the Australian business community fully takes advantage of them. Because we do not know the extent to which that will occur, it is obviously impossible to produce exact figures at this time. Already we are seeing other economic modellers produce figures. The real answer will be in the implementation of this agreement.

I think anyone who objectively looks at what has been achieved cannot but see the opportunities that are presented—the opportunities to expand our trade significantly into the world’s largest economy. That has to be a positive. Any opportunity to grow the Australian economy in that way has to be of benefit to Australia. That is why we on this side of the chamber cannot understand the position of the ALP—and its position in relation to agriculture, for example. It is prepared to forgo all the benefits that are in this agreement for nothing—there is no gain. If it votes down this agreement, how does Australia benefit from that? It simply loses all these opportunities. Senator Cook will say, ‘That does not matter because we will go back down the multilateral path.’ It might be a long, slow path, but Senator Cook is confident that it
will ultimately deliver a benefit. I do not know about that, Senator Cook. What I do know is that here is an agreement, skilfully negotiated by Mr Vaile and his team, that provides tremendous economic opportunities for Australia. We should all get behind those opportunities, and our business community, and get the full benefit.

Senator CONROY—Mr President, I ask a supplementary question. Is the minister aware that, given the trade deal has not removed all barriers to trade, the economist Dr Andrew Stoeckel—the author of the $4 billion figure—is now quoted as saying, ‘More modelling and analysis was necessary to get a more relevant figure, because the earlier analysis was based on different assumptions. We really should get away from that estimate’? Minister, now that Dr Stoeckel has publicly dismissed the validity of the $4 billion, will the government commission an independent study into all of the costs and benefits of the FTA?

Senator HILL—This is the problem when honourable senators write their supplementsaries before listening to the answer, I have to say, because in my answer I happened to answer his supplementary. But, of course, he was left with two options: he could develop another one on the run, or he could go back to his written text—and he chose the written text. It is true. Dr Stoeckel, for example, used certain dollar value—

Senator Conroy—An independent test—put it up for independent evaluation!

Senator Faulkner—Just get on with it!

The PRESIDENT—Order! Senator Hill, ignore the interjections on my left.

Senator HILL—I know it might be a bit embarrassing for the Leader of the Opposition in the Senate, but Senator Conroy is doing his best—and I hope he gets a lot of practice! Next sitting week he can have a go and develop a supplementary. I have already said that there are factors that have changed—the value of the dollar has changed, for example—and, if you want to conduct new studies on the basis of the agreement that has been reached, it can be done. (Time expired)

Trade: Free Trade Agreement

Senator FERGUSON (2.16 p.m.)—My question is to the Minister for Finance and Administration, Senator Minchin. I ask: will the minister advise the Senate how the landmark free trade agreement with the United States will benefit Australian industry and exporters? I further ask: is the minister aware of any alternative policies?

Senator MINCHIN—I thank Senator Ferguson for his question and acknowledge his great interest as Chair of the Senate Standing Committee on Foreign Affairs, Defence and Trade. As Senator Hill and others have made clear, this free trade agreement really is of enormous benefit to Australian industry and its workers. In particular we have to remember that the US is the world’s biggest economic market, and we now have much better access to it. I think one of the features that has been overlooked and one of the great benefits of the free trade agreement is that Australian companies will now have, for the first time, access to the US federal government procurement market. That market is worth $270 billion every year. Australian suppliers will now have access to some 79 US federal departments and agencies, including a substantial part of the new Department of Homeland Security.

That will particularly benefit Australian high-tech companies, including great Australian companies like ResMed and Codan, which have been referred to in the media recently. They will be able to sell their very high-tech products to US government agencies. In fact, the managing director of Codan—which, I note, is an Adelaide based
high-tech company—was quoted today as saying that the impact of the free trade agreement on his company alone would be in terms of some millions of dollars worth of extra sales every year as a result of this great agreement. That is just one example of the many benefits. I referred yesterday to the car industry and the benefits it will bring.

I was asked about alternative policies on this issue. Of course, we know that Mr Latham has a strong track record of anti-American sentiment, so I guess it is little surprise to the Australian people that he will support free trade agreements with Singapore and Thailand but he will not support a free trade agreement with the biggest economy in the world, the United States. To oppose something that is so obviously in Australia’s long-term national interest is an extraordinary move by the Leader of the Opposition. As I have just outlined, what the opposition leader is saying is that he wants to deny Australian companies any access to the US government procurement market of $270 billion. He is saying, ‘No, they should not be allowed to have access to that market, as will apply under this agreement.’

We saw at Labor’s national conference their quite perverse attitude to government procurement policies. The national conference passed a policy requiring a Labor government in office to use Australian government procurement policies to actually favour companies deemed by them to be pro-union. This policy, passed by the national conference, would require Labor in office to use our federal government procurement policies to favour companies ‘taking a positive approach towards the rights of trade unions’. So a Labor government under Mr Latham are going to interfere to award contracts to their union mates, presumably controlled by the ACTU. This is an extraordinary departure from current federal government procurement policy, which puts the emphasis on value for money for taxpayers—

Senator Carr—For American firms!

Senator MINCHIN—That is the current requirement; that will be abandoned by a Labor government in office, saying, ‘No, no, we want to favour in government procurement those companies that are pro-union.’

Senator Carr—Why are you selling the country out?

The PRESIDENT—Senator Carr, you are continually interjecting across the table, and I would ask you to cease.

Senator MINCHIN—The Labor Party clearly is very sensitive on this issue. It is obvious that the union tail is wagging the Labor dog on the free trade agreement, and I am now exposing how the union tail will wag the Labor dog when it comes to federal government procurement, where federal government contracts are going to be awarded on the basis of the union mates of the Labor Party. So, clearly, the Labor Party in office will be captive, as we have always said, to the trade union movement when it comes to what it will do on industrial relations. When the Australian economy needs maximum flexibility to take advantage of things like the free trade agreement, Labor is going to go back to reregulating the economy and awarding government contracts on the basis of union mates—and companies will be pressured into awarding favours to unions in order to get government contracts. *(Time expired)*

**Trade: Free Trade Agreement**

Senator McLUCAS *(2.21 p.m.)*—My question is to Senator Ian Macdonald, representing the Minister for Agriculture, Fisheries and Forestry. Is the minister aware that the Prime Minister, when announcing the trade deal with the US on Monday, stated
that any assistance to the sugar industry was predicated on the condition that there is:

… need for change and restructuring and also the need for some of the participants in that industry to recognise that their only future is to exit the industry...

How many sugar producers does the Prime Minister have in mind to exit the industry, given that he failed to extend new markets for them in the United States, as had been promised for many months? Doesn’t the minister find it ironic that the Prime Minister did not do his job on the free trade agreement but it is cane growers, harvesters and mill workers who will lose their jobs as a result?

Senator IAN MACDONALD—Mr President, I would like Senator McLucas to explain how many people are now going to lose their jobs in the industry because the free trade agreement was not signed. While the free trade agreement gave no benefits to the sugar industry, it has not altered where they were last week, last month or last year. So the premise of her question is quite wrong. This is the question I asked yesterday: you tell me how the sugar industry would have benefited had we refused to sign the free trade agreement. How would the sugar industry have benefited? Tell me in any way how the sugar industry would have benefited if we had refused to sign the free trade agreement.

The PRESIDENT—Minister, would you address your remarks through the chair.

Senator IAN MACDONALD—Mr President, I must say that unfortunately Senator McLucas does not understand what a fabulous thing this is for Australia and for Australian primary producers. Fortunately the cane growers organisation does understand. For Senator McLucas’s benefit I will quote from a media release by Mr Jim Pedersen of the cane growers organisation. He said:

At no stage did we adopt a dog in the manger ‘if not sugar then no-one’ approach to negotiations. We accept that on balance the FTA will deliver economic benefit to the nation.

Mr President, Senator McLucas should understand that, while I and you, no doubt, and the sugar growers are disappointed that sugar was not included, they understand that this has been a fabulous thing for Australia and for Australian primary producers, as I demonstrated in the answer to my question to Senator Colbeck. Senator McLucas asked me how many people Mr Howard wants to exit the industry. Senator McLucas, the hallmark of this government in relation to fisheries, in relation to forestry—I mention those because they are areas I am involved in—or in relation to anything we do, is to actually involve the industry itself. We consult with people. We get people to tell us how they think these things can be better advanced.

I repeat what I said yesterday: sensible leaders of the sugar industry understand that there has to be some restructuring, that there has to be a different way of doing things. We cannot look back wistfully to the fifties, sixties and seventies and say, ‘I wish we were there.’ It will simply not happen. We live in a very corrupted world market. The politics of sugar around the world are just too difficult for a small country like Australia to break. But we can do better. Unlike you, Senator McLucas, I have great confidence in the sugar industry and in cane growers. I believe that, with a bit of help, with a bit of restructuring and with a bit of redirection, they can do better, and they will do better. And people in places like Ayr—where I live; a town totally reliant on sugar—will continue to progress and we will adjust to the situation. It may require a bit of help from the federal government. It will certainly require a lot of help from the Queensland government, which has legislative responsibility for sugar. I invite you, Senator McLucas, to get the
Queensland government on side. It will need a bit of help from government, but the cane-growers can and will do it. There is a big future for that industry. We will help them. They will go forward. They will refocus. They will continue to produce the world’s best sugar. I look forward to a very positive future for the sugar industry, and I look forward to working with sensible leaders to that end.

Senator McLUCAS—Mr President, I ask a supplementary question. Is the minister aware that Senator Boswell said to the ABC yesterday:

You get people out of an industry, sugar towns will go down too.

I want to know if the minister can guarantee the survival of towns such Sarina, Babinda, Ayr, Home Hill, Mossman and Proserpine—just to name a few.

Senator IAN MACDONALD—Unfortunately Senator McLucas does not understand that there will be have to be some restructuring; there will be some people leaving the industry. But the fields will still be there growing sugar cane and the jobs will be available in the mills. I have already made it quite clear to the Prime Minister and to anyone who wants to listen to me that it is not only the cane farmers that will have to be looked at. We have to understand that other people will also be impacted. There will be some jobs lost. There will be some small businesses that used to supply various elements to the industry that will have to be looked at. We want to work very closely with the industry and with these small communities to get a deal that will ensure the ongoing longevity, progress and success of the sugar industry. I invite the Labor Party to join with the National Party and the Liberal Party in achieving that, rather than just sitting back, carping all the time and trying to take advantage of people’s adversity.

Immigration: Detention Centres

Senator BARTLETT (2.28 p.m.)—My question is to the Minister for Immigration and Multicultural and Indigenous Affairs. Minister, is it the case that over $4 million has been spent to keep open a detention centre on Manus Island off Papua New Guinea, which has had just one detainee for more than six months? Is it also the case that, even though Australia is paying millions of dollars to keep this centre operating, the government is of the view that the single detainee there is not even the responsibility of Australia but the responsibility of Papua New Guinea and the UNHCR? Can the minister also indicate whether it is true, as reported, that the detainee in question has been determined to be a refugee and, if so, is it not a breach of the refugee convention to keep a person in detention after they have been assessed as being a refugee?

Senator VANSTONE—The short answers to your questions are no, yes and a slightly longer answer to the third question of whether he has been declared a refugee by the UN. I understand that recently, in the last two or three weeks, the UN has formed a view that they would consider him to be a refugee. The advice that I have at this point is that he is a Palestinian who is not in the care of the UN. I think that matter does require further investigation. There are differences of opinion between the UN and a number of countries in relation to the interpretation of certain sections of the agreement. I will come back to you with further information on that as soon as it becomes available. I have only been made aware of that aspect today.

As to the expenditure on Manus, let me put it to you plainly: we do not have much use for a fire brigade at the airport but we have it there in case we need it. That is exactly why we will keep offshore processing
centres available. They are the most effective deterrent to people smugglers that we have been able to find. Since we have had offshore processing centres, and since the people smugglers have not been able to say to their customers, ‘We will get you to the Australian mainland,’ people-smuggling has dropped off dramatically. As soon as we get rid of offshore processing centres, as soon as we shift to the Labor policy of onshore processing, I confidently predict that the people-smuggling will start again.

I met with the Indonesian ambassador this morning. I assure you a view shared by Indonesia is that there are thousands of people in Indonesia still waiting for the opportunity to come to Australia. So we keep a shared interest with the Papua New Guinean government in Manus, not because there is one person there—whomsoever’s responsibility he is—but because we want to have offshore processing centres available so we can continue to deter the people smugglers.

The costs referred to as being in one year relate to some late invoices from previous years and also to infrastructure projects that benefit the operation of the OPC and, for that matter, the whole community. So it is a mistake to look at those costs, both the ones carried over from the year before and the ones that relate to infrastructure projects, as being an annual cost of keeping that facility open. I come back to the main point that I want to make. Without a doubt, offshore processing has deterred people smugglers. It has deprived them of their business. We have been very successful in that and we intend to continue in that.

**Senator BARTLETT**—Mr President, I ask a supplementary question. The minister said that the person who appears to be a refugee is not Australia’s responsibility, despite the fact that we are paying millions of dollars to run this detention centre. Is it still the government’s intention to spend what I understand will be hundreds of millions of dollars to build a new detention centre on Christmas Island which, according to current law, is also outside the migration zone? Can the minister outline what the cost has been and will be to run the two detention centres on Nauru? Is there any limit to the amount of money that this government is willing to spend to try to keep asylum seekers from being able to access the justice system?

**Senator VANSTONE**—We believe Mr Sisalem is not the responsibility of the Australian government. He transited PNG from Indonesia en route to Australia. He was apprehended in the Torres Strait. He did indicate that he wished to seek asylum but he did not make an application for a protection visa. He was correctly returned to Papua New Guinea, where his claim was heard and, incidentally, rejected.

You asked about the cost of making sure that asylum seekers do not come to Australia. I will take you back to the Menasa Bone. I only wish I had with me some remarks you made about the Menasa Bone. The suggestion was made by a number of people that Australia was doing a cruel and harsh thing by returning the boat to Indonesia, where asylum claims were appropriately heard. But what did we find out when the boat got back? These guys wanted to make $8,000 a week in a kebab shop. So let us not pretend that everyone who wants to get here is a genuine asylum seeker.

**Agriculture: Sugar Industry**

**Senator O’BRIEN**—My question is to Senator Macdonald, representing the Minister for Agriculture, Fisheries and Forestry. Yesterday’s announcement by the Prime Minister of a financial assistance package for cane growers will be the fourth such package promised by the government since 1998. Is the minister aware that a fi-
nancial assistance package, put in place in 1998 by the Deputy Prime Minister, Mr Anderson, did not deliver sustainability for the sugar industry? Is the minister aware that a package put in place by Minister Truss in 2000 to assist cane growers also failed? Does the minister realise that in 2002 Minister Truss announced a further package to assist cane growers? This has now stalled, with not one cent of the $60 million proposed to assist the industry to become sustainable being distributed. Having been let down time and time again by this Liberal-National Party government’s financial assistance packages, why should cane growers believe that the Prime Minister will assist the industry to become sustainable? Yesterday he said, ‘We’re willing to provide additional assistance, and that means financial assistance.’ Why should they believe he will deliver it at all?

Senator IAN MACDONALD—First of all, let us get a couple of things clear. The Queensland Labor government promised $10 million towards the package we proposed last year. So far the Queensland government has spent less than $500,000 on about 26,000 farmers. That shows the Labor Party’s approach to this. This is a Queensland government legislated industry, Senator O’Brien, and it should be doing more. Last year the federal government did propose some assistance for the sugar industry, but it required the Queensland government, which controls the industry, to work with the industry towards a financially sustainable and stable industry. The Queensland government reneged on it because it simply does not understand cane farming, cane farmers or cane farming communities.

That is why at the election the other day, in spite of a very good result for the Labor Party, two of the seats fell from Labor to the coalition because the cane farmers, the small communities and the mill workers understand that, if they are going to get anything from anyone, it has to be from a coalition government. Having made those points, I cannot say, ‘I share your concern,’ because you did not express concern—you were trying to make some political point—but certainly the Prime Minister, the Deputy Prime Minister and the members of this side who are interested in that area understand that there has to be some gain from any federal government assistance to the sugar industry. That has always been our goal.

Unfortunately and regrettably, I have to agree with you that some past investments have not produced the results that we wanted. One of the problems is that there is a small group up there, led by the member for Kennedy, Mr Bob Katter, who are trying to pretend and give false hope that the sugar industry can return to the fifties, sixties and seventies. As much as we would all love that to happen, it simply will not happen. I really am very critical of Mr Katter giving false hope to people he should know have to really refocus.

So we are, as I mentioned before, going to work and consult with the industry—with the workers, the communities and the small businesses—to try and design a package that accepts the reality. It is a difficult situation, but we have to move on. I am confident that we will get a package that will work and will cause a restructuring, and we will end up with the industry being sustainable and progressive into the future. If you listened to my answer to Senator McLucas’s question, I am confident in the future of the industry. I think it does have a future. It needs restructuring; it may need some help. We are determined to work with the industry to make sure that happens.
Senator O'BRIEN—Mr President, I ask a supplementary question. Minister, wasn't the most effective assistance the Prime Minister could have provided to cane growers greater access to the protected US sugar market? Why was the Prime Minister so 'unAustralian', to use the Deputy Prime Minister's word, in selling out cane growers in the US trade deal? Isn't the Prime Minister now telling cane growers that, because of his failure, they will have to quit their livelihood and leave their farms? Isn't your financial assistance package more to do with the election than the sugarcane industry?

Senator IAN MACDONALD—This government governs in the national interest, not for sectional votes like the Labor Party does. Senator O'Brien, we are determined to work with the industry. Sure, I agree with you: had we been able to achieve access to the US market that would have been a big boost for the sugar industry, but it was simply not possible. So should we do what Mr Latham says—that, simply because we could not achieve that with sugar, we should not have signed the free trade agreement? He says we should cancel the other $1 billion, $2 billion, $3 billion, $10 billion worth of benefits to Australia simply because we could not get that for the sugar industry. What use to the sugar industry would there have been in us refusing to sign the free trade agreement? I ask you to enumerate that. Get Mr Latham to tell me what benefits there would have been to the sugar industry if we had refused to sign. We will make it work; we will help the sugar industry. (Time expired)

Environment: Tasmania

Senator BROWN (2.40 p.m.)—My question is to the same senator acting on behalf of the Minister for the Environment and Heritage, Senator Macdonald, and follows up on his assertion that the government acts in the national interest. I ask him if he is aware of the Arthur-Pieman management plan in the Tarkine Wilderness in Tasmania which says it contains sites of Aboriginal landscapes that are of international significance and display a richness of cultural heritage and relative lack of disturbance that is extremely rare. Will the federal government intervene on today's very stupid decision by the Tasmanian government to allow a fake cattle drive with hundreds of horses and cattle to trample across this rich Aboriginal heritage—at least 280 sites lying in the way of this fake re-enactment—which is going to bring international condemnation down on the heads of those few people who are harebrained enough to be pursuing it and now the Tasmanian government, which has given the go-ahead?

Senator IAN MACDONALD—I am aware of the issue and have read the article by Andrew Darby in the Age—I thank Senator Brown for ensuring that I was aware of that particular article. Senator Brown, I hear in your question a note of condemnation of the state Tasmanian Labor government. Can I just say to you—I am sorry; I cannot help myself—you often criticise Labor governments but any time a state or federal election comes around, because of your left-wing bent, you immediately give your preferences to the Labor Party. If you hate them that much and you know what a terrible job state Labor governments are doing in the environment, why do you continue to give them preferences? Why did you give Mr Beattie those preferences? Why do you give Mr Lennon those preferences? You continue to criticise them yet, come an election, over you go because they are the closest to you. When you move from ultra ultra left to just very left, you get to the Labor Party. That is why you will always give them preferences, even though you know, Senator Brown, that the
Howard government is the government that has done more for the environment—

The PRESIDENT—Senator Macdonald, could you return to the question.

Senator IAN MACDONALD—than any government in history. I am advised that the proposal for the cattle drive has not been referred under the EPBC Act and no application has been received under the Aboriginal and Torres Strait Islander Heritage Protection Act. Given that it is not on Commonwealth land, the proposal would only require EPBC approval if it were likely to have a significant impact on one of the matters of national environmental significance. The Department of the Environment and Heritage has advised that the drive will not impact on Tasmanian World Heritage areas, so it is not relevant under that aspect of the EPBC Act.

I also understand that Tasmanian authorities have advised that the cattle drive will be confined to roads without impact on cultural heritage or threatened species. That advice comes from the Tasmanian government. In the circumstances the proposal would appear to be primarily one for consideration by the state Labor government in Tasmania. However, the Australian government officials will follow that up, following your alerting me to it in this question, to ensure that there is no conflict with Commonwealth legislation. I understand from the article in the Age that Mr Brian Mansell is considering an application under the Aboriginal and Torres Strait Islander Heritage Protection Act. If it is received, that application will be dealt with according to the legislation.

The Howard government and Senator Hill, to whom I might give credit, ensured the passage of the Environment Protection and Biodiversity Conservation Act—some would say one of the strongest pieces of legislation ever to have gone through this parliament. Some say that with some criticism, I might say. But it is a very strong act. We have done that because the Howard government are serious about environmental matters. We do not just pay lip-service before an election, like Mr Beattie and other Labor premiers. We are serious about it. We actually do things. So, if there is a problem, we want to address it. That is what the act is for. If you have information that may assist then we would be pleased to work with you and anyone else on these particular issues. I do not know much about the event, but I assume it is done to help with local tourism or to celebrate a centenary. I am assuming there are benefits. (Time expired)

Senator BROWN—Mr President, I ask a supplementary question. I refer to the words of Mr Brian Mansell from the Tasmanian Aboriginal Land Council that, in the west coast, there is Aboriginal cultural heritage thousands of years older than the Egyptian pyramids and more fragile than the Sistine Chapel paintings but certainly more in danger than we are from any terrorist threat to this country. I ask the minister: can he in any way equate a solitary rider taking a dozen head or so of cattle down that coastline 120-plus years ago with the trampling by 100 head of cattle and 200 self-indulgent, selfish, small-minded people and this fake cattle drive, which has no authenticity but which threatens to bring international condemnation not just on Tasmania but also on this country? Indeed, will the minister go down to see if there are any open roads in the area? If that is the information from the government, it is wrong. The Tasmanian government is wrong about it. Will the minister go? (Time expired)

Senator IAN MACDONALD—We want to work together with people. We want to get the best out of the forests. I do not know much about this cattle drive. If it can be done in a way that promotes Tasmania and promotes tourism, and can be done environmen-
tally sensitively, then I guess you and I will both support it. All I can respond to in relation to your supplementary question is that if an application is made it will be dealt with according to the legislation and very carefully. If you are inviting me to have a look, if it is on a day when I am around Tasmania I would love to get back. In fact, I spend a lot of time in the Tasmanian forests, because I understand them and I want to make sure that we can balance what we do with Tasmania’s and indeed Australia’s forests. So if you are inviting me down, and it is a time that suits, I would love to come along. But we want to work with people of all sorts to—

Honourable senators interjecting—

Senator IAN MACDONALD—Perhaps you are right; perhaps I will not go with you, Senator Brown! I will make my own way there. I will leave that to Mr Latham. I will be interested to see how Mr Latham gets on with Mr Lennon. (Time expired)

Trade: Free Trade Agreement

Senator FORSHAW (2.48 p.m.)—My question is directed to Senator Ian Campbell, representing the Minister for Health and Ageing. Is the minister aware that US Trade Ambassador Zoellick has stated that the US trade deal ‘requires measures to prevent the marketing of pharmaceutical products that infringe patents and to provide notice when the validity of a pharmaceutical patent is to be challenged’? Can the minister give the Australian public a guarantee that the US trade deal will not slow the introduction of generic drugs onto the Australian market, which would prevent competition with existing drugs and therefore lead to an increase in the cost to taxpayers of the PBS over time?

Senator IAN CAMPBELL—It is a very important question that Senator Forshaw has raised, because the government have been very strongly committed to ensuring that there is a viable generic medicines industry in Australia. We have had a strong commitment to that for some time. That commitment has not always been reflected on the other side of the chamber, I might say, but the support for generic medicines from Senator Forshaw is welcome in this regard. We are strongly committed to ensuring that the free trade agreement does not in any way reduce the commitment to this industry, and the processes and the assurances that Senator Forshaw seeks about those processes will not be affected in any way by the free trade agreement.

We want to ensure, as has happened in the past, that the generic medicine industry can introduce generic medicines to the market as patents expire. However, I think Senator Forshaw would join me and the government in making sure that there was sound protection of intellectual property. You have to balance the interests of the patent holders with those of the industry trying to bring generic medicines onto the market to compete against the patent holders’ products. Clearly, patent holders and people developing new medicines and new pharmaceuticals will not be encouraged to do that unless they have proper patent protection, and so it is vital to ensure that you respect fully the rights of patent holders.

Nevertheless, if a generic medicine producer wants to challenge that patent then that is one of their rights, which needs to be equally balanced. There is no reason, to pick up one of the key elements of Senator Forshaw’s question, if a generic producer wants to enter the market and they intend—and this is one course they can take—to challenge the patent, that they cannot do that. Nothing in the agreement will stop them from being able to do that. It is an entirely legal right that they have at the moment. That will not be interfered with. I think Senator Forshaw referred to statements made by Trade Representative Zoellick that the generic producer
would need to notify a patent holder of an intent to challenge the patent or to enter the market. These are things that should not and will not have any effect on the availability of generic medicines. They are basically a legal process, and I think most people who understand the balance of rights between patent holders and people wanting either to challenge those patents or to bring onto the market a generic medicine when the patent expires understand that there should be a proper recognition of those rights and proper processes to respect those rights within that marketplace.

Senator FORSHAW—Mr President, I ask a supplementary question. I thank the minister for that answer. In light of the minister’s comments about what happens at the end of patents and the rights of generic manufacturers, is there any aspect of the trade deal that would enable drug companies to extend the life of their patents by taking out legal injunctions against generic manufacturers along the lines of the provisions that exist in the US-Singapore Free Trade Agreement that enable US drug companies to take that sort of legal action?

Senator IAN CAMPBELL—I am certainly not aware of such a provision. I think the detail I have put into the first part of my answer does cover it thoroughly.

Senator Conroy—No, it does not cover it.

Senator IAN CAMPBELL—It does cover it thoroughly, but I am very happy to refer the detailed question to the minister.

Trade: Free Trade Agreement

Senator EGGLESTON (2.53 p.m.)—My question is to the Minister for the Arts and Sport, Senator Rod Kemp. Will the minister explain to the Senate the implications of the free trade agreement with the United States for the audiovisual sector? Importantly, will the minister inform the Senate of the measures in the agreement that will protect our cultural identity?

Senator KEMP—I thank Senator Eggleston for his very constructive interest in this very important agreement. The constructive work you have done contrasts with the very poor work done on the other side, in particular, I am sorry to say, by Senator Lundy. As senators would be aware, the free trade agreement concluded with the United States by my colleague the Minister for Trade is a very significant win for Australia. As Minister Vaile stated, this historic deal offers enormous opportunities to all Australian companies interested in profiting in the world’s largest and most dynamic economy. The agreement between Australia and the United States is overwhelmingly in the national interest and will deliver lasting benefits for Australians.

Importantly, critical elements of Australian public policy have not been compromised, including, I am pleased to say, Australia’s audiovisual sector. The free trade agreement delivers on the government’s commitment to maintain our cultural objectives. We have retained existing regulations for local content including advertising. We have retained the capacity to extend quotas for multichannel free-to-air and subscription—

Senator Lundy—That is not a win; that is a loss.

Senator KEMP—Senator Lundy is butting in. We have retained the capacity to extend quotas for multichannel free-to-air. We have flexibility to regulate and this is important—this was a big issue with Senator Lundy and I would like Senator Lundy to listen very carefully. We also have flexibility to regulate for local content on new media. Further, the government retains its capacity to provide or indeed increase support for the Australian cultural sector through subsidies,
grants and tax incentive schemes. Again, Senator Lundy, people listening to your comments might have been somewhat confused that you had not properly read the statements relating to the agreement.

Unfortunately, my opposite number in the Labor Party, Senator Lundy, has attempted to buy into this issue by playing, some would say, the populist card. Unfortunately, Senator Lundy has got herself horribly confused in the process. Senator Lundy has put out a statement. I will not have time, unfortunately, to state all the errors in the statement, Senator Lundy, but the statement you made yesterday is replete with errors and misconceptions. First, Senator Lundy says that Australians have a right to know whether existing local content quotas and subsidies can be maintained into the future. This is fundamental. It is fact. Of course they can be. Both the Australian and the US negotiators have been making that point since May 2003. Senator Lundy, I draw your attention to the comments from the negotiator Ralph Ives, who said this almost a year ago:

'We are not seeking, as some in Australia have indicated, to abolish the broadcast quota or the subsidies that underpin that. Let’s make that clear.

There are a number of other important errors in the press statement which I will not have time to go through. Fortunately, next week at Senate estimates we may have the chance to carefully go through the matters that Senator Lundy has been raising and misinforming the public about. (Time expired)

Senator EGGLESTON—Mr President, I ask a supplementary question. Could the minister advise the Senate as to whether this agreement is regarded as a precedent setter in terms of protecting cultural issues between countries? Perhaps he could make some comment about the future importance of this agreement to the prospects of the Australian film and television industry.

Senator KEMP—The important thing is that we now have certainty. The sector can now see that the government has provided strong support and it now has that certainty to move ahead. That is a very important outcome. In conclusion, let me quote Mr Kim Dalton. He was quoted in the papers as saying that the government had retained ‘a capacity to regulate all areas of the industry’. Regarding new media particularly he is quoted as saying: ‘It looks to me that they have delivered and should be congratulated.’

Trade: Free Trade Agreement

Senator CONROY (2.59 p.m.)—My question is to Senator Hill, representing the Minister for Trade. Is the minister aware of a report in yesterday’s Washington Post that states:

Even more than the Central American pact negotiated recently, the Australian accord is a triumph for protectionist interests that went behind Mr Zoellick’s back to the Whitehouse and Congress.

Is the minister also aware that the report went on to say:

The agricultural products in which Australia is competitive have been mostly cut out of the deal.

Is it not true that the US offered a better deal on agriculture to Chile, El Salvador, Guatemala, Honduras and Nicaragua? Minister, does this not illustrate just what a miserable deal has been accepted by the Howard government?

Senator HILL—I think that question again illustrates the negative approach of the Australian Labor Party to this. Here we have an agreement that gives an unprecedented opportunity for expansion of the Australian economy, including significant benefits to the agricultural sector, and what does the Labor Party say? It says it will vote it down. It will vote against Australia getting these economic benefits. It will vote against Australians getting more jobs. That is the Labor
Party’s approach. Why? Because it thinks it can make some short-term political mileage and distinguish itself from the coalition: coalition, yes; Labor, no. That is the Mr Latham style apparently—the new Labor Party. At the first chance he had to show that he led a Labor Party that would get behind good policy, what did he say? He did not even wait to look at the agreement; he said, ‘No, we will vote against it.’

It is true that we would have liked to get a better result in some sectors. That part of the Washington Post article I agree with. It was not possible to get everything that we wanted, but what we do know is that we would not sacrifice everything that we have, which is what the Labor Party wants to do— not only agriculture but the manufacturing sector. Think of my home state of South Australia: the new opportunities for utilities into the United States, without the 25 per cent duty; or the tuna canners in Port Lincoln. What is Senator Conroy saying about the tuna industry? It can go down the tube, because apparently the Labor Party is going to vote against the deal. Why would it do that?

What I would say to the honourable senator, and to the Washington Post, is that we believe this gives Australia an unprecedented opportunity to sell into the largest economy in the world. Not everything we wanted was achieved, but bear in mind there were also no-go signs that we put up. I can remember being questioned in this place on the single desk for wheat, on quarantine and on the cultural sector. In all of those areas the Howard government protected Australian interests, as we said we would. At the same time we also achieved tremendous potential benefits for the Australian economy. We on this side are proud of what has been achieved. We will invite the Australian business community to take full advantage of it because we believe in a growing economy, we believe in creating new jobs and we fail to understand on any rational reason, other than short-term politics, how anybody could vote against it.

Senator CONROY—Mr President, I ask a supplementary question. Minister, now that Australia has signed a flawed trade deal with the US that gives victory to the protectionists by carving out sugar and preventing free trade in dairy and beef, how does the Prime Minister expect Australia to be taken seriously when arguing for free access in agricultural products with the EU and Japan in the WTO Doha round of trade negotiations? That is how you can get a better deal for farmers, and you have sold them out not once but twice—you have sold them out in Doha as well.

Senator HILL—I don’t understand. If Senator Conroy were right, why would the leaders of the dairy industry be applauding the deal? Why would the leaders of the beef industry be applauding the deal? That is what they are doing, because it expands their opportunities. It is the same with the other agricultural sectors, all of which have just got an advantage. Why would the Australian agricultural industry, as a whole, be expressing appreciation for what the Howard government has achieved? It demonstrates again how out of step the Australian Labor Party are with the aspirations of middle Australia. How will they hope to be competitive if all they can do is say no? It is not too late. Mr Latham ought to get on his feet and say, ‘Okay, I spoke too soon. This time I will be on the side of the ordinary worker,’ and help him get another job. Mr President, I ask that further questions be placed on the Notice Paper.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS
Tasmanian Wilderness
Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and
Conservation) (3.05 p.m.)—During question time Senator Brown asked me a question. I have received some further information from Dr Kemp’s office in relation to the route of the proposed cattle drive. The Tasmanian Heritage Office has advised Environment Australia that the drive is along an existing route used by four-wheel drive vehicles and that the Aboriginal heritage section of the Tasmanian Heritage Office has actually inspected and cleared areas where the route deviates from the four-wheel drive track. Interpreting that: it is a four-wheel drive track now that apparently the cattle are going down; sometimes it goes off the four-wheel drive track but the Aboriginal heritage section have inspected it and cleared it. It says ‘cleared it’. I assume that means they have approved—not physically cleared the track—where the route deviates from the four-wheel drive track.

Senator Brown—I seek leave to make a very brief statement.

Leave not granted.

PARLIAMENT HOUSE COMPUTER NETWORK

The President (3.06 p.m.)—Before we call on motions to take note of answers I would like to make a statement for the benefit of senators. As you may be aware, there are some difficulties being experienced with the Parliament House computer network today. I am advised that the problem is connected to that part of the system which sends commands from the main servers to computers—for all of us who understand these things. I have no advice on how long it is going to take to fix this problem, but officers of the Department of Parliamentary Services are working hard to rectify the malfunction. I hope the problem will be fixed as soon as possible.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Trade: Free Trade Agreement

Senator Conroy (Victoria) (3.07 p.m.)—I move:

That the Senate take note of the answers given by the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald), the Minister for Defence (Senator Hill) and the Minister for Local Government, Territories and Roads (Senator Ian Campbell) to questions without notice asked today relating to the free trade agreement between Australia and the United States of America and to the sugar industry.

At least one senator from the National Party has stood up and found his feet but not his backbone. Glad to see you there, Senator Sandy Macdonald! Senator ‘Rollover’ Ron Boswell has gone missing in action again. Maybe Senator Boswell is out there announcing the new National Party policy on sugar: it is now compulsory that there be two cubes of sugar in all Australian cups of tea! That is the new National Party policy to support the sugar industry, because that is all they have to offer the sugar industry. They have sold out the industry not once, not twice, not three times; this will be the fourth package that this National Party in government are offering up to the sugar industry. Why are they having to do it? They are having to do it because John Howard failed to do his job. He has turned around to sugar farmers and said, ‘You have to lose your jobs because I didn’t do my job.’ What crass hypocrisy from John Howard.

Where are the National Party? Where are the free traders that used to populate the Liberal Party? Where are the free traders? Why have they gone? They have gone because they all know that this deal is a dud, that this deal does not meet the national interest test. Where was the ultimate proof today? Faced with the harsh reality that the $4 billion you keep hearing John Howard, Peter Costello,
John Anderson, Ian Macdonald and Robert Hill claiming—

The DEPUTY PRESIDENT—Senator Conroy, you should refer to members in the other place and in this chamber by their correct titles.

Senator CONROY—I appreciate that. Thank you, Mr Deputy President. Where have they all gone today on the $4 billion? They did not want to mention it. We had everything else. We had big bucks from Senator Ian Macdonald. He said this deal was about big bucks. ‘How many big bucks?’ we asked. No answer. Senator Hill said today that it was of ‘enormous benefit to the economy’—that is, enormous big bucks; significant big bucks; huge big bucks. All we said was, ‘If you are so confident that this stands up to the national interest test, and if the National Party believes it is in the national interest, put it to an independent study.’ That was all. It is very simple. Today the economist who created the $4 billion figure said it is not a valid figure anymore, that it is time to do some new modelling on it. Did the government take up his offer? No. Why is that? Because the government are worried deep down that this may be a negative for the Australian economy. Let us put it to the test. That is what economic modelling is about. We have heard about big bucks, enormous bucks. Senator Ian Macdonald got a little too carried away today. He said, ‘It could be $1 billion, it could be $2 billion, it could be $10 billion.’ He went from $4 billion yesterday to $10 billion today.

Senator Mason—Billions!

Senator CONROY—That is certainly big bucks, Senator Mason. You are right. ‘Roll over Ron’ is back; excellent! As Senator Forshaw said today, Senator Ron Boswell promised the sugar industry an FTA. What has he given them? Sweet FA. That is what happened here. We have the Prime Minister saying, ‘This is a great deal because in 18 years we are going to be able to get some beef into the US.’ No cow that is alive today will make it to an American barbecue. That is the truth of the National Party’s representation. When John Howard is 82 years old and he is asked, ‘How would you like your steak?’ he will say, ‘Through a straw, thanks.’ That is the deal you have delivered to your constituents. We will stand up for them, but you lot have gone missing in action. I said yesterday and I say again today: Black Jack McEwen is spinning like a rotisserie in his grave because the great party that he once supported, that he championed—

Senator Ferguson—Mr Deputy President, I rise on a point of order going to relevance. I am wondering whether the Senator Conroy who is speaking today is the same Senator Conroy who, on 6 November in estimates, said:

I am a beginner in the trade world.

The DEPUTY PRESIDENT—There is no point of order, Senator Ferguson. You know that as well as I do, but it was a good try.

Senator CONROY—I welcome one of the Liberal dries, one of the acolytes of free trade on the Liberal side, trying to get up and justify his position on this. Deep down you, Senator Ferguson, and Senator Minchin must be loving it. There will be more money going to the sugar farmers from the driest man in the building, Senator Minchin, who is supported by his personal acolyte, Senator Ferguson. It is good to see the dries on the Liberal Party sticking it in for free trade and saying, ‘We’re champions of free trade.’ What do they do? They sell out Australian farmers. I am not sure who is worse—‘Roll over Ron’ or Nick Minchin. The two of them have championed free trade for years and all for a grubby little deal that may not
be in the national interest. Let us put it to the test. That is what it is about. Let us put it to the test. *(Time expired)*

**Senator SANDY MACDONALD** *(New South Wales)* *(3.13 p.m.)*—We had Senator Conroy arguing about the actual value of the FTA in his questions today, but what he was admitting is that the FTA is very much in Australia’s interests. Perhaps the only thing they can knock is its value to Australia. There is a very clear value to Australia. He personally supports the FTA, and why shouldn’t he? It is very much in Australia’s interest. In his article today in the *Financial Review*, he says:

Labor’s credentials on free trade are unmatched ... Labor’s commitment to free trade was overwhelmingly endorsed at the recent ALP national conference.

It is a pity that his support for this FTA is not mirrored by those comments in today’s media. Senator Conroy and the Labor Party are constrained by two things. The first is Labor’s complete lack of credibility on all things economic. They cannot manage the economy; they never could. They cannot recognise the value of the FTA to the Australian economy; they cannot value the improvement in the Australian economy that will come from the FTA, particularly with respect to jobs. The agreement is about growth in the economy and jobs for average Australians.

The other thing—and they do not like being reminded of this—is that there is a very strong element in the Labor Party that is anti-United States. It may be okay to have a free trade agreement with Singapore and Thailand but not with the US. It just so happens that the United States economy comprises one-third of the world’s GDP. It is the world’s largest economy and, I suspect, it is going to become a larger part of the world economy as activity grows over the next two decades or so.

It is also worth saying that Australia and the United States came to the FTA negotiations as two of the world’s biggest free trade supporters. We have very open markets; they have very open markets. There are areas in agriculture which they feel very strongly about, in the same way that we feel very strongly. We have constituencies out there that we have to protect and we do that. They do, too, but there are certain things on which they would not bend. Whilst they may not have been as helpful as we would have liked on sugar, they certainly did accept our arguments on the single desk, on local content and on the very important PBS, from Australia’s point of view.

This agreement offers enormous opportunities for closer integration with the United States, which is the world’s largest economy. Two-thirds of all agricultural tariffs, including those on important commodities such as lamb, sheep meat and horticultural products, will be eliminated immediately. A further nine per cent of tariffs will be cut to zero within four years. The free trade agreement provides greater access to the US market for two of Australia’s key agricultural industries, namely, beef and dairy. Senator Conroy had a smile on his face when he said that no Australian cow now walking around the paddock has any chance of being carved up at a United States barbecue, but that is just not true. We have an existing beef quota of 378,000 tonnes—

**Senator Boswell**—That is coming off that immediately.

**Senator SANDY MACDONALD**—The point should be made, as Senator Boswell reminds me, that the ‘within quota’ tariff on that is coming off immediately, so it is a very important thing. I have only a brief time to question what Senator Conroy said about
sugar. This agreement will unfortunately deliver no extra market access to sugar. If there were no deal, we would still have no improvement in the sugar trade and there would be significant disadvantages to other Australian farmers who will benefit immediately when the FTA commences. In the end, it was clear in the negotiations that no matter how many weeks or months the negotiations went on, there would be no improvement for sugar. The United States has a very highly protected sugar industry across a range of states, including Florida, where the President’s brother is governor. Of the 1.1 million tonnes of imports of sugar that the United States receives, Australia has approaching 100,000 tonnes. This is a very corrupted world market. Probably 85 per cent of the world market for sugar is corrupted and we do not approve of that, but there is not a great deal we can do to control that very corrupted market. (Time expired)

Senator O’BRIEN (Tasmania) (3.18 p.m.)—That was a very valiant attempt by Senator Sandy Macdonald to defend the indefensible. Let me first remark on comments which, hour by hour, are emanating from the National Party in particular and the government generally—that is, to ask rhetorically: how are sugar growers worse off because of the deal from which they have been excluded? Let me tell you. Firstly, the best possibility for assistance for sugar growers and many farmers in this country is a multilateral round outcome. Probably 85 per cent of the world market for sugar is corrupted and we do not approve of that, but there is not a great deal we can do to control that very corrupted market. (Time expired)

Senator Sandy Macdonald—You went to Cancun; you saw the grass growing!

Senator O’BRIEN—It will be interesting to hear from you. What Australia has done is lose credibility in its ability to influence the outcome of any multilateral round for agriculture. What they have shown here is that, with our great and powerful friend, we are prepared to put agriculture on the back-burner, or have no deal on it, but to make deals on other issues—and Senator Macdonald was at Cancun, so he knows how difficult agriculture was. Secondly, Australia will lose credibility with the Cairns Group, which is critically involved in agriculture. Australia will be seen to be a rollover nation—as comments about Senator Boswell clearly position him. Thirdly, this may have been the last chance for the sugar industry to get some sort of assistance to allow it to continue while the multilateral round was going on.

Time and time again, the government and the National Party—and I detailed this yesterday—promised the sugar industry that they would get something out of this package. Then, leading up to the election in Queensland last weekend, the government had the temerity to say that only the National Party was there to look after the sugar seats and on Sunday, after the election, they told them they had just sold them out. ‘They’re going to get something,’ says Senator Boswell. They might get something, but that money will have nothing to do with the survival of the sugar industry. It will only be about the survival of the government, which will prompt the government to pay more money to the sugar industry, after four packages which have done nothing to provide for the sustainability of the sugar industry.

The last package promised $60 million to assist sustainability of the industry and to restructure the industry. The government have used every excuse possible not to pay one red cent of that $60 million—‘Blame the Beattie government; there are all sorts of problems there. Let’s have a look at the memorandum of understanding we agreed to. Oh no, we didn’t agree to that.’ The government have put every barrier possible in the way to avoid paying one red cent of money towards the restructure of the sugar industry. Yet, they had the temerity to go to the sugar
seats in the Queensland election and tell them that they would be the saviours of the industry, without telling them that they had already done the deal to sell them out at the US FTA level and that they had already done a deal which would prejudice our ability to get a better deal and a multilateral round for that industry and a whole lot of others. That is why this deal on that count is shameful.

In terms of other aspects of this package, let me say this: it is worth while exploring this package to see just what is in there. The government is not even sure, and that is what we have seen from answers today. Senator Campbell could not tell us what a particular aspect of the health deal might mean for that very important sector of this economy. I am looking forward to his answer, because the reality is that a whole lot of people in this country want to know just what has been or is proposed to be dealt away. At the end of the day this is no free trade deal. This is a deal that talks about trade, and that TV program Deal or No Deal is probably a good example of what has happened here. We have taken the 50c box and the United States has got the $2 million.

Senator Conroy spoke about the national interest. This is in the national interest. No one is worse off under this deal, but there are plenty of people better off. Four billion dollars will come into the Australian economy over the next few years because of this deal, and thousands of jobs will be created. Labor will oppose it, and that will cost billions of dollars and cost thousands of jobs. That is Labor’s policy: to oppose free trade with the United States.

This is an echo of the GST debate. Remember that debate? Remember the horror that was for your party? Remember the difficult politics that we on this side of the chamber took on and that they knew had to come in to assist this country. The Labor Party opposed the GST not because they did not believe it was good policy—they knew it was—they opposed it because they thought they would procure some political advantage from it. It was the most pathetic display, and they are doing it again in relation to the free trade agreement. Labor members think, ‘Aha! I can make some political capital out of this,’ because they know the benefits of the free trade agreement are spread very evenly across the Australian community. But some people do not benefit and they are localised in certain seats and the Labor Party are thinking, ‘Aha! We might be able to pick up some seats at the next federal election,’ even when they know—and they do know—that it is in Australia’s national interest to support it.

That is the disgrace of the Labor Party over the last 20 or 30 years—not that they disagree with us but that they will sacrifice the national interest for short-term sectional interests. They did it with the GST in the most disgraceful way—they have known for the last 20 years that we needed it and of course they opposed it. They wanted to procure a little bit of sectional advantage for themselves. It was pathetic and a disgrace.
and they are doing it again. And what does Mr Latham think?

**Senator Ferris**—What day is it?

**Senator MASON**—He used to believe in free trade, but he has now become a perverse purveyor of some nasty, sordid little intellectual op-shop where he walks along cherry picking the ideas from day to day. It is absolutely pathetic, and depending upon the day of the week, Senator Ferris, he will change his view. It depends on the day of the week because in fact he has no policies.

The funny thing about Mr Latham is that in recent times he has been airbrushing his history. It is very Stalinist. The fact is that he was a free trader and he has now changed his view to fit what he thinks is this small sectional advantage, a couple of sugar seats in the next federal election. And he wonders why the Australian people are rather cynical about politicians. The only memorable thing I remember Mr Latham doing recently, other than castigating his colleagues and having a go at them, is talking about hate and hating the Liberal Party and hating Liberal democracy. Here is a guy who wants to be the Prime Minister of this country and he talks about hate and class warfare—and he is supposed to be the next Prime Minister.

Opposing this free trade agreement will cost thousands of jobs and it will cost billions of dollars. No-one is worse off under this agreement; the vast majority of Australians are better off. It is an absolute disgrace that the Labor Party are opposing it. They did it with the GST, and they will try to do it again with the free trade agreement. It is a disgrace. *(Time expired)*

**Senator MARSHALL** *(Victoria)* *(3.27 p.m.)*—I take a great deal of pleasure in joining the debate today over the free trade agreement with the United States. Might I suggest that Senator Mason pops back to the panic room. We know this government knows that it is in trouble when it starts invoking Stalin during the debate on trade. And isn’t it amazing to watch the debate today and to see government speaker after government speaker try to defend a free trade agreement which not one of them has seen? Not one of them has read it. All they have seen is the spin that Minister Vaile has put out in his press releases. The text just is not there—

**Senator Ferris**—You haven’t read it.

**Senator MARSHALL**—That is why, Senator Ferris, the Labor Party have not made a decision on whether to support or oppose the free trade agreement. We will not make a decision until we see the detail. We will take the wise course and determine that we will wait and see what is actually in the text of the FTA before we will determine whether it is or is not in the national interest and before we make a decision whether to support or oppose it. But not the government, not the coalition: they will believe their own spin put out by Mr Vaile and defend it to the death—not one of them having read it, not one of them having seen the detail. So the defence today, quite frankly, is hollow.

The one thing we can talk about for certain is sugar, because sugar is not in the agreement. This is where the coalition, and the National Party specifically, have absolutely failed. They conned the cane farmers, they conned everyone here, and they conned the community all through these negotiations. As late as a week ago Mr Vaile was quoted in the *Sydney Morning Herald* on 4 February as saying:

Mr Vaile’s spokesman would not comment on the inclusion of sugar in the talks, except to say Australia would not sign a deal that excluded sugar.

An article in the Brisbane *Courier-Mail* on 30 January stated:

But Australian Trade Minister, Mark Vaile, on his way for a third day of talks with his US counter-
part Robert Zollich, again ruled out the possibility of short-shrifting canegrowers or any other primary producers. “Our objective—
and this is a quote from Mr Vaile—
is a comprehensive outcome right across all sectors, but particularly in agriculture. By ‘comprehensive’ we mean we need to cover the critical areas of sugar, beef and dairy. That means sugar must be part of the deal.

As recently as last month the Deputy Prime Minister, the Leader of the National Party, Mr John Anderson, said, ‘It would be un-Australian to do a deal with the US without concessions on the sugar trade barriers.’

We have seen government senators try to set the spin on us today that the sugar industry is quite happy with the free trade agreement. But it has been universally condemned by the sugar industry. I quote again from the Courier-Mail:

Stunned sugar industry groups yesterday accused the government of betraying growers, after promising for 12 months that sugar would be included in the FTA. Canegrowers’ Chairman Jim Pedersen said cane producers would view the deal as further evidence that they were now considered dispensable by the government. “We have had faith in the commitments given by Mr Howard, Mr Vaile, and other senior government leaders that sugar would be a ‘must include’ in any acceptable US-Australia free trade agreement”, Mr Pedersen said.

We all know what happened. It was a con. The sugar industry was comprehensively dudged in this agreement. The fury in the sugar industry at being excluded from the tariff reduction deal with one of the world’s biggest markets has left coalition MPs in north Queensland’s sugar seats predicting their own electoral demise. The National MP De-Anne Kelly said that ‘it could well cost her her seat of Dawson’. She went on to say:

I think we were beaten by the political agenda in the US. She is dead right about that. We were comprehensively beaten by the US in these negotiations in relation to sugar in particular, and yes, she should lose her seat. So should every other National Party member who conned the industry throughout the last 12 months, guaranteeing the industry that it would be included. What we read in the Melbourne Age today is amazing. It talks about sugar not having been included in the free trade agreement and says that including sugar would have been the best thing this government could have done to protect the interests of the cane growers. I quote from the Age:

Mr Howard told his colleagues that assistance to the sugar industry had top priority after he failed to win access to the lucrative US market for cane farmers—

(Time expired)

Question agreed to.

PETITIONS

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

Medicare

To the Honourable the President and Members of the Senate in Parliament assembled:
The Petition of the undersigned are committed to Medicare, one of the world’s fairest and most efficient health systems. We are concerned that the current Government’s proposed changes to Medicare attempt to divide Australians according to their income and ignore the fundamental philosophy that underpins Medicare—a system where taxpayers pay through their taxes for health care that we can all enjoy at low or no cost at the time of service.

Your Petitioners request that the Senate amend any Medicare bills to preserve the unifying features of Medicare so that there is one system of access to doctors’ services.

by Senator Allison (from 379 citizens).
Banking: Fees and Services
To the Honourable the President and members of the Senate in Parliament assembled:
The petition of the undersigned citizens of Australia draws to the attention of the Senate the need for a Joint Select Committee of Parliament to investigate and inquire into banking industry to ascertain whether the banks have been guilty of unconscionable conduct in respect to the following matters:
1. Simultaneous settings of the same interest rates by the banks.
2. The size of the margins between lending and borrowing rates charged by the banks.
3. The banks writing off legal fees against assessable income.
4. The associations between members of the judiciary and the banking industry.
5. The banks’ onslaught and devastation caused in rural Australia.
7. The banks’ paying tax and compliance with ATO provisions.
8. Community interests and banking closures.
9. Take over bids, franchise and loss of jobs.
10. Cross-collateral, joint ventures, shared assets and collusion between banks.
11. Banks’ tax write-off of client debts while simultaneously suing clients for the total debt without deduction of tax benefits.
12. Banks’ high cost of litigation recouped from borrowers.
13. The link of the banking industry and the Banking Ombudsman.
15. Fairness of banking contracts because of the banks’ take it or leave it position.
16. Interest rate fixing.
17. Hidden Charges.
18. Unregulated bank charges
19. Excessive executive salaries, fringe benefits, bonuses etc.
20. Fractional Reserve Banking.

by Senator Murray (from 436 citizens).

Medicare
To the Australian Senate:
We the undersigned call upon the Senate to oppose the Government’s Medicare package because it is likely to reduce access to bulk billed services and increase out-of-pocket expenses for many people.
We further call on the Senate to take steps to abolish the private Health Insurance Rebate and direct the savings to public health services, including Medicare, as advocated by the Australian Greens.
All Australians should be guaranteed timely access to quality public healthcare on the basis of need and not ability to pay. This objective is best achieved through strengthening and extending Medicare, including covering more dental and mental health services.

by Senator Nettle (from 69 citizens).

Petitions received.

NOTICES
Withdrawal
Senator LIGHTFOOT (Western Australia) (3.30 p.m.)—Pursuant to notice given at the last day of sitting on behalf of the Regulations and Ordinances Committee, at the request of Senator Tchen I now withdraw business of the Senate notice of motion No. 2.

Presentation
Senator Ludwig to move on the next day of sitting:
That the time for the presentation of the report of the Select Committee on Ministerial Discretion in Migration Matters be extended to 31 March 2004.

Senator Cook to move on the next day of sitting:
That the Foreign Affairs, Defence and Trade References Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 1 March 2004, from 4 pm, to take evidence for the committee’s inquiry into the
effectiveness of the Australian military justice system.

Senator Ridgeway to move on the next day of sitting:
That the Senate—
(a) congratulates Bernadette McMenamin who was named 2004 Australian of the Year for Victoria;
(b) notes that some of her achievements include:
(i) founding Child Wise Limited in 1993, a not-for-profit company which works towards the attainment of a world free from child exploitation, child sex abuse and child sex tourism, and
(ii) establishing the award-winning Choose with Care information and training program, the Child Wise Tourism and the Travel with Care programs which provide education, training and information on child sex tourism to the tourism industry;
(c) also notes that, according to a recent report from Child Wise, Australian paedophiles have now become part of the growing child sex trade in Bali; and
(d) calls on the Government to commit to providing ongoing support to organisations like Child Wise as a general principle of focussing on preventative measures against Australians involved in child sex tourism, rather than focussing on prosecution after the offence.

Senator Cherry to move on the next day of sitting:
That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on the Australian telecommunications network be extended to 31 March 2004.

Senator Allison to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) 42 million women, men and children are living with HIV/AIDS globally, with more than 95 per cent of these people living in developing countries,
(ii) more than 3 million die each year of AIDS (8 500 a day),
(iii) there are more than 7.4 million people living with HIV/AIDS in Asia and the Pacific,
(iv) every year, 2 million people die of tuberculosis (TB) (i.e. more than 5 000 a day) and 8 million develop active TB,
(v) malaria kills between 1 and 2 million people each year,
(vi) there are more than 3 million confirmed cases of malaria in South-East Asia and the Pacific each year,
(vii) the Global Fund to Fight AIDS, Tuberculosis and Malaria, endorsed by the United Nations General Assembly in 2001, is already saving lives, contributing to placing 700 000 people on anti-retroviral treatment for HIV/AIDS, detecting and treating more than 2 million TB cases and providing 64 million bed nets to protect people from malaria transmission,
(viii) 2 years after its creation, the fund is facing a massive shortfall in funding, and
(ix) according to the Equitable Contributions Framework, Australia should be contributing 1.2 per cent of the fund’s resources, or $AU110 million for the period 2002 to 2004; and
(b) urges the Government to join the United States of America, the United Kingdom, Japan and France in contributing to the fund, in accordance with the Equitable Contributions Framework.

Senator Allison to move on the next day of sitting:
Fifteen sitting days remain for resolving.**

** Indicates sitting days remaining, including today, within which the motion must be disposed of or the Determination will be deemed to have been disallowed.

Senator Nettle to move on the next day of sitting:

That—

(1) The following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 30 June 2004:

The funding and disclosure of political parties, candidates and elections.

(2) In considering this matter, the committee examine and report on the following issues:

(a) the effect that public funding has had on the overall funding of political parties, candidates and elections;

(b) the effect on the political process of the increase in private funding, relative to public funding, of political parties, candidates and elections;

(c) avenues for removing the reliance on private funding for political parties, candidates and elections;

(d) relevant submissions, transcripts and reports of the Joint Standing Committee on Electoral Matters inquiry into electoral funding and disclosure (August 2000 to October 2001); and

(e) any other relevant matter.

COMMITTEES

Selection of Bills Committee

Report

Senator LIGHTFOOT (Western Australia) (3.35 p.m.)—I present the first report of 2004 of the Selection of Bills Committee.

Ordered that the report be adopted.

Senator LIGHTFOOT—At the request of the Chair of the Selection of Bills Committee, Senator Ferris, I also seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE

REPORT NO. 1 OF 2004

1. The committee met on Tuesday, 10 February 2004.

2. The committee resolved to recommend—

That—

(a) the Australian Federal Police and Other Legislation Amendment Bill 2003 [2004] be referred immediately to the Legal and Constitutional Legislation Committee for inquiry and report on 23 March 2004;

(b) the provisions of the Treasury Legislation Amendment (Professional Standards) Bill 2003 be referred immediately to the Economics Legislation Committee for inquiry and report on a date to be determined after consulting the committee; and

(c) the following bills not be referred to committees:

Broadcasting Services (Safeguarding Local Content and Local Audience Needs) Amendment Bill 2003

Customs Legislation Amendment (Application of International Trade Modernisation and Other Measures) Bill 2003

Dairy Produce Amendment Bill 2003

Fisheries Legislation Amendment (Compliance and Deterrence Measures and Other Matters) Bill 2003 [2004]

Health Legislation Amendment (Medicare) Bill 2003

Import Processing Charges (Amendment and Repeal) Amendment Bill 2003

Industry Research and Development Amendment Bill 2003

National Measurement Amendment Bill 2003
Privacy Amendment Bill 2003

The committee recommends accordingly.

3. The committee deferred consideration of the following bills to the next meeting:

Bill deferred from meeting of 12 August 2003
Civil Aviation Legislation Amendment (Mutual Recognition with New Zealand and Other Matters) Bill 2003.

Bill deferred from meeting of 28 October 2003
Intelligence Services Amendment Bill 2003.

Bill deferred from meeting of 25 November 2003

Bill deferred from meeting of 2 December 2003
Fisheries Legislation Amendment (High Seas Fishing Activities and Other Matters) Bill 2003.

Bills deferred from meeting of 10 February 2004
Australian Crime Commission Amendment Bill 2003
Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Bill 2003
Corporations (Fees) Amendment Bill (No. 2) 2003
New International Tax Arrangements Bill 2003
Norfolk Island Amendment Bill 2003 [2004]
Racial and Religious Hatred Bill 2003 [No. 2]
Taxation Laws (Clearing and Settlement Facility Support) Bill 2003
Taxation Laws Amendment Bill (No. 9) 2003.

Jeannie Ferris
Chair

Proposal to refer a bill to a committee

Name of bill(s):
Australian Federal Police and Other Legislation Amendment Bill 2003 [2004]

Reasons for referral/principal issues for consideration
To examine the impact of the bill on the operation capacity of the AFP and the APS

Possible submissions or evidence from:
AFPA, APS, AG CPSU etc

Committee to which bill is referred:
Legal and Constitutional Legislation Committee

Possible hearing date:
Possible reporting date(s): 23 March 2004
Senator J Ludwig
Whip/Selection of Bills Committee Member

Appendix 2

Proposal to refer a bill to a committee

Name of bill(s):
Treasury Legislation Amendment (Professional Standards) Bill 2003

Reasons for referral/principal issues for consideration
To examine the provisions of the bill and the impact that it is likely to have on professionals and consumers, especially the introduction of a cap on liability and damages. Since the legislation is designed to address the availability and cost of public liability insurance, examine the likely impact on premium pricing and professional conduct.

Possible submissions or evidence from:
Australian Consumers Association
Australian Consumer Competition Commission
Australian Plaintiff Lawyers Association
Insurance Council of Australia
Institute of Chartered Accountants
Association of Consulting Engineers Australia
Australian Medical Association
State governments
Professional Standards Council

Committee to which bill is referred:
Economics Legislation Committee
Wednesday, 11 February 2004  SENATE  19953

Possible hearing date:
Possible reporting date(s): As soon as practicable
Senator L Allison
Whip/Selection of Bills Committee Member

BUSINESS

Postponement
An item of business was postponed as follows:

General business notice of motion no. 753 standing in the name of Senator Murray for today, proposing that the Joint Standing Committee on Electoral Matters reconstitute an inquiry into funding and disclosure, postponed till 12 February 2004.

IRAQ

Senator BROWN (Tasmania) (3.36 p.m.)—I move:

That the Senate calls on the Government to establish a judicial inquiry to report by 1 September 2004 on matters including:

(a) the success or failure of Australia’s intelligence agencies to correctly inform the Government on Iraq’s threat to the world, including its weapons of mass destruction and relationship with terrorists, in the lead-up to the invasion of Iraq in 2003;

(b) the agencies’ assessment of intelligence from foreign agencies and governments, particularly those in the United States of America and the United Kingdom, and the motivation involved; and

(c) whether the Australian Government, including the Prime Minister (Mr Howard), used that intelligence fairly or otherwise in public statements and debate and in deciding to despatch Australian Defence Force personnel to the war.

Question put.

The Senate divided. [3.40 p.m.]
(The Deputy President—Senator J.J. Hogg)

Ayes………….. 10
Noes………….. 32
Majority………. 22

AYES

Allison, L.F. *  Bartlett, A.J.J.
Brown, B.J.  Cherry, J.C.
Greig, B.  Harris, L.
Murray, A.J.M.  Nettle, K.
Ridgeway, A.D.  Stott Despoja, N.

NOES

Barnett, G.  Bishop, T.M.
Brandis, G.H.  Buckland, G.
Campbell, G.  Campbell, I.G.
Carr, K.J.  Chapman, H.G.P.
Colbeck, R.  Collins, J.M.A.
Conroy, S.M.  Cook, P.F.S.
Crossin, P.M.  Denman, K.J.
Hogg, J.J.  Johnston, D.
Kirk, L.  Knowles, S.C.
Lightfoot, P.R. *  Ludwig, J.W.
Lundy, K.A.  Mackay, S.M.
Mason, B.J.  McLucas, J.E.
Murphy, S.M.  Ray, R.F.
Scullion, N.G.  Stephens, U.
Tchen, T.  Watson, J.O.W.
Webber, R.  Wong, P.

* denotes teller.

TRADE: FREE TRADE AGREEMENT

Senator BROWN (Tasmania) (3.44 p.m.)—I move:

That there be laid on the table by the Minister representing the Minister for Trade, no later than 5 pm on Wednesday, 11 February 2004, the Free Trade Agreement made between the Governments of Australia and the United States of America in February 2004.

Question agreed to.

19TH ASIAN PARLIAMENTARIANS MEETING ON POPULATION AND DEVELOPMENT

Senator RIDGEWAY (New South Wales) (3.45 p.m.)—At the request of Senator Allison, I move:
That the Senate notes, and encourages the Government to act on, the statement adopted at the 19th Asian Parliamentarians Meeting on Population and Development in Ho Chi Minh City, Vietnam during December 2003 that calls for strategies for governments and international organisations to:

(a) develop an integrated strategy and action plans for solving the population and water issue;

(b) stimulate awareness among the public that fresh water resources are very scarce and to make people understand the importance of integrated and efficient water resource management;

(c) ensure a healthy water environment by addressing pollution, climate change affecting fresh water and other factors through relevant policies and appropriate legislative measures;

(d) establish regional, sub-regional and inter-governmental organisations on international water management, recognising that international river basin areas need a coordination board of concerned countries for the efficient and equitable use of water; and

(e) implement an education plan for primary school onwards on safe water use and the relationship between water and health.

Question agreed to.

COMMITTEES

Economics Legislation Committee

Meeting

Senator LIGHTFOOT (Western Australia) (3.46 p.m.)—At the request of Senator Brandis, I move:

That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 12 February 2004, from 3.30 pm to 7 pm, to take evidence for the committee’s inquiry into the provisions of the Superannuation Safety Amendment Bill 2003.

Question agreed to.

COMMITTEES

Select Free Trade Agreement Committee

Establishment

Senator MACKAY (Tasmania) (3.46 p.m.)—by leave—At the request of Senator Conroy, I move the motion as amended:

That—

(1) A select committee, to be known as the Select Committee on the free trade agreement between Australia and the United States of America, be appointed to inquire into that agreement and report within 3 months after the text of the agreement is made publicly available, or on such later date as determined by the committee.

(2) The committee shall:

(a) examine the agreement;

(b) provide a democratic and transparent process to review the agreement in its totality to ensure it is in Australia’s national interest; and

(c) examine impacts of the agreement on Australia’s economic, trade, investment and social and environment policies, including, but not limited to, agriculture, health, education and the media.

(3) The committee consist of 8 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Leader of the Australian Democrats, and 1 nominated by minority groups and independent senators.

(4) The committee may proceed to the despatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.

(5) The chair of the committee be elected by the committee from the members nominated by the Leader of the Opposition in the Senate.
(6) The deputy chair of the committee be elected by and from the members of the committee immediately after the election of the chair.

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

(8) The quorum of the committee be a majority of the members of the committee.

(9) Where the votes on any question before the committee are equally divided, the chair, or the deputy chair when acting as chair, shall have a casting vote.

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

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

(12) The quorum of a subcommittee be 2 members.

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

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

Question agreed to.

Economics References Committee Extension of Time

Senator STEPHENS (New South Wales) (3.48 p.m.)—I move:

That the time for the presentation of the report of the Economics References Committee on whether the Trade Practices Act 1974 adequately protects small business be extended to 1 March 2004.

Question agreed to.

MATTERS OF URGENCY

Immigration: Detention Centres

The DEPUTY PRESIDENT—I inform the Senate that the President has received the following letter, dated 11 February, from Senator Bartlett:

Dear Mr President,

Pursuant to standing order 75, I give notice that today I propose to move:

That, in the opinion of the Senate, the following is a matter of urgency:

the need for the Government to:

(a) acknowledge that it is unacceptable for hundreds of asylum seekers to continue to be detained on Nauru, well over two years after the camp was first opened; and

(b) move to close down the detention centre in Nauru.

Andrew Bartlett
Leader of the Australian Democrats and Senator for Queensland

Is the proposal supported?

More than the number of senators required by the standing orders having risen in their places—

The DEPUTY PRESIDENT—I understand that informal arrangements have been made to allocate specific times to each of the speakers in today’s debate. With the concurrence of the Senate, I shall ask the clerks to set the clock accordingly.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (3.49 p.m.)—I move:

That, in the opinion of the Senate, the following is a matter of urgency:

the need for the Government to:
(a) acknowledge that it is unacceptable for hundreds of asylum seekers to continue to be detained on Nauru, well over two years after the camp was first opened; and

(b) move to close down the detention centre in Nauru.

I thank other senators for their support on this matter of urgency. It is appropriately named, because it is an urgent matter. It may not seem urgent to some of us here in the parliament who are debating a whole range of issues; it may seem like a matter that is far, far away from our immediate focus. The reason it might feel that way is that the people who are affected directly are far, far away. They are over 4,000 kilometres north-east of Sydney, offshore, pretty much right on the equator—a very long way from here; a very long way from lots of places. But for the people that are directly affected—those 260-plus asylum seekers who are still detained on Nauru—it is an extremely urgent matter. It is relevant to us here in the Senate and in this parliament because they are there as a direct consequence of a decision of this government. This government was able to make that decision using powers it was given by legislation passed by the Senate prior to the last election in 2001. All of us would be very much aware of the political and policy context and the debates of the period flowing on from the Tampa.

For some people, August 2001, when the Tampa situation happened, might seem like a long time ago. There are still 22 Afghan males on Nauru who were rescued by the Tampa from almost certain death in a floundering, sinking boat in the middle of the Indian Ocean. Twenty-two of those people endured all of that experience. For those who want to read in detail of the extraordinary experiences that they went through there is a book. After leaving Indonesia there was a lot of danger, a lot of extreme suffering, just on their boat journey. They experienced near death at sea, the rescue by the Tampa and the transportation on the Navy vessel, the Manoora, across to Nauru. That in itself was an unbelievable ordeal. I recommend the book Dark Victory for those want to see that in a lot of factual detail. It is an extraordinary book, describing an extraordinary situation of an extraordinary episode in our history, the details of which I think many of us have perhaps forgotten.

One detail that should not be forgotten is that there are still 22 people who experienced all that and who are still on Nauru. They are about to be reassessed by the United Nations High Commissioner for Refugees, who will take into account the very latest country information in Afghanistan. Some of them may now be found to meet the criteria for a refugee. Many others there are under the assessment oversight of the Australian government through DIMIA, the immigration department. Those people also may be reassessed once the latest country information is provided by the United Nations.

The fact is that those people have been there for nearly 2½ years and their future is one big grey cloud. As senators would know, I visited Nauru in January. It was my second visit. I also went there in July last year. There is much I could say about it, but the core of the motion before the Senate is simply focused on one fact: it is totally unacceptable— and I hope the Senate’s view—for those people to continue to be there and to be left there to drift. What we have now is a situation of policy drift. I framed this motion in a way that would take out a lot of the areas of disagreement about refugee policy—and I realise there are still a lot of areas of disagreement about refugee policy and about how to best deal with asylum seekers—and would simply look at the situation facing the 260-plus human beings still on Nauru. I should add that that figure includes over 70 children, approximately 15 of whom are un-
der the age of five. They have obviously suffered enormously. That in itself is a situation that should be focused on and debated. What this motion goes to is that their suffering should cease.

Regardless of whether people thought it was appropriate to put people on Nauru in the first place, I believe it is now becoming very clear that it is no longer appropriate. I have got this view from talking to not just the detainees on Nauru but also the workers in the camps, the organisation that oversees the running of the camp, the many people who are resident in Nauru and those who work in the Nauru government, as well as people within our government. It is in a state of drift; it is in a state of complete stalemate. The facts are there—and can be brought out if people doubt me—that for the vast majority of these people, either from Afghanistan or from Iraq, there are solid humanitarian reasons why they cannot return home at the moment, even if they do not meet the specific criteria of refugee.

Our obligation both legally and, I would suggest even more importantly, ethically is that we should not force people to return to a place where there are clear humanitarian reasons why they should not go back there. It is a principle we accepted with the situation in Kosovo. It was not because they all met the criteria under the refugee convention—many of them did not—but because their situation at that time was not safe, and therefore it was not safe for them to return to Kosovo for a prolonged period of time. So we gave them safety elsewhere. We are not giving these people safety; we are giving them imprisonment, and that should end.

What I want this government to recognise is that, whether or not it was the right thing to do two years ago, the right thing to do about the situation now is to remove these people from detention. There is a clear humanitarian reason why they should not be expected to return home in the near future, regardless of whether or not they meet the refugee convention criteria. They certainly meet a broader humanitarian situation. We should give them freedom from detention. There is any range of options there. I have not gone into them because the issue is simply to acknowledge that it is time to move on; it is time to free them from detention; it is time to close down the detention centre in Nauru. There is any range of options as to how they could best be dealt with, but it should not involve ongoing detention, and it certainly should not involve them continuing to be kept far away from any sort of support, with no visitors, in isolation and with no hope for their future. That has gone on for long enough. Their suffering has gone on for too long. It is now unacceptable, and we should close down the camp. (Time expired)

Senator BRANDIS (Queensland) (3.56 p.m.)—I want to begin by acknowledging the genuineness of Senator Bartlett’s concern with this issue. It has been a matter which he has persistently raised for some years. I remember a debate which Senator Bartlett, Senator Moore and I, among others, had at the University of the Sunshine Coast on 25 October last year in which many of these issues were canvassed.

It is not to be forgotten that in every single case the people on Nauru were people who sought to violate Australia’s migration laws, who sought to enter Australia unlawfully. In dealing with unlawful entrants, Australia is constrained by its obligations under international law and by its humanitarian obligations. No aspect of the Australian government’s policy in relation to Nauru—which is the most visible expression of the so-called Pacific solution—violates either of those obligations.
Let me deal with them in turn. Australia is obliged under international law and the convention on the treatment of refugees to deal with refugees in a particular manner—and that is what Australia has done. But people do not become refugees merely because they assert that they are refugees. People cannot self-assess as refugees. The state in which they are seeking asylum is entitled by its own processes to determine the validity of their claim. That is what Australia has done. More than 1,500 people have been assessed in offshore detention centres, including Nauru, by both the UNHCR and by the Australian government; 751 of them have been determined to be refugees and have been resettled; and 482 have been determined to be illegal arrivals, not legitimate refugees, and they have voluntarily returned home or gone elsewhere.

Every last person remaining in Nauru today is a person who has been assessed either by the UNHCR or by the Australian authorities not to be a refugee. You might have thought, Mr Deputy President, listening to Senator Bartlett’s speech that the people of whom he was speaking were refugees or people validly claiming to be refugees, but it is not so. The people on Nauru today are people whose claim to refugee status has been adjudicated and whose claim has failed. They are not refugees. So there is no breach by Australia of its obligations under the refugee convention in relation to the people in detention on Nauru, but nor is there a violation of any humanitarian obligation.

It is a very sad thing to me that, in this whole debate about the treatment of asylum seekers and refugees, public attention has been deflected from the core fact in the discussion. The core fact in the discussion is that Australia is one of the most generous countries in the world when it comes to accepting and resettling refugees and other people seeking to come to Australia under various humanitarian programs. Per capita, Australia accepts more refugees than any country in the world other than Canada. That fact is so often lost; it goes unheard and it cannot be said often enough. Entrance to Australia whether by refugees or by applicants under various other humanitarian settlement programs occurs under a program called the Integrated Humanitarian Settlement Strategy. That program applies to four classes of entrants: to refugees, to entrants under the special humanitarian program, to applicants for permanent protection visas and to holders of temporary protection visas.

Australia’s willingness to receive people under the Integrated Humanitarian Settlement Strategy over the last three years has expanded very considerably. In 2000-01 Australia took in 5,297 people under each of the four legs of that program; the following year the number of people we took in increased by 49 per cent to 7,885. In the following year, 2002-03, the most recent year for which statistics are available, it increased again by 27 per cent to 10,041 people. Within the different categories of that program, there has also been a change. The number of refugees assisted as a proportion of the total number of entrants increased by 24 per cent in 2002-03 over the previous year. So we take more than twice as many entrants under all categories and proportionally more refugees.

The point to note is that every time a person is assessed in Nauru or one of the offshore places of assessment as being eligible for entrance as a refugee they take up one of the places in that program. By the very act of seeking to come to Australia unlawfully, in violation of our migration laws and being placed in one of the Pacific solution locations, those people, if they are assessed to be refugees, immediately displace a person who makes application for refugee status elsewhere in the world and in particular in the
Indonesian refugee camps. So we ought to have the sort of humanitarian concern of which Senator Bartlett has spoken for any distressed people, whoever they might be, who are under our care, including the people in Nauru. But please, Senator Bartlett, do not tell the Australian people that, by dealing with those people on Nauru today who have been assessed not to be refugees, not to be eligible under our generous humanitarian and refugee programs, Australia is either violating its obligations in international law or violating its humanitarian obligations.

Senator LUDWIG (Queensland) (4.05 p.m.)—Today’s urgency motion is about the closing of Nauru’s detention centre. Labor support the closure of Nauru’s detention centre, along with the one on Manus Island, as part of the Howard government’s so-called Pacific solution. Labor call for an end to the Pacific solution and we called for it in December 2002. The call to end the Pacific solution is part of the significant public policy that has framed Labor’s position on asylum seekers and border protection since December 2002.

Despite the Howard government’s claim that none of these asylum seekers will set foot on Australian soil, 312 have already been settled in Australia, with more on the way. The Howard government now says that the only reason for the Pacific solution is to prevent asylum seekers from gaining access to the more favourable processing system in Australia. I ask the government, in particular the Minister for Immigration and Multicultural and Indigenous Affairs, which one is it? Are you stopping what you might call illegals, unlawful arrivals, from ever entering Australia or are you placing them out of view and then slipping them in the back door when they are granted refugee status?

Why is the government wasting up to and probably more than $200,000 to keep one person on Manus Island and away from Australia only to allow the majority through? The Pacific solution is not just costly; it is a short-term, ad hoc strategy that has failed. Does anyone really believe Australia will be detaining asylum seekers on Nauru in 10, 20, 30, 40 or 50 years?

Labor believes in an orderly immigration system, a system based on the rule of law, a system of integrity which the Australian people will have confidence and trust in. The return of detention facilities to the control of the Commonwealth, being run by Commonwealth officers, would be a significant step towards a return to an immigration system that the Australian people would have confidence in. There is little confidence in the current system. By handing over the running of these facilities to international or private corporations, the government has removed any responsibility and accountability it has for the administration of these detention centres.

In December 2002, Labor warned the government that the cost of the Pacific solution was unsustainable. The true costs of the Pacific solution have never been disclosed by the Howard government. I waited for Senator Brandis to tell us how much the Pacific solution in fact costs. I am sure the next Liberal senator who stands in this chamber to inform us of their view on this issue will tell us the true costs that are being incurred with this ridiculous policy that the government have adopted. They will be able to detail and underline the costs of the Pacific solution. They will be able to tell the Australian people the truth about what is occurring in the detention centres that they have put on Manus Island and Nauru. They will be able to describe the circumstances in which these people are being detained. I expect them to talk not about the matters that Senator Brandis went to but about how long they intend to keep those people in the detention centres.
They will tell us the processing regime that they have put in place and the outcomes that have flowed from that. That is what I expect them to be able to tell us in this debate, not tell us about other issues.

The debate centres on this issue. Senator Brandis, in my view, failed to adequately address it. I hope the next Liberal senator that stands up to speak in this debate can help. However, I suspect the true costs will not be mentioned by the Liberal senators in this chamber. We will have to wait for estimates and prise them out of the public servants, because the government does not want to tell us. Instead it has met each successive call for disclosure from the public and parliament with increasing contempt. However, even on the basis of the government’s drip-feeding information on the costs of the Pacific solution to the public, it is clear that the costs of detaining and processing asylum seekers through the Pacific solution are hugely expensive. They are so expensive that the government cannot deny reports that the Australian taxpayer is paying over $200,000 a month to keep one asylum seeker in detention on Manus Island. The Minister for Immigration and Multicultural and Indigenous Affairs, Senator Amanda Vanstone, reportedly tried to justify the costs through a spokesman, not by saying anything herself. The Age reports:

Mrs Vanstone’s spokesman said the costs were not high given that the centre had to stay in “operational readiness” to take other detainees and given the high security and maintenance costs of “its remoteness and position in the tropics”.

The Howard government has backed itself into a corner over the Pacific solution and the current situation cannot be maintained. The government should close Nauru and Manus Island now. With it having done so, Labor would respond constructively to any transitional arrangements the government might suggest on announcing the closure.

Labor are committed to a fair immigration system, one of integrity and one that is orderly. Labor in government will ensure that our borders are secure and that the processing and detention of asylum seekers is fair. Notice how many times I have said ‘Labor’s policy’. I have said it a couple of times—enough for the government to understand that we do have a policy on this issue. We have discussed, we have consulted and we have formulated an effective solution. Labor are the only party to have released a significant policy for the control and processing of unlawful arrivals seeking refugee status. Our policy includes issues like maintaining mandatory detention as an essential part of Labor’s approach and providing open, hostel style supervised accommodation for those with prima facie claims who are not a health, security or absconding risk. Labor will remove children from detention centres and care for unaccompanied children through foster or community care arrangements, with children and their family members—subject, of course, to assessment of the health and security risks—in open, hostel style supervised accommodation. Labor will return detention centres to the public sector, with centres managed by Commonwealth officers, and will provide access to detention centres for the media and independent medical professionals. We will create an independent inspector general of detention to monitor detention conditions and to deal with complaints or other issues that might arise.

Labor is also committed to better processing of the asylum seekers or unlawful arrivals. In government, Labor will end the so-called Pacific solution, with its huge cost to Australian taxpayers. Labor’s policy includes ensuring that there will be a determination of 90 per cent of claims within 90 days. From my perspective, the current processing by the government is inadequate. Labor will provide an independent review of those claims
not determined in 90 days, with a goal of processing all claims within 12 months; will process claims quickly through a new refugee determination tribunal, with appeals to federal magistrates; and will provide a processing and detention facility on Christmas Island. Labor has undertaken a huge consultative process. It has listened closely to the wider community. Its shadow minister has formulated policy based on community needs and standards whilst following the conventions required under the United Nations charter on refugees.

Labor considers it essential to have a migration system with integrity, one which the community has confidence and faith in. Unlike the government, Labor has not spent the past three years covering its tracks and paying off the poorer Pacific nations to hide its lack of ability to produce a comprehensive refugee and migration policy. That is right—the Howard government has failed in its duty to the Australian community. The government has failed as well to cover up its inadequacies. They are clear and should be remedied.

While the government scrambled to cover up the flaws in its refugee and unlawful arrival policy by throwing out red herrings, the Labor Party actually sat down and with community consultation formulated a workable and, most of all, affordable policy. That required two essential attributes. You have got to have a rigorous, orderly procedure based system. It has got to protect the national interest and it has got to be in the national interest whilst promoting fiscal responsibility. Only when you have all those will the community have faith and confidence in it. Equally, the community will only have faith and confidence in our migration system if it treats people who go through it fairly. One of the absolutely essential requirements of fairness is that we deal with people speedily and in an efficient manner.

The worst thing you can do in this area of public policy is to have people hanging about in limbo forever, not knowing where they stand. You are actually better off saying on day one, ‘No, you don’t fit our migration program,’ than having them hanging around for two, three, four or five years not knowing what their ultimate outcome will be. (Time expired)

Senator SCULLION (Northern Territory) (4.15 p.m.)—I would like to thank Senator Ludwig for laying out the Labor Party’s policy in this matter.

Senator Ludwig—What’s yours?

Senator SCULLION—Thank you, Senator Ludwig! It has become clear to me now that they do not really have a clear understanding of the complexity of this issue. We have heard the Labor Party pretty much rolling out similar sorts of things: we are going to have compulsory detention; we are going have asylum seekers living in open hostel systems—it sounds a lot like Baxter to me; we are going to allow the media access to them—and that is going to protect their privacy and protect their way of life! I certainly would not like the media coming into my house. Most importantly, Labor is going to improve the process! Clearly, this is some sort of a slap in the face to the UNHCR process and the International Organisation on Migration, which are held up to be the very finest organisations and have the very finest processes. Labor say, ‘We can do better than that.’ They really have no understanding of the complexity of the issues we are dealing with.

Most importantly, Labor seem to see this policy as something about detention—something about how we process the people. I am very proud to be part of a government that recognises the complexity of this issue; and a complex issue very deservedly requires a complex and integrated policy approach.
The Howard government, quite rightly, have not only one of the finest immigration policies but also fine border control policies. You need an international approach. Look at the way we have dealt with some of the transit systems—some of the first asylum agreements and arrangements we have had. We understand that the principal part of the policy is not only to deal with them when they get here; we have to prevent the heinous activity of people-smuggling. We have created a People-Smuggling Task Force and we have developed protocols with our neighbours, ensuring that each of the organisations that deals with people-smuggling knows what the other organisations are doing. Organisation is a very important aspect of policy. We have hosted two of the conferences on people-smuggling. We have developed very much a regional focus to ensure that everybody is associated with this, particularly our near neighbours in Indonesia. We have regional cooperative arrangements that ensure that other countries actually intercept, detain and process asylum seekers prior to their getting here and being an issue for Australia. We have assisted in all those ways.

We have provided assistance to the United Nations High Commissioner for Refugees and to the International Organisation on Migration, which we fully fund in Indonesia, sending a very clear signal: ‘Don’t bother to come to Australia and put the lives of your family at risk. Don’t come to Australia and put pressure on the system. Don’t use the back door.’ Our policy clearly deals with a number of those issues, and it is unfortunate to see that the Labor Party is silent on the real issues that face us and our comprehensive and fully integrated immigration policy.

I am also very proud that we are one of the very few countries that ‘walked the talk’ in terms of a migration policy. One hundred and ten thousand migrants come to Australia every year to enjoy this very great country and 12,000 refugees are given asylum. Those refugees come from the areas that are in the most need. They are prioritised—that is the most important part of the policy. You do not suddenly let a couple in the back door because it looks a bit embarrassing and you say, ‘Let’s just collapse the policy and let them come in. Shut Nauru. I do not know what we’re going to do with them. They’re not refugees, but let them in anyway.’ I am not sure what sort of policy this is, but I am quite sure that all Australians are glad that we are not articulating that policy in this country at this time.

It is very interesting to talk about the sums involved in this. Senator Ludwig said, ‘I wonder about the economic aspects.’ I can say to him that we have had 54 people arrive since we started the Pacific strategy. This compares with 1,212 people who arrived in the first three weeks of August in 2001—over 1,200 people! If you extrapolate from that, some 13,000 people annually would have arrived, at a cost of some $400 million to process. The running of our offshore detention facilities costs $200 million. I think that is a very graphic illustration of the comparative economics of the process.

The offshore processing facilities in Nauru are at the base of the debate today. Our Pacific strategy is fair and consistent with our international obligations, which is very important. Offshore processing is a fundamental plank of an integrated approach that recognises not only that we need a policy for what happens when asylum seekers actually get here and arrive on the beach—that is essential and, I stress again, we have very good policy to deal with those issues—but that we need to ensure that we are sending through this integrated policy approach a very clear signal to those people who are involved in the pernicious practice of trading in human lives. It is a very important part of this process.
What actually makes an onshore application so attractive? Of course, it is our court system, which provides for endless delays and endless appeals. I mentioned earlier that our policy is consistent with our convention obligations. There is nothing in the 1952 refugee convention that gives anyone the right to anything except an administrative review, and the administrative review is actually held by the UNHCR. That is part of the process. There is no part of that process that says that there is a place there for judicial review. Our policy is consistent, comprehensive and meets our international obligations.

There is also this whole process of queue-jumping. People say, ‘There is no queue.’ I can assure you that there are huge numbers of people. We hear the stories out of Eritrea and Somalia where people’s lives only get better because some of their children die and it is one less mouth to feed. I might seem cynical, but these are the horrendous situations that people find themselves in. They should be at the very top of our list rather than the people who arrive by boat, who are putting not only our policies, our nation and our environment at risk but also their families at risk. This policy ensures that we send a very clear signal that those sorts of people will not be welcome and those sorts of people will not get the migration outcome that they are requiring.

As a Territorian I have spoken often with the inhabitants of the Northern Territory, particularly in the northern areas of the Tiwi Islands and those sorts of areas. They are absolutely adamant. It is not only us who believe that this is good policy; the Indigenous people whose lands we are trying to protect are saying, ‘Senator, go back and tell the Senate to ensure the excision of our islands to give us further protection.’ I have come in here time and time again to stress that you listen to what those people require. They believe in our policy; so should this place.

This urgency motion, I believe, diminishes our efforts as a very great migration nation to decently and fairly treat these people when they arrive here. When they arrive in this country they know they will come to a country where they will not be persecuted. Nauru is an essential part of a comprehensive policy to ensure that the orderly and safe movement of people to this great country is done as part of a comprehensive and integrated framework.

Senator KIRK (South Australia) (4.23 p.m.)—I rise this afternoon to speak also on this matter of urgency, presented to the Senate by Senator Bartlett, which reads that the Senate:

(a) acknowledge that it is unacceptable for hundreds of asylum seekers to continue to be detained on Nauru, well over two years after the camp was first opened; and
(b) move to close down the detention centre in Nauru.

Today we have seen in media reports evidence of this government’s ludicrous Pacific solution. Labor’s call to end the government’s so-called Pacific solution with its huge cost, of which we have heard today, to Australian taxpayers is reinforced by these media reports that $1.3 million is being spent to keep one asylum seeker detained at Manus Island for a six-month period. That is $1.3 million for just one asylum seeker on Manus Island.

Labor called for an end to the Pacific solution as far back as December 2002. At that time we warned that the cost of the Pacific solution was unsustainable. The estimate of the all-up costs is over half a billion dollars. That is a huge amount of taxpayers’ money. The government’s Pacific solution has now reached the point where it is costing over $200,000 a month just to keep one asylum seeker.
seeker on Manus Island. The Minister for Immigration and Multicultural and Indigenous Affairs, Senator Vanstone, reportedly justifies this cost by saying—through a spokesperson, I might add—that they were ‘not high given the centre had to stay in “operational readiness” to take other detainees, and given the high security and maintenance costs of “its remoteness and position in the tropics”.’

Contrary to what Senator Scullion was saying in his remarks earlier, Labor’s position on this issue is unequivocal. We will not waste taxpayers’ money on some ludicrous out-of-sight, out-of-mind, out-of-the-media immigration policy. Labor have considered the cost and sustainability of immigration detention centres in Australia. I myself have visited the Port Hedland detention centre and also the Baxter detention centre, together with the residential housing projects associated with these centres. Our shadow minister for immigration, Mr Smith, announced just on the weekend that, given the number of detainees currently held in Baxter and in Port Hedland, there is no requirement or justification for continuing the use of the Port Hedland detention centre. As a consequence of this, Mr Smith, on behalf of the ALP, called on the government to close the Port Hedland detention centre.

Labor’s position is one framed by the best interests of Australia and the best use of Australian taxpayers’ money in order to ensure an ordered and fair system of processing asylum-seeker claims. Nauru has no part to play at all in Labor’s system. Today we call on the government again to recognise that Nauru has no place to play in Australia’s system of processing asylum seekers. Labor have tackled the issue of refugee and immigration policy head on. We debated the issue within our party at the ALP national conference just a few weeks ago and we have also put our policy into the public arena. The policy that we have come up with is a very good one. It is based on sound principles. Our policy is well founded on classic and sound Labor Party principles.

The first of these principles is formulating policy on the basis of our national interest. The second principle is adherence to our international obligations. The third principle is the simple, well-founded basis that whoever comes to our shores and whoever comes to us seeking our protection is dealt with civilly, with dignity and fairness. By contrast, the government’s policy in this area falls short of all three of these principles of good public policy that I have just referred to. It cannot be said that it is in the national interest to waste vast amounts of money to process people claiming asylum in Australia offshore. We do not meet our international obligations by fobbing these people off onto our poorer neighbours, and we do not treat people with dignity, fairness and respect by detaining them offshore.

According to the government, Nauru and Manus are not Australian detention facilities. Instead, they say they are offshore processing centres. This is a thin veil that is most inadequate in hiding the reality of detention on Nauru. Similarly, this government’s Orwellian doublespeak, which names three-metre high wire fences ‘courtesy fences’ and allows the installation of lawn as ‘softer environment’, does not change the reality of this government’s policy inadequacies when it comes to the detention of asylum seekers.

Labor have pledged that in government we will move to close down the detention centre on Nauru. I repeat: we will close down Nauru. We will also get kids out of detention from the mainland centres. At Senate estimates in November last year the committee was told that there were 93 children on Nauru. More recent information puts the figure at 77 children locked behind razor
wire at this offshore detention facility. Just this week the Department of Immigration and Multicultural and Indigenous Affairs has revealed that 97 children over the past three years have attempted to harm themselves whilst in Australian detention centres. Eighty-eight of those children actually succeeded in harming themselves. This is a disgraceful figure and something that we should be most ashamed of. It is an outrage that children suffering significant emotional and psychological distress due to their detention continue to be imprisoned indefinitely by this government. A total of 58 children have been held in detention for more than two years—more than 24 months of their young lives—and 20 of those have been held for between three and four years.

Labor have announced that so far as mandatory detention is concerned we propose to maintain mandatory detention to ensure that, in the first instance, people who come here in an unauthorised way are checked for identity, health, quarantine and security. But, unlike the government, we say that you can also have graduations of detention, and the best example of graduations of detention is no children in detention. You can also ensure with sensible graduations that we can have families living in what we describe as residential style hostels with discreet supervision and discreet security on the model that presently exists at Port Hedland and, more particularly, at Port Augusta, in my home state of South Australia. I have visited both these centres and have had the opportunity to inspect residential style housing projects and I have to say, as I have said many times before in this place, this style of accommodation is much more suitable and appropriate if people have to be held while their claims are being processed.

Labor are also considering the cost and sustainability of immigration detention facilities throughout Australia. Mr Smith, the shadow minister for immigration, recently visited the Port Hedland and Baxter detention centres, together with the residential housing projects associated with those centres. Given the number of detainees currently held in Baxter and Port Hedland, Labor see no requirement or justification for the continuing use of the Port Hedland detention centre. The government should, as well as closing Nauru and Manus Island, mothball Port Hedland now. In contrast to the government, Labor will get kids out of detention and we will close down the offshore processing facility on Nauru. Labor will not do this by stealth. We have openly pledged that this is the policy we will take to the next election later this year. This is what we believe to be right. This is our approach to public policy. We believe in doing what is right and we believe in being honest with the Australian public about what we do.

Labor’s position on this is in stark contrast to that of the current government. Senator Vanstone, the minister for immigration, knows this to be true. For while she does continue to stick with the government’s line that children will remain in detention and that Nauru will remain open, she must know that Labor’s policy is the right way to go. Rather than using ministerial discretion in the granting of visas for those cases that prove to be political liabilities, I call on the government to come clean, to do the right thing and openly put on the table the arrangements they see for the future of Nauru. Thank you. (Quorum formed)

**Senator BROWN (Tasmania)** (4.37 p.m.)—I support this motion. This situation has been a tragedy for hundreds of women, children and men directly caught in the government’s iniquitous so-called Pacific solution. Twenty million Australians saw the Howard government use the *Tampa* incident for electoral self-advantage in 2001, and now the government is using refugees as a lever
for political advantage in such inhumane circumstances as the internment camp on Nauru. As we know, Nauru is no palm-tree studded beachside resort. It is a concentration camp behind barbed wire in extraordinarily hot conditions, with people cut off from access to their family, friends, loved ones and the wider society that they relate to, but it is part of the absolute, studied cruelty of the situation that the government policy has as a deliberated outcome. It breaks international law; therefore, it is illegal. It breaks humanitarian commonsense; it is inhuman. But it has for a short while in terms of the passage of years given to this manipulative government, at the expense of these unfortunate people, some electoral advantage as it has seen it.

I do not know how the Minister for Immigration and Multicultural and Indigenous Affairs—who is going to speak after me—or the Prime Minister or the Howard government can hold their heads up when they consider what has happened to the people on Nauru. I congratulate Senator Bartlett—I think he has been there twice now—because not only is it excellent for representatives of this parliament to visit places such as Nauru but, as an ordinary part of human nature, it will have been a matter of some solace and encouragement to the good souls who are locked up on that place that they have had an occasional visit from a member of parliament who has had the go to set aside the time and go through the difficulties involved in inspecting such a place.

The Pacific solution has not only cost Australia in terms of our national kudos—ask people anywhere around the world what they think of Australians, and they know about the way in which boat people, refugees, have been mistreated by this government—but it has also, as other speakers have mentioned, cost hundreds of millions of dollars of taxpayers’ money which has been wastefully spent by trying to put people who are genuine refugees into a criminalised basis. That is the whole tenet of the Howard government’s direction here.

The minister will be into more scaremongering in the next couple of minutes. I heard her in question time talking about thousands of people waiting to come, all of which is not defined. She has talked with the Indonesian representative and she will be able to try again to scare the Australian people in order to gain votes on the basis of fear. But I think it is wearing very thin indeed. The government would be very wise, if it wants to get a few votes next time, to close Nauru, Manus Island, Christmas Island and the desert camps and treat people who are genuine refugees with dignity and humanity. Send the rest home, of course. Spend a bit more time on the 60,000 people in this country who got here by plane. They are a bit wealthier but, nevertheless, they are here without proper papers and so on. That is not what the government is about; it is about using poor, desperate people for electoral advantage, and it should be ashamed. (Time expired)

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Reconciliation) (4.42 p.m.)—I do not intend to take Senator Brown’s advice and pursue a line of debate which would suit him. I simply want to point out a number of indisputable facts. Firstly, the Pacific strategy has been a resounding success. Since the government shifted to offshore processing, the boats have pretty well stopped coming, our borders are therefore much more secure and we are nonetheless still dealing appropriately with refugee claims. The Nauru government is a strong and willing partner and takes a responsible regional approach to people-smuggling and illegal immigration.
Everyone taken to Nauru for processing had refugee protection claims assessed. Of those, 449 were found to be refugees and were resettled, 473 returned home voluntarily and 31 were assessed as non-refugees and were resettled. What we have on Nauru at the moment is 275 people who have been fairly assessed—either by the UN or under UNHCR guidelines—to not be refugees, to not need protection. The UNHCR says there are some changed circumstances in Afghanistan, and we have quite properly agreed, therefore, to review the caseload—in other words, to have a second assessment of the people who are there—and if the circumstances now are that they are refugees, it will be decided that they are refugees and they will be given protection.

But the remaining people who it is decided on the second fair assessment are not genuine refugees will not be given protection. They should return home, as their 473 colleagues have done and as thousands of other people around the world have done. They are people who tried to come to Australia illegally. They have had the benefit of an assessment of whether they are refugees, and many of them will get a second go at that. We have worked closely with the UNHCR in assessing their refugee claims, and those second assessments will commence next week.

The International Organisation for Migration manages the Nauru offshore processing centre. The International Organisation for Migration has an excellent reputation and is a professional body that I think is unchallenged around the world. It runs a centre that is well staffed and set up to deal with health and medical issues, including mental health problems. We recently sent a delegation from the Australian government to look at the Nauru health services to see what else we could do to provide additional assistance in any event and particularly in the event that there might be another incident such as the hunger strike that was undertaken over the Christmas-New Year period. We have decided on some extra things that we can provide and we are providing them.

I do understand at a personal level that the people who are there set their hearts on leaving wherever they were and coming to live in Australia. But that is not going to happen. They might be very unhappy about that. It is always hard to accept when you do not get what you want. But it is hard for the spouses of people who marry Australians overseas to accept that they cannot automatically come in, it is hard for families here to accept that they cannot always bring in every relative they want to and it is hard for lots of people who go to embassies all around the world and fill in application forms for visas not to be able to automatically come in. The people on Nauru are in no different circumstance. They have been judged not to be refugees. They would be welcome in Australia if they applied for and got the appropriate visa, just like everyone else who is welcome to come in the front door with the appropriate visa.

Closing down Nauru would mean abandoning the Pacific strategy. I want the people there to go home. I want the processing centre to be, in a sense, mothballed—I would like that to happen at Manus; I would like it not to be needed at Christmas Island—and to just have it sitting there waiting so that if the people smugglers start up their businesses again they will meet the same resourcefulness from this government that they met in 2001—that is, they must not bring people to Australia illegally. We are a welcoming immigration country. We want more people; we take them every year—but we take them through the front door. We will continue to ensure that people who try to come to Australia illegally are dealt with offshore and therefore cannot get a better bite at the cherry than people who are in refugee camps.
in Africa, for example, and in other places in South-East Asia who, by any standard, are in greater need than these people on Nauru who have simply not accepted the umpire’s decision.

I would like to see these places mothballed, in a sense, ready and waiting for a time when they might be needed. We need them for the same reason that we keep, for example, a fire brigade at every airport. It is not because we are expecting a fire every day; we hope we do not have one, but we want the capacity to deal with it if it happens. That is exactly why we have these offshore processing centres. It is money well spent. Australia cannot afford to return to a situation where we in fact, by our unwillingness to face the reality, encourage people smugglers to put people on the dirty, stinking, filthy boats that they use and that occasion many hundreds of them to drown. What we want are people coming in through the front door.

I remind the Senate that every year we take 12,000 people through our refugee and humanitarian program. We take 4,000 refugees and about 8,000 people who have been nominated by Australians, often previous refugees themselves, who want to bring their families here under humanitarian visas. We are delighted to be one of the few countries that have such a dedicated program, and we will continue to do it. It is simply not the case, as Senator Brown has alleged, that these people on Nauru are genuine refugees. They have had their assessment and they are not.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (4.49 p.m.)—In closing the debate on this motion, I will start on the final point made by the Minister for Immigration and Multicultural and Indigenous Affairs, but I also want to correct a few of the things that were said by other speakers because I want the debate to be as factual as possible. It is true that Australia has a good record of taking refugees from offshore, and the more we can get other countries to introduce a resettlement program the better by far, because it will reduce the demand that provides people smugglers with their market. But it is not true, as Senator Scullion said, to suggest that we are one of the most generous countries in the world in accepting refugees. We pick and choose. As the minister has just said, we take 12,000 a year. But many of those are not mandated refugees; they are people with other humanitarian circumstances. I am not criticising that—I think it is good—but they are not, even according to our own criteria, refugees. I am just making sure that statistics and numbers are not misused to match people’s arguments, and everyone on all sides is able to do that.

Senator Vanstone—I made that difference.

Senator BARTLETT—I am referring to Senator Scullion’s no doubt inadvertent misunderstanding of some of those numbers. Many of those offshore refugees are not accepted in terms of prioritisation according to need or even in terms of how long they have been sitting in the queue. I am not necessarily advocating that we do that, because there are other factors that do need to be taken into account, but we do need to make sure that people are aware of that.

Senator Brandis suggested that all of these people on Nauru tried to violate Australia’s migration laws. This is one of those areas that might sound like a technicality, but I think it is an important fact that people have a lawful right to seek protection in Australia or anywhere else. Even if they do not have a visa, to turn up and ask for protection is not a violation of our laws, and it certainly was not
at the time. I think that needs to be empha-
sised.

Senator Kirk talked about razor wire on
Nauru and Senator Brown mentioned barbed
wire, but I am happy to say that the camp has
neither barbed wire nor razor wire. In that
sense, and perhaps in that sense only, it is a
better environment than that in the detention
centres in Australia. It is certainly a worse
environment in some other aspects. But,
again, I am just trying to reduce it down to
some of the facts and leave aside some of the
rhetoric.

Part of the reason for bringing this up is to
try to cool the rhetoric. That is very hard in
an area where people, including me, have
such strongly held views. It is not a black-
and-white area. It is not a matter of: ‘You are
a refugee or else you are a criminal and a
fraud.’ A lot of people who are on Nauru
have not been assessed to be refugees but do
need protection. Protection may only be
needed temporarily, but they have a genuine
humanitarian case for protection. They can-
not be returned home, they have nowhere
else to go and they should not be kept in de-
tention in the meantime. It is a specific ar-
gument, a specific motion, about this specific
situation. It is my view—and I am pleased to
see that it is the Senate’s view—that it is un-
acceptable for this particular group of people
to continue to be detained on Nauru, given
all those facts, and they should be freed.

(Time expired)

Question agreed to.

COMMITTEES

Scrutiny of Bills Committee

Report

Senator CROSSIN (Northern Territory)
(4.53 p.m.)—I present the first report of
2004 of the Senate Standing Committee for
the Scrutiny of Bills. I also lay on the table
Scrutiny of Bills Alert Digest No. 1 of 2004,

Ordered that the report be printed.

BUDGET

Proposed Additional Expenditure

Consideration by Legislation Committees

Senator VANSTONE (South Australia—
Minister for Immigration and Multicultural
and Indigenous Affairs and Minister Assist-
ing the Prime Minister for Reconciliation)
(4.54 p.m.)—I table the following docu-
ments:

Particulars of proposed additional expend-
iture for the service of the year ending on
30 June 2004 [Appropriation Bill (No. 3)
2003-2004].

Particulars of certain proposed additional
expenditure in respect of the year ending on
30 June 2004 [Appropriation Bill (No. 4)
2003-2004].

Particulars of proposed additional
expenditure in relation to the parliamentary
departments in respect of the year ending on
30 June 2004 [Appropriation (Parliamentary
Departments) Bill (No. 2) 2003-2004].

Statement of savings expected in annual
appropriations made by Act No. 55 of 2003
(Appropriation Act (No. 1) 2003-2004) and
Act No. 56 of 2003 (Appropriation Act
(No. 2) 2003-2004).

Senator VANSTONE—I seek leave to
move a motion to refer documents to legisla-
tion committees.

Leave granted.

Senator VANSTONE—I move:

That:

(a) the documents I have just tabled,
together with the Final budget outcome
2002-03, which was tabled on 8 October
2003, and the Advance to the Finance
Minister as a Final Charge for the year
ended on 30 June 2003, which was
tabled earlier today, be referred to
legislation committees for examination
and report; and

(b) consideration of the Advance to the
Finance Minister as a final charge for
the year ended 30 June 2003 in committee of the whole be made an order of the day for the day on which legislation committees report on their examination of the additional estimates.

Question agreed to.

Portfolio Additional Estimates Statements

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Reconciliation) (4.55 p.m.)—I table portfolio additional estimates statements for 2003-04 for portfolio and executive departments in accordance with the list circulated in the chamber. Copies are available from the Senate Table Office.

DOCUMENTS

Work of Committees

The ACTING DEPUTY PRESIDENT (Senator Marshall)—On behalf of the President, I present Work of committees for the period 1 July to 31 December 2003 and a supplement to the Register of Senate committee reports.

Ordered that the document be printed.

BUDGET

Consideration by Legislation Committees

Additional Information

Senator McGAURAN (Victoria) (4.56 p.m.)—On behalf of the chair of the Legal and Constitutional Legislation Committee, Senator Payne, I present additional information received by the committee relating to the supplementary hearings on the budget estimates for 2003-04.

COMMITTEES

Membership

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Order! The President has received letters from the party leaders seeking variations to the membership of certain committees.

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Reconciliation) (4.57 p.m.)—by leave—I move:

That senators be discharged from and appointed to committees as follows:

Community Affairs Legislation Committee—

Appointed—Participating member: Senator O’Brien
Substitute member: Senator Forshaw to replace Senator Hutchins for the consideration of the 2003-04 additional estimates hearings from 16 February to 20 February 2004

Community Affairs References Committee—

Appointed—Participating member: Senator O’Brien

Economics Legislation Committee—

Appointed—Substitute members:
Senator O’Brien to replace Senator Webber for matters relating to tourism
Senator Ridgeway to replace Senator Murray for the committee’s inquiry into the provisions of the Treasury Legislation Amendment (Professional Standards) Bill 2003

Economics References Committee—

Appointed—Substitute member: Senator O’Brien to replace Senator Webber for matters relating to tourism

Employment, Workplace Relations and Education Legislation and References Committees—

Appointed—Participating member: Senator O’Brien
Question agreed to.

TAXATION LAWS (CLEARING AND SETTLEMENT FACILITY SUPPORT) BILL 2003

SUPERANNUATION SAFETY AMENDMENT BILL 2003

WORKPLACE RELATIONS AMENDMENT (TERMINATION OF EMPLOYMENT) BILL 2002 [No. 2]

First Reading

Bills received from the House of Representatives.

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Reconciliation) (4.58 p.m.)—I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Reconciliation) (4.59 p.m.)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

TAXATION LAWS (CLEARING AND SETTLEMENT FACILITY SUPPORT) BILL 2003

This bill ensures that no taxation consequences will arise as a result of a payment out of the National Guarantee Fund under section 891A of the Corporations Act 2001.

The National Guarantee Fund came about as a result of the merging of the various state stock exchanges in 1987 and the amalgamation of the states’ fidelity funds. Like the fidelity funds, the National Guarantee Fund provides fundamental investor protection, encouraging investor confidence in the stock exchange. When investors hand money over to a stockbroker or ask a stockbroker to sell shares they do so in the confidence that the transaction will be completed. In the very rare instance where their broker might fail the National Guarantee Fund can be called upon to complete the transaction.

Besides investor protection, the National Guarantee Fund currently also provides clearing support for the Australian Stock Exchange.

In transactions entered into on the Australian Stock Exchange the matched buyer and seller do not bear the risk that the other party will not be able to complete the transaction. Instead this risk is borne by the central counterparty which is interposed in each transaction. The central counterparty needs strong financial backing and this has been provided by the National Guarantee Fund. This is referred to as ‘clearing support’.

Clearing support and investor protection are quite separate functions. Separating them would allow the National Guarantee Fund to retain its investor protection role and would place the onus for arranging clearing support directly on the dedicated clearing house. Separating the functions would also be consistent with international practice and expectations. Further, it would be consistent with
the Reserve Bank’s financial stability standards that apply to licensed clearing and settlement facilities. Finally, a dedicated clearing house function provides greater flexibility for the ASX to provide clearing services in relation to emerging products and services, without the need to amend the law or regulations.

As part of the Financial Services Reform Act 2001, the Corporations Act now provides for the splitting of these functions by allowing the transfer of funds for clearing and settlement system support to another entity.

The Corporations Act 2001 provides that if the Minister (in the case, the Parliamentary Secretary to the Treasurer) is satisfied that another body has made adequate arrangements covering clearing support, the Minister can direct a payment be made out of the National Guarantee Fund to that other body to take over those clearing support functions.

The purpose of this bill is to ensure that such a payment does not have tax consequences.

Full details of the measures in this bill are contained in the explanatory memorandum.

I commend this bill.

SUPERANNUATION SAFETY AMENDMENT BILL 2003

Today, I introduce a bill to modernise and strengthen the prudential regulation of superannuation in Australia.

For many Australians, superannuation savings are their second biggest asset after the family home. Investing in superannuation will help to reduce Australians’ reliance on the age pension and significantly improve their quality of life in retirement. It is important, therefore, that the prudential framework protecting that superannuation is robust.

The reforms to be introduced by this bill are designed to build on the strong performance of the superannuation system by further enhancing the safety of superannuation for fund members. They will help to increase already high levels of public confidence in the superannuation system, and make private savings for retirement more attractive to all Australians.

These reforms give effect to the Government’s response to the recommendations of the Superannuation Working Group, announced on 28 October 2002. They build on proposals that were initially canvassed in the Government’s Issues Paper of 2 October 2001, titled Options for Improving the Safety of Superannuation.

The Superannuation Working Group found that the current prudential regime remains sound. However, the Superannuation Working Group also found there was scope for changes in certain areas to modernise and strengthen the regime—and to better equip the Australian Prudential Regulation Authority (APRA) to undertake preventive action, rather than responding with enforcement action after a breach has occurred.

This bill contains several elements. It provides for the licensing of trustees of superannuation entities regulated by APRA and the registration of those entities. It puts in place improved disclosure requirements, including the introduction of new provisions requiring actuaries and auditors to report information to APRA in certain circumstances. It also contains appropriate enforcement powers to underpin the new framework.

The bill will be supported by Regulations, including new Operating Standards. The Operating Standards will include standards on the fitness and propriety of superannuation trustees and risk management plans and strategies. The Government will consult on the Operating Standards in the next few weeks.

There will be a two year licensing transition period from the date of commencement for existing trustees of regulated superannuation funds, approved deposit funds and pooled superannuation trusts. The reforms concerning licensing and registration do not apply to self-managed superannuation funds and exempt public sector superannuation schemes.

These reforms have been subject to extensive consultation and public scrutiny, both through the Superannuation Working Group and public exposure of a draft bill earlier this year. There is support within the industry for the reforms. The Government believes they will make a significant contribution to raising industry standards and
sustaining high levels of public confidence in the superannuation system.

Trustee Licensing

While trustees of public offer funds currently must be approved by APRA, there is no universal licensing requirement for superannuation trustees. This bill addresses this situation by providing for the licensing of all trustees of ‘registrable superannuation entities’, which include superannuation funds, approved deposit funds and pooled superannuation trusts that are regulated by APRA. From the commencement of the new licensing regime, all new trustees seeking to operate registrable superannuation entities will require licences. Existing trustees must obtain licences by the end of the two year licensing transition period in order to be allowed to continue operating their entities.

The new trustee licences, to be known as RSE Licences, will be subject to conditions, including requirements for trustees to meet minimum standards of fitness and propriety. Licensees will be required to maintain risk management strategies covering the licensee’s operations and risk management plans for each fund under the licensee’s control.

Importantly, APRA will be able to impose additional conditions on licences or issue directions to licensees. These powers will enable APRA to respond to specific prudential issues, before they can become actual risks to members’ benefits. Under the bill, groups of individual trustees will be allowed to collectively hold a single RSE licence, in the same way as directors of a body corporate. A single licence will help to reduce the compliance burden on groups of individual trustees. In most cases, any member of a licensed group will be able to discharge the duties or obligations of the group on behalf of the other members.

At the same time, the bill ensures that each member of a trustee group takes responsibility for the performance of their obligations as a trustee of a superannuation fund, or as a member of a group of licensed trustees.

The RSE licensing regime is supported by the introduction of new offence provisions. The most significant provision will make it an offence for a person to be the trustee of a registrable superannuation entity unless the person is a body corporate or a member of a group that holds an RSE licence. This will apply to new trustees from the date of commencement, and to existing trustees from the end of the licensing transition period.

At the end of the two year licensing transition period, the arrangements for approving trustees of public offer superannuation funds and approved deposit funds contained in Part 2 of the Superannuation Industry (Supervision) Act 1993 will be repealed. These arrangements will be superseded by the RSE licensing regime at that time.

The new licensing regime will mean that trustees must demonstrate they meet minimum standards of competence, possess adequate resourcing and have in place appropriate risk management procedures. With the introduction of this new framework, fund members can have the confidence that the people managing their retirement savings will have met these benchmarks.

Registering Entities

Under the bill, RSE Licensees must also register their registrable superannuation entities with APRA. Registration, along with the associated requirements for risk management plans, will ensure APRA can gain important information about the entities it regulates, the risks they face, and the processes in place to deal with those risks. Failure to register registrable superannuation entities may lead to the cancellation of a licensee’s RSE Licence. The Government also intends to make Regulations prohibiting registrable superannuation entities that are not registered from accepting contributions.

Risk management

As part of the licensing and registration requirements, RSE Licensees will be required develop and maintain risk management strategies governing the licensee’s operations and risk management plans for each fund under the licensee’s control. Risk management strategies and plans will help to ensure that trustees, and the entities that they manage, are well positioned to respond to risks to their operations.

These are significant new requirements. However, trustees operating under industry best practice are
likely to already be undertaking many, if not all, of the risk management practices being formalised by the bill.

Disclosure obligations to members are also being enhanced. Under the bill, members will be able to request a copy of their fund’s risk management plan. This will ensure members have access to detailed information about how the entity in which their retirement savings are held is being managed. Access to such information about their assets is important if fund members are to confidently and effectively manage their retirement savings.

Amalgamation of Funds
It may be that, for a number of reasons, some existing trustees of registrable superannuation entities will decide not to make an application for an RSE licence. Also, some trustees who do apply may not meet the requirements for an RSE licence. These trustees will not be allowed to continue to operate as trustees of registrable superannuation entities after the end of the two year transition period.

The bill provides certainty for members of funds in these situations by providing for the amalgamation of funds if certain requirements are met. Consequently, APRA will be given powers to approve the amalgamation of funds if all reasonable attempts to bring about the transfer under other provisions contained in the SIS Act—such as the successor fund arrangements—have failed. The Minister must also agree to any amalgamation under the new provisions before it can occur.

Actuaries and Auditors
As part of the enhanced disclosure arrangements to be introduced by the bill, there will also be expanded reporting requirements for actuaries and auditors.

In particular, actuaries and auditors will be required to report to APRA as well as to the trustee of a superannuation entity where they form the opinion that it is likely that a contravention of the SIS Act or Regulations has occurred in relation to that entity.

In addition, the scope of reporting by actuaries and auditors will be expanded so that it includes the activities of RSE Licensees, as well as the operation of superannuation entities.

These important changes build on existing legislative requirements to strengthen the role actuaries and auditors play in ensuring best practice management of superannuation entities by trustees.

Commencement
It is the Government’s intention that the arrangements contained in this bill will commence from 1 July 2004.

On commencement, new trustees will be required to meet the new RSE licensing requirements before they will be able to operate registrable superannuation entities. Existing trustees will have up to two years from the date of commencement to transition to the new arrangements.

These timeframes will ensure that there is no overlap with the transition period for the Australian Financial Services Licence regime established under the Financial Services Reform Act 2001. They will also ensure that industry has sufficient time to prepare for these important improvements to the prudential regulation of superannuation.

Conclusion
The existing prudential regime for superannuation has served Australians well for a decade. The new framework to be introduced by this bill will build on that success. It will do that by helping to ensure that trustees of superannuation funds maintain best practice in the management of the superannuation assets of their fund members.

The reforms will help to give the public greater confidence in the superannuation system. They will do this by requiring trustees to have appropriate skills for managing superannuation entities, risk management procedures in place, and by requiring the disclosure of information to members about the operation of their fund. Overall, the bill establishes a framework that will help to ensure superannuation funds are managed in members’ best interests.

I commend this bill.
WORKPLACE RELATIONS AMENDMENT (TERMINATION OF EMPLOYMENT) BILL 2002 [No. 2]

The workplace relations system plays an important role in Australian society and contributes directly to our social and economic well being. An effective, fair and carefully targeted system will help grow our economy, raise living standards, lift productivity, reduce disputes and help the unemployed find jobs.

Despite its importance, much of the system this Government inherited is complicated and inefficient. It is certainly not a rational system for the Australian labour market of the 21st century. Since late 2000, it has been Government policy to work towards a simpler, fairer workplace relations system based on a more unified and harmonised set of laws.

A national economy needs a national regulatory system. Maintaining six separate industrial jurisdictions just does not make sense.

This bill has three objectives: first, to improve Federal unfair dismissal law for small business; second, to improve Federal unfair dismissal law generally; and third, and most important, to widen very significantly the Federal law’s coverage with respect to unfair dismissal.

The Government is reintroducing this bill because it firmly believes that a more unified national workplace relations system means less complexity, lower costs and more jobs. This bill is a significant step towards a national workplace relations system.

The Government would prefer to proceed by agreement and by referral of powers by the States. But, in the absence of referrals by the States, the Government will do what it reasonably can, to move towards a more unified system. In this case, the Government proposes to ensure that workers and business people operate, as far as is constitutionally possible, under one system of laws governing unfair dismissal.

At present, only workers employed under Federal awards or agreements have access to remedies under the Federal unfair dismissal laws (unless they are employed in Victoria or the Territories). This legislation will ensure that any worker employed by a corporation is within the scope of the Federal unfair dismissal jurisdiction and that all workers within the Federal system will be governed by it rather than any State unfair dismissal law. This “cover the field” provision means that the number of workers covered by Federal unfair dismissal provisions should rise from about 4 million to about 7 million, that is from about 50 per cent to about 85 per cent of all employees.

If this bill is passed, the authority and coverage of the Australian Industrial Relations Commission will be strengthened. Just 15 per cent of employees, mostly working in unincorporated small businesses, will remain covered by State unfair dismissal systems. The Government believes that an expansion of Federal jurisdiction on this scale would be an important step towards national consistency.

The Federal unfair dismissal law is generally less burdensome to employers and less destructive of employment growth than the State laws. Even if this were not the case, it is self evident there would be advantages in having to deal with only one set of laws rather than several. The Government hopes to achieve not only one set of unfair dismissal provisions covering Australian workplaces, but also the best possible set of provisions.

A study by the Melbourne Institute of Applied Economic and Social Research study provides evidence of the confusion caused by overlapping Federal and State unfair dismissal laws and also of the damage these laws can do. Based on a Yellow Pages survey of nearly 2000 small to medium businesses, the study found that almost a third of businesses did not know whether they were covered by Federal or State unfair dismissal laws.

If business managers are confused by this complexity, workers can be expected to be just as confused and, as a result, might fail to seek redress or to lodge an application in time.

The study also showed that the cost to small and medium sized businesses of complying with unfair dismissal laws is at least $1.3 billion a year, and that these laws have played a part in the loss of over 77,000 jobs from small and medium business. This study amply justifies the Government’s continued determination to exempt small business from the reach of unfair dismissal laws, and justifies the provisions in this bill to make these laws
less onerous for business and less damaging to job creation.
It is precisely because we are committed to creating jobs that we are reintroducing this bill.
For small business, this bill:
• extends the standard qualifying period for employees’ access to unfair dismissal provisions from three to six months;
• allows the Australian Industrial Relations Commission to deal with some claims ‘on the papers’, that is, without a hearing;
• halves the amount of compensation that can be awarded to an employee;
• streamlines the criteria for determining whether a dismissal was unfair; and
• refines the penalty provisions for lawyers and agents who encourage unmeritorious claims.
For business generally, the bill:
• requires the Commission to take into account any contributory conduct by an employee when determining compensation;
• limits dismissal claims where an employer no longer has work for an employee. In other words, redundant employees will not usually have access to unfair dismissal claims to supplement any redundancy pay they may otherwise have received;
• requires the Commission, when making an order for back pay, to take account of any income an employee who is to be reinstated has earned since his or her dismissal;
• requires the Commission to consider whether the safety and welfare of other employees was a factor in the dismissal; and
• emphasises reinstatement as the primary remedy.
This bill contributes substantially towards achieving a better balance between the interests of employers and employees without impeding job creation.
The bill is also an important legislative step towards a single workplace relations system for the whole country. For these reasons the Government believes it is essential to reintroduce it.
Ordered that the bills be listed on the Notice Paper as separate orders of the day.

Debate (on motion by Senator Crossin) adjourned.

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Reconciliation) (5.00 p.m.)—Mr Acting Deputy President, would you pass on my personal congratulations to the genius who decided to have one of those papers reduced to the short form of ‘amendments to committees in accordance with the list circulated’. I would like to pass forward the recommendation that a lot of those sorts of things be done in that fashion. It saves a lot of time and a lot of air.

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Thank you, Minister.

HEALTH INSURANCE (GENERAL MEDICAL SERVICES TABLE) AMENDMENT REGULATIONS 2003 (NO. 2)

Motion for Disallowance

Senator NETTLE (New South Wales) (5.00 p.m.)—I move:

That new rule 77 in item [1] of Schedule 1 and new item 10990 in item [2] of Schedule 1 to the Health Insurance (General Medical Services Table) Amendment Regulations 2003 (No. 2), as contained in Statutory Rules 2003 No. 318 and made under the Health Insurance Act 1973, be disallowed.
The government made this regulation at the final hour as parliament was finishing at the end of last year. In this way the government denied the Senate the opportunity to disallow its discriminatory rebate before it took effect on 1 February. The government was bargaining on the Senate and the Australian people not understanding just what is at stake here. It is not about an extra $5 per GP consultation for certain groups of Australians whom this government determines to be needy—never mind the fact that this includes self-funded retirees with incomes of up $50,000
This regulation is about what our nation values. It is about whether we still believe in a universal public health system that provides quality care for everyone, based on their clinical need rather than on their capacity to pay. It is about whether we are prepared to invest our collective wealth for our collective benefit or whether we want to travel further down the path that the Howard government is already taking us down in relation to health care. That road involves sick people paying more money when they go to visit their GP. It involves sick people not being able to afford to visit their GP. It means that mothers cannot take their young children regularly to GPs for check-ups, because they simply cannot afford the money that needs to be handed over at the counter at the very beginning.

The Australian Greens are very clear about what we value and what we want to see for this nation and for all of its people. We want to see a strong, well funded, truly universal public health system that is underpinned by our insurance scheme, Medicare, and funded through progressive taxation. We agree with Dr Michael Keating, who wrote late last month:

"... taxation reflects our mutual obligation to one another as citizens. Taxation underpins an inclusive society and is an efficient way of paying for those services that enrich society and that are collectively consumed.

A genuine public health system must be universal. The *Australian Concise Oxford Dictionary* defines the word "public" as:

1 of or concerning the people as a whole ... 2 open to or shared by all the people ...

The central value of having a public health care system is that, through contributions from all taxpayers, the government provides a health service that is available to all Australians. In this way any Australian can effectively manage their health care needs. They can regularly see their GP to address and deal with health issues before they develop into serious problems. In this way choices can be made for health reasons, not financial reasons. In this way, the universal way, we look after our health as a community, which is the most compassionate and efficient way to manage health care provision.

If you take away the universal nature of the health system, if you take away the very feature of the health system that ensures that all sick Australians can access health care, you take away the fundamental reason why we have a public health care system. It is important to understand this central concept, because it is a concept that the Howard government does not support, as is evident from its record. At a time when our public hospitals are filling with people who cannot find a bulk-billing GP, this government withdrew $1 billion from its pledged spending on public hospitals last year through the Australian health care agreements. There are even reports of public hospitals turning away the sick when they go there for service.

This government has thrown good money after bad to prop up the private health insurance industry. This year it will pour $2.4 billion of taxpayers’ money into subsidising private health insurance. The government is not buying a single health service with that money. It is putting that public money straight into the pockets of insurance companies and into the generous bonuses for their directors. The government could spend that public money to upgrade public hospitals and to help to reduce the lengthy waiting times for surgery. It could spend that money to improve the delivery and availability of primary health care services, one of the best investments in preventive health care. It could spend that $2.4 billion of public money on addressing the health deficit.
whereby the poorer people in the suburbs of our large cities and in our regional centres and rural towns have much poorer health and lower life expectancies than Australians who live in metropolitan centres. The government could spend the money to expand Medicare to cover dental services, or it could spend the money to address the shameful record on health that exists for Indigenous Australians. There are so many worthwhile measures on which the government could spend $2.4 billion each year, but it prefers to spend it on private health insurance, where the benefits flow mostly to the wealthiest members of our community.

Government spending priorities speak to the nation about government values. The pouring of $2.4 billion of public money into the private insurance health system tells the Australian people just how little regard the Howard government has for our public health system and our universal health insurance scheme, Medicare. The consequence of this government spending priority has been that Australians are paying more at the counter for their health care. This is a trend, overseas experience tells us, that is pushing up the price of health care for everyone and that undermines the principle of equity that has underpinned Medicare.

Bulk-billing rates have plummeted under the Howard government’s watch. We should not be surprised when we know the Howard government’s priorities. Bulk-billing rates falling to as low as 30 per cent in some areas worries ordinary Australians because when most Australians think of health they think of a visit to the GP. Visiting the GP and being able to access bulk-billing sits at the very heart of Australia’s public health care system. Bulk-billing matters because it ensures that cost does not prevent somebody from seeing a doctor when they need to. It makes good sense, both socially and economically, to encourage sick people to see a doctor sooner rather than later. But, as more people face higher out-of-pocket expenses for essential health care, cost becomes a barrier to timely health care.

The government claims that this regulation introducing a differential GP rebate depending on the characteristics of the patient will encourage doctors to bulk-bill these groups of Australians, but this is simply not so. The differential rebate will not make it easier for Australians or concession card holders to find a bulk-billing doctor. Over 80 per cent of concession card holders are already bulk-billed. Rather, the differential rebate the government is introducing will destroy the universality of our public health system. It says that only Australians that fit a particular criteria chosen by the government should have access to bulk-billing.

The government’s financial modelling of its package is based on an assumption of no increase in bulk-billing rates. That is because the government believes that charging practices, whether a doctor bulk-bills or not, are a private matter between the patient and their doctor. Doctors will know the needy patients and charge them accordingly, the government tells us. The government believes that we should rely for our public health care system on 19th century charity rather than 21st century justice. This is simply not good enough for the Australian Greens. There are some doctors who will never bulk-bill their patients, no matter what level the rebate. The Prime Minister is quite comfortable with bulk-billing rates falling to around 60 per cent. This regulation will in fact help to ensure that the level of bulk-billing continues to fall, by singling out two groups of Australians as being deserving of having access to bulk-billing. In doing so, the government is saying that it is fine not to bulk-bill every other Australian.
The Doctors Reform Society says that the government’s changes will reduce bulk-billing. The Australian Consumers Association says that in the medium term bulk-billing for most Australians will almost disappear. Canberra health economist Ian McCauley estimates that bulk-billing rates will fall to as low as an average of 40 per cent across the country, and of course they are lower than that in some areas. Is this the kind of public health care system that we want in this country? This regulation increases the likelihood that people will have trouble finding a bulk-billing doctor.

All senators should recognise that we are at the top of a slippery slope to further privatisation of health care in this country and to a greater dismantling of our public health insurance system, Medicare. I do not think that the opposition leader, Mr Latham, wants to stand for the dismantling of public health. No senator should vote for this first step towards dismantling Australia’s universal health insurance scheme. In many speeches earlier today in this chamber Labor and Independent senators spoke of the need to maintain the universality of Medicare. They spoke of their concerns that the government’s package—both the differential rebate we are debating at the moment and the safety nets—undermines the principle of universality. I expect to see those senators voting with the Greens on this motion to defend the universality of Medicare.

The Senate report into the government’s package, which was released this morning and tabled in the Senate, said that the implicit message in the government’s package is:

\[...\]

... the role of Medicare in future should be that of a welfare system: not the universal insurer that should deliver equal benefits to—

the richest and poorest Australians alike—

... based on health needs, not income levels ...

Former shadow health minister Stephen Smith told the Labor caucus last year that to vote against this Greens motion would be to vote to undermine the universality of Medicare.

This regulation is another example of the Howard government’s deceitful behaviour. At first glance this measure sounds like it is designed to increase bulk-billing rates, whereas in fact the effect will be to reduce access to bulk-billing for the vast majority of Australians. The Howard government paints this measure as being about improving our public health care system, but in fact it undermines the very universality that defines our public health system.

The Prime Minister and the government speak constantly of the economic record of Australia, telling us that our economy is doing well and extolling the virtues of delivering one budget surplus after another. With such a large projected budget surplus—that is, public money the government is holding—you might have thought that a government that cared about the welfare of those who make up the nation, or even one that just wanted to appear as if it cared, might spend a little bit of that public money on public health or helping the sick. Not this government. At the end of last year the government was prepared to spend money trying to get its Medicare package through the Senate by revamping it, but the government was not prepared to spend money on increasing the GP rebate by $5 across the board as the first step in encouraging GPs to bulk-bill all Australians.

The Howard government is prepared to spend money on the politics of getting its legislation through the Senate but it is not prepared to spend money on increasing bulk-billing rates for all Australians. It seems that there is plenty of money when it comes to fighting an unjust war, spending $50 billion
on new military equipment or signing over an unknown amount of money in a blank cheque to the United States for participating in a crazy and dangerous US missile defence shield program. But when it comes to spending the money of Australians on their health needs, the government tightens the purse strings.

The Australian Greens believe that the provision of health care for every Australian should be a priority of government. We believe that a well funded public health system is the best guarantee that everyone will get the care they need when they need it. The regulation before us is part of a very different plan for this nation. It spells the end of an agreement to fund collectively an essential service that each one of us needs at some time in our life, because it says that only some people deserve access to an essential feature of our health insurance scheme—bulk-billing. I urge senators to let the Howard government know that this is not the kind of country you want. You can do this by supporting this Greens disallowance motion.

Senator CHRIS EVANS (Western Australia) (5.17 p.m.)—I rise to speak on behalf of the Labor opposition and indicate that we will not be supporting the disallowance motion. Our spokesperson on health, Julia Gillard, made that clear in some press commentary she provided yesterday. The Labor caucus has considered these matters and determined that, while we share much of Senator Nettle’s disgust at this government’s attempt to dismantle Medicare and the universality of Medicare access for all Australians, we do not intend to support this particular disallowance of this particular regulation. I commend Senator McLucas and the other members of the Senate select committee that looked at this package of health changes proposed by the government. Their report was tabled earlier today and Senator McLucas and others made very strong arguments as to the weaknesses of the package and its fundamental attack on the underlying principle of universality of access to medicine in Australia.

I have, on a personal level, very serious concerns about and opposition to the government’s approach, and I think those of us who have been around the health debate for many years know that this is just the latest instalment in John Howard’s long campaign to destroy Medicare. The Prime Minister has been consistent about that—I have to give him that—and he has, through a whole range of measures, sought to achieve his ultimate aims of destroying Medicare, destroying universal access and undermining bulk-billing. He is again essentially looking to create a two-tier system of health in this country. I think one of the great things about Australian society has been the fact that all Australian citizens have been able to access good quality health care under Medicare. It has been one of the things that make us a civil society and I remain deeply concerned about the government’s attempt to dismantle that.

Today we are considering a regulation that the government have introduced that gives effect to their $5 incentive for doctors to bulk-bill concession card holders and children under 16. I accept the arguments advanced by Senator Nettle and supported by Labor that we do not want to move to a two-tier system. We do not think that is a desirable way ahead. We are dealing here with a regulation which seeks to give effect to that initiative—and a couple of others which I will come to in a second. It is also the case that the incentive provided is basically in place. So Labor has been faced with a difficult decision, as have all Senators in relation to this matter. Do you, in totally opposing the government’s approach and in expressing your concern and criticism of the way they are going about these issues, decide to op-
pose everything? Or do you take each issue on its merits as you deal with it?

Effectively, we have made a decision that, while we do not support the move to a two-tier system in terms of bulk-billing payments, it would be the wrong thing for us as a Senate to disallow the regulation, because that would effectively mean that there would be $5 less paid to doctors who bulk-billed concession card holders and children under 16. Therefore there would be less bulk-billing for those people, less access to medical treatment and more injustice in the regime presided over by this government in terms of health care.

We do not think the government’s approach is the right one. We do not think this will do much to save bulk-billing. It certainly does not offer any fundamental support for a bulk-billing practice. It provides a very limited incentive to doctors who already bulk-bill to continue to bulk-bill. We are concerned to make sure that concession card holders and children under 16 and all other Australians have access to bulk-billing services. It is a cornerstone of the universal health system that we have developed and we are concerned about this attempt to make it into a two-tiered system.

But, as I said, the bottom line is that the regulations provide for that $5 incentive to that limited number of Australians. The alternative for us is to support Senator Nettle, to disallow the regulations and to, therefore, have a situation where, as a result of our action, there is less incentive for doctors to continue to bulk-bill those particular clients. So the pragmatic effect of a decision to disallow would be to make it less likely that doctors who do remain in bulk-billing would continue to bulk-bill that category of patient.

When you have a hard look at that, while Labor support much of what Senator Nettle espoused as a critique of the government’s overall approach—and, as I said, Senator McLucas, Senator Forshaw and others made the critique in tabling the select committee report this morning—we think, on balance, that it would be wrong for us to disallow these regulations. It would be a mistake for the Senate to do that and to further disadvantage those categories of persons who are already disadvantaged enough under this government’s health programs. We think it is better that we not disallow these regulations.

Labor have made it very clear that we will increase the patient rebate for all bulk-billed consultations for all Australians to 100 per cent of the schedule fee. We will also provide significant financial incentives to encourage doctors to improve their bulk-billing rates. But these are not things we can do from opposition—I am very clear about that. In opposition you can only deal with what you have in front of you to deal with, and today we get to deal with regulations we cannot amend but can only pass or defeat. Our considered view is that we are better off passing them and providing some support for those doctors who do bulk-bill to continue to bulk-bill this limited group of patients. We say they ought to be doing it for all patients. We say they ought to be taking a whole range of measures to support bulk-billing more generally. But we cannot bring ourselves to disallow the regulations and therefore potentially disadvantage some of those people who will be able to continue to access bulk-billing by virtue of whatever small incentive this provides to those doctors who do bulk-bill.

I do not pretend that this is going to regenerate interest in bulk-billing by doctors—all the evidence to the committee was quite clear on that. This is not going to be a major incentive for doctors to get back into it, and it may only work in a small number of cases to keep those doctors who are currently bulk-billing doing so. But the choice for us is: do you knock off the very small incentive pro-
vided for a limited number of people because you oppose the whole plan or do you say that at least that bit does provide some support for a limited group of people? On balance we have taken the decision to allow the $5 incentive to bulk-bill concession card holders and children under 16 to be enacted.

I also just make the point in passing that the regulations also implement the ability of GPs to bill Medicare for immunisations and wound management services performed by practice nurses. We are very strong supporters of the practice nurse initiative, as is most of the medical and health sector. But on the central point Labor are not inclined to oppose this particular initiative, while we do remain very strong critics of the package and we will be opposing the related legislation. Therefore we will not support the Greens motion to disallow the regulations.

Senator LEES (South Australia) (5.26 p.m.)—I want to speak very briefly and to make the point from the beginning that these are regulations and not legislation; therefore, we have a choice of either supporting or rejecting them. We cannot amend the regulations to change them in any way or do what I would like to do—that is, extend them to anyone a doctor decides to bulk-bill. I would like to leave the decision to the doctors and not specify groups within the community because that is beginning to take us away from what is a universal Medicare system and to push us more towards a welfare health system. That is not what Australians want, according to my survey of some South Australians. Some 9,000 people returned the survey and 71 per cent believe that doctors should be encouraged to bulk-bill everybody.

The emails I have had over the last few days suggest that the $5 does seem to be holding bulk-billing. Doctors have emailed me saying, ‘This is going to keep us bulk-billing,’ or, ‘We were about to give up and now we are not’. But I stress that it is only a temporary measure. We have probably bought ourselves another 18 months to two years before some really difficult decisions have to be made about Medicare benefits paid to doctors, both specialists and GPs. It is a temporary measure.

I am basically taking the bird in the hand: I will not be supporting this disallowance motion. We at least have the $5 for some Australians and, as has been said, we also have the two item numbers for nurses. I would like to see that extended. If I were able to amend the regulations—which I am not—I would have included one item number for podiatrists, one for psychologists and two for physiotherapists, for a start, to move us into a team approach to primary health care. Our work force issues will not be solved in the short term, despite some very good measures in other parts of this package that will get us more doctors and the measure here that will assist GPs and nurses to work together. There is a lot more that we should be doing and could be doing to alleviate the doctor shortage by taking some of the pressure off them through getting onto the team those people who could provide the specialist level of care, whether they are dieticians, physios, podiatrists or psychologists. The MAHS program is working well in rural Australia, and it would have been good if we could have amended what the government is doing today to include some additional programs. We cannot and therefore we are left with a yes or a no. I will be voting against this disallowance motion.

Senator NETTLE (New South Wales) (5.29 p.m.)—Before I close the debate, is there any intention for there to be a government response?

The ACTING DEPUTY PRESIDENT (Senator Sandy Macdonald)—I understand not, Senator Nettle.
Senator NETTLE—It is interesting that the government chooses not to take the opportunity available in the Senate to defend its proposals, which take the very first step in trying to dismantle Australia’s public health care system. But, clearly, it is a decision that the government has made and it would not like to take the opportunity in the Senate to defend its proposals to destroy the universality of Medicare.

In terms of the comments that we have heard from others in the chamber, from the opposition and from Senator Lees, I agree with many of the things that they have said, as they have indicated that they agree with what the Greens have said about needing to protect the universality of Medicare and about not wanting to take us down the path of having a two-tiered system. I agree with what Senator Evans said about this measure not being something that is going to save or increase bulk-billing and Senator Lees’s comment that perhaps it will be a holding pattern for 18 months to two years. These all recognise that this proposal by the government does nothing to help low-income Australians or, in fact, the vast majority of Australians who cannot find a bulk-billing doctor in their area.

Contrary to the view that Senator Evans put before us this will not increase opportunities for the bulk-billing of concession card holders. Yet he indicated that it would, as did Senator Lees in some of her comments. Eighty per cent of concession card holders are already being bulk-billed. This does not help all Australians to have access to bulk-billing. In fact, it makes it harder for all Australians to have access to bulk-billing. When the government says to doctors, ‘Concession card holders and children under 16 are the only ones you have to bulk-bill.’ To everyone else, the government says, ‘Bring out the wallet and hand over the cash when you’re sick, when you need to go to the doctor, when your child needs a regular check-up, when you are feeling unwell and you have some condition that requires you to go and visit your GP.’

This is an issue that senators need to have a long hard look at. Senator Evans said that he recognised all the flaws being proposed by the government but that they were in a position such that it would be hard for the opposition to oppose this regulation and support the Greens disallowance motion. That shows me that the Prime Minister, John Howard, is being too clever for the Labor Party opposition. We had comments coming from the shadow health minister in the other place and we heard it again here from Senator Evans: if the opposition are to be in government some day, they will increase the rebate across the board and they will make a whole raft of different changes. That is a cop-out. It is a regular cop-out; we see it every time. They are exactly the same lines that the Prime Minister says should be the position of the opposition. When the shadow health minister is echoing the words of the Prime Minister, people should worry. The Prime Minister must be enjoying writing those lines for opposition frontbenchers in the House of Representatives.

This is an opportunity for the opposition and all senators on this side of the chamber to stand up and say: ‘We defend the universality of Medicare. We will not let Prime Minister Howard and his tricky games make this appear as though it is providing a benefit for concession card patients or going to have any impact on bulk-billing rates. We will not let him get away with spinning that in this regulation, because we recognise it is the first step in taking us down the path of dismantling our universal public health care system.’ But we have seen a failure from senators in this chamber to recognise this opportunity. Instead, it is being passed by. We have heard a range of different excuses,
such as, ‘We will change it when we are in government.’

We have heard Senator Evans say, ‘This regulation impacts on nurses.’ The way in which the Greens have written the disallowance, and Senator Evans would know this if he had read the details, ensures it does not touch the provisions in relation to nurses that are also a part of this regulation. It only disallows the component of this legislation that says the government thinks it is okay for only concession card holders and those under 16 to be bulk-billed. If that is to be the view of the Senate about Australia’s public health system, about bulk-billing, about Medicare and about the importance of our health system in providing for all Australians, that is a great failure by the Australian Senate. The Senate has a responsibility to defend our public health system and to defend Medicare from the attacks of John Howard.

When we are voting on this motion, the next time we are here voting on the government’s safety net legislation and all the way up to the next election, the Senate has a responsibility to stand up for those Australians who say to politicians all the time: ‘We love Medicare. We love our universal public health care system, which we all fund through a progressive taxation system. We want to be able to go to the doctor and look after our children when they are sick and we do not want to have to fork over a whole lot more money on the way.’ The Senate is saying today that that is all right. The Australian Greens will not be a part of that. We will oppose at every step and at every measure along the way John Howard’s proposals to dismantle public health care in this country. The Australian Greens commend this disallowance motion to the Senate.

Question put:
That the motion (Senator Nettle’s) be agreed to.

The Senate divided.

(The Acting Deputy President—Senator S. Macdonald)

Ayes............. 2
Noes............. 46
Majority........ 44

AYES
Brown, B.J. Nettle, K. *

NOES
Allison, L.F. Barnett, G.
Bishop, T.M. Brandis, G.H.
Buckland, G. Campbell, G.
Carr, K.J. Chapman, H.G.P.
Cherry, J.C. Colbeck, R.
Collins, J.M.A. Denman, K.J.
Eggleston, A. Evans, C.V.
Ferguson, A.B. Ferris, J.M. *
Forshaw, M.G. Greig, B.
Johnston, D. Kirk, L.
Knowles, S.C. Lees, M.H.
Ludwig, J.W. Macdonald, J.A.L.
Mackay, S.M. Marshall, G.
Mason, B.J. McGauran, J.J.J.
McLucas, J.E. Minchin, N.H.
Murray, A.J.M. O’Brien, K.W.K.
Patterson, K.C. Payne, M.A.
Ray, R.F. Ridgeway, A.D.
Santoro, S. Scullion, N.G.
Stephens, U. Stott Despoja, N.
Tchen, T. Tierney, J.W.
Troeth, J.M. Watson, J.O.W.
Webber, R. Wong, P.

* denotes teller

Question negatived.

TRADE: FREE TRADE AGREEMENT

Senator MINCHIN (South Australia—Minister for Finance and Administration)

(5.45 p.m.)—I seek leave to make a statement in relation to the motion put earlier today by Senator Brown—namely:

That there be laid on the table by the Minister representing the Minister for Trade, no later than 5 pm on Wednesday, 11 February 2004, the Free Trade Agreement made between the Governments

Leave granted.

Senator MINCHIN—I am advised by the Minister for Trade that the free trade agreement between Australia and the US will come into effect when the parties have completed their domestic approval processes, which obviously will involve this chamber, and amended or passed any necessary legislation. The text of the agreement, as referred to in the motion, is currently being ‘legally scrubbed’, as it is described in my notes, and with the agreement of both sides will become public at the end of that process, which should be within the next month. The Australian cabinet gave in-principle approval to the agreement yesterday and the government will refer the so-called legally scrubbed free trade agreement to the Joint Standing Committee on Treaties, which this government established, for parliamentary and public comment. JSCOT, as that committee is known, will provide an avenue for the public and the parliament to comment and make submissions on the free trade agreement. Everybody will have an opportunity to make submissions to JSCOT about the agreement, as it will then be a document. It is likely that the committee will have hearings in all states and territories. The government will then submit a proposal for authorisation to sign the draft treaty to the Executive Council. Once Executive Council approval has been granted, the government will sign the agreement. It is intended that, once all domestic processes are completed and the agreement goes through the Congress and the parliament, an operative date will be determined—possibly 1 January 2005.

That is by way of a response to that motion put to the Senate. There is not a free trade agreement we can put on the table. As I indicate, once it has been through all the legal processes, a document will be available within the next month which will then go to the treaties committee.

Senator BROWN (Tasmania) (5.47 p.m.)—by leave—I want to respond to that. How dare this government have 20 million Australians wake up the day before yesterday to the news that a free trade agreement had been initialled but say to this parliament, ‘We haven’t got one. It’s going to take a month while we legally scrub this document.’

Senator Minchin—That makes sense.

Senator BROWN—It does not. It is not just an affront to the Senate that the document has not been produced; it is an affront to the whole nation. What should be produced here now is the unscrubbed document so that the debate about what the Prime Minister has said is one of the most important documents in Australian history can proceed on the basis of information. But the government is so ashamed of the detail in this document that it is hiding it for another month.

Senator Minchin—Rubbish!

Senator BROWN—It wants to scrub it up.

Senator Minchin—It has got to be legal.

Senator BROWN—The minister interjecting defensively over there says that it has got to be legally scrubbed. Let them proceed to do that. The fact is that there has been a document initialled on behalf of Prime Minister Howard and President George Bush. Bring it onto the table!

Senator Minchin—We will.

Senator BROWN—Bring it onto the table now instead of fudging, which this government is so good at. The Prime Minister has repeatedly denied having knowledge of what was in detail held back. Bring it on now so that we can see what is in this document. Legally scrub it up in your own good time,
but do not deny this nation the ability to see this document, which the Prime Minister says is one of the most important in the country’s history. You have initialled it; you produce it. What is going on here is a cover-up of the detail in this document. It is a cover-up by the government, denying this democratically elected parliament as well as the people of this nation access to the detail. It is an appalling way to treat Australians. It is an appalling way to treat business in this country, to treat agriculture, to treat artists, to treat the environment, to treat people who have specialty products who may be concerned by the lowering of standards in this country and to treat people who are concerned about the ability of US corporations to get around the Foreign Investment Review Board and take over in this country in a way that we have not seen before.

The indication from the failure to produce this document, besides it being a snub to the Senate, is that the government is embarrassed by the detail. How can Prime Minister Howard look this nation in the eye and say, ‘I am going to have you behind this agreement,’ when he will not produce it for a month? I tell you what: there has rarely been in the history of discourse on major commitments by this nation such a ruse as this one. The bureaucrats in the White House know what is in it and Mr Zoellick knows what is in it, but the Australian people cannot know what is in it.

What an appalling way yet again of treating Australians—that is, as second rate to people in the know in the White House and in America. It is an appalling piece of behaviour by this government, which must lose credibility in the eyes of the average punter—let alone those who want to see the detail. He says: ‘Wait a month. We’ll debate, we’ll spin, we’ll put gloss on, we’ll give you our version, but we won’t show you the document for another month.’ That is a government that is not sure what it is doing. That is a government that is not sure it has the faith of the Australian people. That is a government that covers up by design instead of levelling with the average punter, the little battler, the average Australian, in the way that a government that is dinkum would be doing.

Senator MARSHALL (Victoria) (5.53 p.m.)—by leave—I want to comment on this matter because I think I heard the minister say that cabinet has now approved the free trade agreement. If the agreement is in a form in which the cabinet can consider it and determine that it is in Australia’s national interest then it must be at a stage where it is capable of being laid on the table in the Senate for us to look at. The argument that it needs legal scrubbing is, quite frankly, a very lame argument indeed.

Senator Minchin—The US has to agree with it.

Senator MARSHALL—The US does have to agree with it too, Minister—that is quite right—and it will be laying it on the table in the congress for 90 days and then it will go through its processes. What we are talking about today are our processes and the processes of the Senate. If the cabinet can approve a document, then surely the document is in a condition in which the cabinet ministers can accept that it has its true meaning. If they say now that legal scrubbing may change the meaning, then they had no right to make a decision that it could be in the Australian national interest at that time. So we have to assume that it is in a form where it can be considered and can stand up to scrutiny.

The real test for this government, if they have nothing to hide, is to lay the document that, according to this minister, cabinet approved today on the table of the Senate, let it become a public document and let us com-
mence the debate. All day today we saw government senator after senator who had not read or seen the agreement get up and sing the virtues of this agreement as if they knew it was in the Australian national interest. How could they know when they have not seen it? Lay it on the table, let us be honest about it and let us start the debate proper.

FISHERIES LEGISLATION AMENDMENT (HIGH SEAS FISHING ACTIVITIES AND OTHER MATTERS) BILL 2003 [2004]

In Committee

Consideration resumed.

The TEMPORARY CHAIRMAN (Senator Sandy Macdonald)—The committee is considering amendment (2) moved by Senator Greig in the amended form.

Senator GREIG (Western Australia) (5.55 p.m.)—Before we left off, Senator O’Brien was critical of the amendment and argued that it diminished the original intent of the legislation. I was confident that that was not the case and I remain so. I would point out to Senator O’Brien that during the break in consideration, to reconfirm my views, I had a closer look at the bill. I would refer him to 6 subsection 167(1) on page 31 of the bill. As was my original belief, the bill as it stands does not mandate for the publishing of statistics and data in the way that Senator O’Brien had thought it did. It is clear from the latter half of clause 6 of the bill that:

(1) AFMA must cause to be compiled, from log-books or returns furnished under section 42 or from other sources, statistics in relation to matters mentioned in subsection 42(1B)—

and it then goes on, and this is the pertinent point—

and must publish or make available, in any way it thinks fit, such of those statistics as it thinks fit.

You can see from the wording there that there is still no particular mandate—no particular obligation—for that stuff to be forthcoming, but it is still left to the discretion of AFMA. So the amended amendment, which we are now speaking to and hopefully will be voting on shortly, does not, as Senator O’Brien first thought, diminish the powers of or wind back the legislation but merely maintains the status quo.

Senator O’BRIEN (Tasmania) (5.58 p.m.)—Senator Greig has read part of the bill. The key difference between the Democrat amendment moved by Senator Greig and the bill that the minister proposed is the use of the word ‘must’. In other respects there is not a substantial difference between the Democrat amendment and the government’s bill. The only word that really changes things is ‘may’. ‘May’ simply gives permission at the discretion of AFMA. It further qualifies the probability of publication. It says that there is a discretion rather than an obligation to publish.

I said earlier that I recognise that there is a qualification as to what might be published and how it might be published but a requirement to publish nevertheless. The decision as to how it is published and what is published is capable of being tested through the processes of estimates, for example, in asking AFMA why, in choosing under an obligation of the act to publish certain material or not to publish it with some discretion, they chose to do that. Putting the word ‘may’ in simply further qualifies the situation to the point where AFMA would be able to do say: ‘That is a discretion we have. There is no obligation on us under the legislation to publish. The act simply says that we may publish. It gives us permission but no obligation.’

‘May’ is the key word. That is why we cannot see why it is in anyone’s interest to
amend the bill. The minister is picking up the Democrat amendment because it does just that—it reduces the obligation on AFMA. We do not think that that is in the public interest and we will not be supporting the amendment. It is on the head of the Democrats. If they want to implement a regime which, after all, was not the proposal of the government to start with, and one which significantly qualifies the obligation on AFMA with regard to publication, then so be it. We will not be supporting it. I reiterate our comment: there is no justification in our mind for further qualifying it. The qualifications are significant enough in the bill as proposed by the government, and to further qualifying it by substituting the word 'may' for 'must', which is the effect of the Democrat amendment with regard to publication, is unwarranted.

Question agreed to.

Senator O’Brien—I am not calling a division but I simply wish it to be recorded that the opposition opposed the amendment which was supported by the Democrats and the government.

Senator GREIG (Western Australia) (6.02 p.m.)—The Democrats oppose schedule 3 in the following terms:

(3) Schedule 2, Part 3, page 35 (lines 2 to 21), TO BE OPPOSED.

We Democrats argue that this schedule ought not stand as printed but, rather, be deleted. This final amendment opposes in its entirety schedule 2, part 3 which contains the amendments concerning charter fishing operations. As I said in my second reading speech, changing charter fishing from commercial to recreational fishing will result in the states and the Northern Territory now being responsible for the regulation of charter fishing in Commonwealth waters. That creates two problems. The first is the potential for different regimes and standards to apply to charter fishing operations in different areas. As I noted earlier, a number of states do not have any laws that regulate charter fishing, and those that do will need to amend the legislation to ensure that these regulations now apply to Commonwealth waters.

The second problem, as we see it, is that the changes will ensure that charter fishing operators are not required to provide catch data to AFMA. Several states do not have laws that require charter fishers to record catch data, and at present there are no formal arrangements to ensure that charter fishing catch data is shared between the Commonwealth and the states for management purposes. Clearly that is a second-rate option for the management of charter fishing and, as a consequence, we feel that this aspect of the bill ought not be supported.

Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (6.03 p.m.)—The government opposes this amendment. Charter operators actually provide a commercial service by providing a platform for recreational fishers. The management of the impacts of charter fishing on sustainability of the fish stock is therefore about managing recreational fishers rather than commercial fishing operations. The Fisheries Management Act excludes AFMA’s direct management in recreational fishing unless it is regulated through a plan of management or a temporary order, and we do some of that and can in the future. Although the Commonwealth still retains a stewardship role for all of the fisheries resources, the proposed amendment would give charter fishing a similar but separate status to recreational fishing.

This approach is consistent with the 1997 in-principle agreement by the then Ministerial Council on Forestry, Fishery and Agriculture for the Commonwealth to manage the
commercial and foreign sectors and develop arrangements with the states and the Northern Territory for these jurisdictions to undertake the day-to-day management of the charter and recreational sectors under state and Northern Territory laws. So that was agreed upon by the ministerial council back in 1997. The Commonwealth look after the high seas and commercial, while the states, which are better equipped, look after recreational, which would include charter. This policy approach has subsequently been reiterated a number of times, including in last year’s review of Commonwealth fisheries policy where a clear commitment to amend the treatment of charter fishing under the Fisheries Management Act was made. I emphasise that that review was the outcome of discussions with the fishing industry, with the conservationists, with the recreational fishers and with other stakeholder groups.

Recent discussions amongst stakeholders about a national resource sharing framework—a different but related matter—also recognised as a basic principle that the states and the Northern Territory would have responsibility for managing both recreational and charter fishing. It is not really good fisheries management practice to have multiple jurisdictions looking after the recreational sector, including charter. The states already have established arrangements for managing recreational fishing which would also provide for more effective management of recreational fishing but from a charter boat.

Consistent with the stewardship role for sustainable fisheries, the Commonwealth through AFMA will take into account all extractions from a Commonwealth fishery in regulating the commercial fishery, and that is very important. Draft plans of management for the east and west coast tuna fisheries explicitly include this. We will know what comes out by the charter and recreational fishery before we set the limits for the commercial fishers under the management plans for both the east and west coast tuna fisheries. So I think we are moving in the line that I know Senator O’Brien and Senator Grieg would want us to.

Memorandums of understanding or some other comparable arrangements are expected to be established with the states and Northern Territory governments to ensure that those jurisdictions do manage recreational fishing, and appropriate data collection enforcement will be key elements of such arrangements. Whilst there are not formal MOUs at this stage, as I say, the ministerial council already agreed upon those things some years ago. My discussions with all the state fisheries ministers indicate that they agree also that they are the most appropriate people to deal with it. This government amendment puts into effect what we think is a better management arrangement. I appreciate what Senator Greig has proposed; I do not agree with it—I appreciate more the comments he has made. But, again, I think that a lot of the things that Senator Greig is trying to achieve will be better achieved and with some certainty in the way we are proceeding.

Senator O’Brien (Tasmania) (6.08 p.m.):—The opposition is not minded to support this amendment. We see the charter sector as a platform for recreational fishing. We appreciate the commitments which have been given at ministerial council level with regard to the management of the sectors. We had no indication from any sector leading up to this debate that they wished it otherwise. We heard of the Democrat amendments only yesterday. No other sector—recreational, professional or government—has indicated a problem with the legislation as it stands, and we will be supporting it.

The TEMPORARY CHAIRMAN (Senator Ferguson):—The question is that schedule 2, Part 3 stand as printed.
Question agreed to.
Bill, as amended, agreed to.
Bill reported with amendment; report adopted.

Third Reading

Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (6.09 p.m.)—I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

AGRICULTURE, FISHERIES AND FORESTRY LEGISLATION AMENDMENT BILL (No. 2) 2003
Second Reading

Debate resumed from 10 February, on motion by Senator Vanstone:
That this bill be now read a second time.

Senator O’BRIEN (Tasmania) (6.10 p.m.)—The Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 1) 2002 proposes amendments to the Quarantine Act 1908, the Imported Food Control Act 1992, the Pig Industry Act 2001, the Wool Services Privatisation Act 2000 and the Quarantine Amendment (Health) Act 2003. It is the renumbered Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 1) 2002, in fact.

The amendments are unrelated, except that the legislation subject to the amendment falls within the portfolio responsibility of the Minister for Agriculture, Fisheries and Forestry. I think that means it is an omnibus bill. It was first introduced into the other place on 29 May 2002, and the Minister for Agriculture, Fisheries and Forestry delivered his second reading speech on the same day. It has taken the government 21 months to bring this bill on for debate in the Senate. I propose to briefly address the bill’s non-controversial measures before turning to the key feature of the bill—the outsourcing of Australia’s quarantine function.

I turn first to the Imported Food Control Act 1992. In this case, the proposed amendments to the Imported Food Control Act give effect to some of the recommendations of the national competition policy review of the act. Changes include the introduction of compliance agreements in the imported food inspection regime and amendment rules related to the labelling of imported food. Australia’s food industry takes the protection of public health standards seriously, and Labor is confident that the co-regulatory approach will be successful. I will comment in more detail on timing matters associated with this bill but note now the extraordinarily long delay between the completion of the national competition policy review and the implementation of these changes. The review was completed in November 1998, more than five years ago. There was a long delay until this bill was introduced; it is a longer delay today. Labor will support the amendments to the Imported Food Control Act. We will, however, monitor the operation of these changes to ensure that they have no impact on the integrity of our imported food inspection and labelling regime and consequential impact on public health and safety.

The amendment to the Pig Industry Act 2001 and the Wool Services Privatisation Act 2000 bring the legislation underpinning the research effort in the pork and wool industries into line with other rural industries. The provisions correct an anomaly that currently prevents Australian Pork Ltd and Australian Wool Innovation Ltd from carrying forward research and development expenditure from one year to the next, thus denying these industries full matching funding in some years. Labor supports the amendments but we question why the minister has sat on his hands and failed to correct the anomaly for so long.
The amendment to the Quarantine Amendment (Health) Act 2003 is a minor technical amendment that changes a reference in the act that anticipates the passage of this bill. The amendment is necessary due to the renumbering of this bill and is caused by the extraordinary delay between its introduction in the other place and the date of its expected passage.

The amendments to the Quarantine Act 1908 do three things. They extend the Quarantine Act to Christmas Island, they change the quarantine fee regime and they permit state quarantine officers and private contract staff to be appointed as quarantine officers within the meaning of the act. In respect of the extension of the act to Christmas Island, Labor has received some representations from residents concerned about the potential impact of this bill on their cost of living. While not disposed to oppose the extension of the Quarantine Act to Christmas Island, Labor did seek an assurance from the minister in the other place that the residents of Christmas Island would not be adversely affected by the provisions of this bill. The minister, Mr Truss, gave such an assurance. It is one that Labor will demand that he and this government stand by.

The changes to the fee regime provide for the collection of quarantine fees from agents and reflect practice. The minister advises that the legislative change will reduce bad debts, and it has the support of the opposition. Important changes to the categories of persons able to exercise quarantine functions are the key provision of this amendment bill. It is disappointing that amendments that adversely impact on the integrity of our quarantine system have been bundled together with other administrative amendments to the Quarantine Act and three unrelated bills. In the other place, my colleague the member for Braddon speculated that some might think this act is attributable to an oversight or perhaps to disorganisation on the part of a minister who has never come to grips with the demands of his portfolio, but it is neither, of course. It is no less than an attempt to bury the privatisation of Australia’s quarantine service within an omnibus bill.

The bill proposes to make two particular changes to the law governing the appointment of quarantine officers. First, it provides for the appointment of state quarantine officers to perform quarantine functions within the meaning of the Quarantine Act. The opposition is satisfied that quarantine officers employed by state governments operate under an appropriate accountability framework and that provisions in the bill related to these officers will improve the efficacy of the existing system. The second change is the extension of quarantine powers to contract pool staff. This is a key change. The bill would give the Director of Quarantine the power to appoint a person who is not a Commonwealth, state or territory employee to be a quarantine officer. Specifically, the bill provides for the Director of Quarantine to enter into an arrangement to create a contract pool and then appoint a person from that pool to perform quarantine functions.

Buried in the minister’s second reading speech to the other place on 29 May 2002 is the supposed rationale for these provisions, a rationale he repeated during the second reading debate last December. The minister said that AQIS needs increased flexibility to deal with the new and growing demands the government is making of the organisation. The government would say that these demands are a consequence of the new security environment in which Australia now finds itself and reflect the community’s demand for increased border protection. Not one of us would argue about the need to ensure AQIS has the capacity to do its job. But that is not what this bill does; it outsources our quarantine function to the lowest bidder.
When the Senate Rural and Regional Affairs and Transport Legislation Committee inquired into the provisions of the bill in late 2002, AQIS engaged between 150 and 200 contractors to perform routine manual tasks at airports and ports under the direction of quarantine officers. It is my understanding that these contractors continue to undertake tasks, including loading and unloading bags on conveyor belts, cleaning shoes and assisting to remove dirt from shipping containers. These staff would be the potential initial beneficiaries of the new powers.

These are powers, however, that do not just relate to the positioning of bags on conveyor belts and to the cleaning of shipping containers—or, for that matter, shoes. Under the measures proposed in this legislation, contractors could be appointed to perform all existing quarantine functions, with some limited exceptions. For example, contract staff would have the power under section 66AB of the Quarantine Act to enter and search premises. Under section 66AD of the act they could seize material with a warrant. These extraordinary powers would be accompanied by a host of others not excluded by the government in the drafting of this amendment bill. The fact is that the powers are not required to assist the existing manual staff in the performance of their duties. These provisions represent an insidious attempt by the government to outsource key quarantine functions to the private sector. These are the professional officers most concerned about protecting the integrity of our border. Hundreds of quarantine officers have signed a petition opposing the outsourcing of their responsibilities to contractors. This petition says:

We the undersigned strongly oppose outsourcing quarantine officer powers and functions. We believe that any step in this direction will inevitably compromise the integrity and accountability of AQIS, its officers and the vital service it provides.

Mr Truss proposed to return the sheep stranded aboard the Cormo Express to Australia. That was a clear example of his lack of understanding that quarantine does in fact matter. The fact that the plan to return the sheep to Australia went to an advanced stage without the release of an import risk analysis points to the recklessness with which the minister treats our quarantine barrier. I know that plenty of senators opposite share that view, and it took the establishment of a Senate inquiry to force it off the table. Unfortunately, the current minister maintains stewardship of our quarantine system in the wake of the Cormo Express fiasco and is persisting with his attempt to privatise Australia’s quarantine function. Our quarantine system is our first and last line of protection against disaster imposed on our agricultural industries, on our environment and on the health and safety of the Australian population due to the incursion of a foreign disease or contagion.

The provisions of the bill relating to contract staff are completely out of step with the expectations of the wider Australian community. It is noteworthy that the move with respect to contractors has attracted staunch opposition from the men and women currently providing this nation with its quarantine function. These are the professional officers most concerned about protecting the integrity of our border. Hundreds of quarantine officers have signed a petition opposing the outsourcing of their responsibilities to contractors. This petition says:

We the undersigned strongly oppose outsourcing quarantine officer powers and functions. We believe that any step in this direction will inevitably compromise the integrity and accountability of AQIS, its officers and the vital service it provides.

This petition has been signed by over 1,750 quarantine, customs and immigration officers, none of whom are fooled by the government’s claim that all that the provisions will do will be to lend AQIS the flexibility it requires.

On this point, I want to turn to the evidence given by the Department of Agriculture, Fisheries and Forestry to the Senate inquiry into the provisions of the bill held in October 2002. The department expanded on...
the minister’s rationale for provisions in the bill, saying that the extension of quarantine powers to a private contract pool is necessary to uphold the legality of the existing contract arrangements. In other words, it was contended that the job being performed by the current contract pool is under some legal doubt. Presumably, and quite absurdly, the government would contend that those contract workers are still doing their jobs illegally. Apart from anything else, one might think it extraordinary that a Commonwealth department would embark on the engagement of contractors without inquiring as to the legality of those contract arrangements. After all, the department does engage hundreds of contractors for manual work at airports and seaports around the country. If the department is to be believed, hundreds of staff have been engaged to perform duties they have no legal standing to perform.

Last year, as the then shadow minister for primary industries, I sought advice from Minister Truss about the basis for his department’s contention that current manual functions were being performed illegally. In response the minister provided advice from AQIS’s lawyers, Minter Ellison. Unfortunately for the minister, the advice did no more than point to the fact that the Quarantine Act does not permit non-quarantine officers to perform statutory—‘statutory’—quarantine functions.

The other argument in favour of the contract provisions is the argument that AQIS needs more flexibility in the management of its quarantine staff function. Again, I cannot help referring to the months it has taken the government to bring this bill on for debate. If flexibility was needed in May 2002, it clearly was not needed very badly. Rather unfortunately for the minister, his department’s own legal advice says that the existing act provides a range of options for flexible employment, including the appointment of temporary and fixed task quarantine officers. The existing act also provides authorisation in respect of certain tasks for those existing quarantine officers in the performance of their duties. Part-time ongoing, full-time non-ongoing and part-time non-ongoing employment is allowed under the Public Service Act and is a feature of the department’s current employment profile.

Even if one accepted that the government was presenting this argument in good faith, the next hurdle for it to overcome is the range of powers it proposes to award contractors under the provisions of the bill. The department told the Senate inquiry that it does not see the role of contractors extending much beyond putting bags on conveyer belts and scraping mud from shipping containers. But the provisions of the amendment bill give these contractors almost all statutory quarantine enforcement powers, including the right to enter and search premises, seize material without a warrant and search goods.

An associated concern is the complete absence of accountability for this proposed new category of quarantine officers. The bill provides that, before a contractor can be appointed to the contract pool, the appointee must agree to comply with the Australian Public Service code of conduct. In the second reading speech he delivered on 29 May 2002, the minister said:

The requirement regarding the APS code of conduct has been included because persons from a contract pool exercising quarantine powers should have the same level of accountability as government employees exercising those powers.

The provisions of the bill and these words from the minister are all well and good but they do not provide an ounce of accountability. The fact is that the APS code of conduct will not apply to contract quarantine officers because they will not be Commonwealth employees. The minister’s department has conceded that the Public Service Commis-
sioner and the Merit Protection Commissioner would have no role with respect to the contract quarantine pool. Whistleblower protection has not been contemplated. Indeed, the contention that the only mechanism to deal with individual breaches of the code would be the application of the common law has not been seriously challenged.

It is Labor’s view that the proposed extension of quarantine powers to private contract staff poses a direct threat to the integrity of Australia’s quarantine regime. Subsequent to the Senate inquiry, my office spoke to the minister’s office about the opposition’s concerns about the bill. I understood that, in the light of the matters raised at the inquiry and in response to my concerns, the minister was taking another look at the bill. Unfortunately nothing has come to pass, if indeed another look was taken. All that the minister has done is sit on his hands—now 21 months since the bill was introduced into the other place and 16 months since the Senate inquiry reported.

On the matter of timing, I note a comment by the minister in the other place on 2 December last year about the delay in progressing debate on the bill. He said:

The bill has been around for a year because of the prolonged Senate inquiry that dealt with those sorts of issues and the seeming unwillingness on the part of the opposition, at least at this stage, to recognise the good sense of what was being proposed.

My simple rejoinder to the minister’s claim is that the so-called prolonged Senate inquiry consisted of a single hearing that lasted a grand total of one hour and 20 minutes. The Senate Rural and Regional Affairs and Transport Legislation Committee reported to the Senate on 12 November 2002.

I advise that the opposition will move amendments to remove the offending provisions from the bill. As I have already noted, it is regrettable that the government has chosen to bundle up contract quarantine provisions with other, largely administrative, matters relating to quarantine, industry research and development and the inspection and labelling of imported food. We will simply not permit Australia’s quarantine barrier to be threatened by this government’s ideological pursuit of privatisation at all costs. In other respects we will be supporting the legislation.

**Senator CHERRY** (Queensland) (6.27 p.m.)—As Senator O’Brien points out, the Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 2) 2003 deals with a range of administrative matters in addition to a number of controversial matters. The bill seeks to amend the Quarantine Act 1908 to extend the application of the act to Christmas Island, improve arrangements for payment of fees, broaden the range of persons who may be appointed as quarantine officers and make some other clarifying amendments. It amends the Import Food Control Act 1992 to insert an objective into the act, to provide for the use of agreements and to allow for the importation of food that does not meet applicable labelling standards, while creating an offence if that food is sold by the importer without correct labelling. It amends the Pig Industry Act 2001 and the Wool Services Privatisation Act 2000 to allow Australian Pork Ltd and Australian Wool Innovation Ltd to carry forward research and development expenditures eligible for Commonwealth matching contributions from one financial year to the next.

As Senator O’Brien has pointed out, most of those matters are fairly non-controversial. The most controversial matters in this bill are the proposals by the government to extend to its contract staff the powers of a quarantine officer. I note that this bill has been sitting on the *Notice Paper* for a very long time. As Senator O’Brien pointed out—and I think it
is worth repeating—the Senate Rural and Regional Affairs and Transport Legislation Committee reported on this bill in November 2002, some 15 months ago. For 15 months the government has been aware of the view of the Democrat senators and the opposition senators that this bill will need substantial amendment, yet for 15 months the government has not sought to make those amendments, enter into discussions about those amendments or ensure that this bill is brought to a form which would be acceptable to the Senate.

The Democrats do not resile from the views we expressed in our joint minority report with the opposition in November 2002 that the contract staff provisions in this bill will need to be removed. I would like to briefly outline some of the reasons why we are concerned about these particular provisions. Quarantine officers are currently Public Service employees under the Public Service Act 1999, or equivalent state legislation, and have statutory law enforcement powers under the Quarantine Act 1908 to carry out procedures to keep Australian shores safe from unwanted plant and animal infestation and disease. Officers work at airports and seaports, and at mail and import clearance centres, checking vehicles, containers, mail and luggage. They have responsibility for all traffic of plant and animal materials into Australia.

Quarantine officers make hundreds of individual decisions under their statutory powers to clear or seize and retain goods. These decisions can have significant repercussions. A decision to seize goods could create significant loss or damage for an importer. A decision to clear material could have severe consequences for Australia’s primary industry, such as our disease-free status for foot-and-mouth disease. Quarantine officers are directly and individually accountable under the Public Service Act for these decisions. Under this act, the bill contains a range of amendments that allow for the contracting out of quarantine officers’ law enforcement powers. In our view, this would undermine Australia’s high standard of quarantine inspection. The proposal would create a pool of individual contractors or labour hire contractors who could use statutory law enforcement quarantine powers without the accountability of Public Service employment. These contractors would have almost all of the statutory powers of officers under the Quarantine Act 1908.

The bill recognises that the significant powers of the contract pool do require Public Service style accountability and seeks to duplicate the accountability of Public Service employment by requiring that the contractor has ‘agreed to comply with the APS code of conduct in the performance of duties as a quarantine officer, as if that person were an APS employee’. This contract requirement falls well short of Public Service legislative standards. To uphold the APS code of conduct for the contract pool would require AQIS to sue the contractor for breach of contract in the courts. This would be an expensive and time-consuming process, creating a significant disincentive to uphold the code for all but the most significant breaches. By comparison, the conduct of public servants can be easily investigated by AQIS and disciplinary or termination measures taken without the involvement of the courts.

Similarly, we are concerned about the issue of whistleblowers under this particular act. As a user-pays system, the influence that corporate clients will be able to bring to bear upon contractors would have to be of concern. The contract pool would not have the whistleblower protections of the Public Service Act to report poor quarantine enforcement, corruption or breaches of the code of conduct. Selection, promotion, discipline, conduct and termination of the contract pool
would not be subject to independent review or directions of the Public Service Commission, the Merit Protection Commission or the Australian Industrial Relations Commission. Simply put, if a contractor made waves they could be given no further work from the contract pool, without justification or recourse.

Public Service quarantine officers are subject to day-to-day supervision and direction by AQIS, especially regarding the quality and vigour of their quarantine inspections. As a matter of law, a contract pool could not be subject to direction as to how the job was done; they would be subject only to the terms of the contract. This represents a significant loss of border control by the Commonwealth. The Commonwealth has argued that these changes are necessary to ensure that the Commonwealth can deal with emergent situations. However, the reason stated by the minister for introducing the contract pool, to have flexibility in the act to meet demand for increased quarantine levels, is not necessarily proven to our satisfaction. Indeed, it is our view and the view of the CPSU that this flexibility has already been achieved under the Public Service Act in staffing the federal government’s $10 million increased quarantine intervention project. For example, between June 2000 and June 2001, the number of non-ongoing full-time and part-time employees in the quarantine service rose from 220 to about 400. The current AQIS staffing profile already provides for a substantial mix of full-time, part-time, permanent, temporary and non-statutory contract staff, which has demonstrated its capacity to cope with staffing increases of up to 300 per cent in one year without the need for a contract pool.

Other issues raised in the Senate committee’s report are significant. It was the clear view in the minority report that the existing section 12A of the Quarantine Act 1908 provides extensive power to the minister in the event of an emergency and that this power clearly extends to employment matters. As a result, it is our firm view that these particular provisions are not necessary. It is worth noting that legal advice provided to the committee not only confirmed that AQIS cannot appoint independent contractors but also provided alternatives to AQIS, including the employment of people as quarantine officers on a fixed term or fixed task basis and the engagement of people to assist quarantine officers in the performance of their duties. The advice also notes that, in the case of an emergency, section 12A of the Quarantine Act 1908 confers broad powers on the minister to act in ways that are not otherwise permitted. In the minority report it was the clear view of the opposition and Democrat senators that AFFA’s own legal advice does not support the change to quarantine arrangements proposed in the bill. Indeed, the advice serves to undermine the rationale for the extension of quarantine powers to independent contractors.

For these various reasons, the Democrats are of the view that these amendments in respect of the contract pool of quarantine officers should be rejected by the Senate as a clear failure by the government to ensure accountability for very important quarantine powers and as a potential weakening of our border protection regime. I understand that the opposition will move amendments at the committee stage of this debate. The Democrats will support those amendments.

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (6.35 p.m.)—The amendments to the Quarantine Act extend the act to Christmas Island, make a number of changes to improve the arrangements for the payment of fees, broaden the range of persons who may be appointed as quarantine officers and make a number of clarifying amendments. The amendments
also correct a reference to the title of this bill in the Quarantine Amendment (Health) Act 2003.

The extension of the act to Christmas Island is in response to the government’s policy to align conditions and standards in the Indian Ocean territories with those of comparable communities in the rest of Australia. The amendments extend the act to Christmas Island in the same way as it has been extended to the Cocos (Keeling) Islands. The amendments provide Christmas Island with the same legislative framework for quarantine as that which applies to the rest of Australia, while providing for quarantine barriers between Christmas Island, the Cocos Islands and the mainland in recognition of the different pest and disease statuses of these areas.

In relation to the arrangements for the payment of fees, the key changes are: the amendment of sections 59A and 63 of the act to put beyond doubt that the liability for fees currently imposed on an agent by those sections is not a tax; the amendment of section 64 of the act to impose a liability for fees on an agent; the repeal of section 61 because it is a redundant provision; clarification that in cases where a fee for service can be calculated in advance of the service being provided the determination under section 86E may require that the fee be paid before the service is provided and that in such cases a quarantine officer may decide to withhold delivery of the service until pre-payment is made; and clarification that a late payment fee may be a fee that is a percentage per annum of the basic fee. The amendments also broaden the range of persons who may be appointed as quarantine officers and will empower the director of quarantine to enter into contracts and to appoint persons covered by those contracts to be quarantine officers.

The amendments to the Imported Food Control Act 1992 are in response to three recommendations arising from the national competition policy review of the act. The amendments insert an objective into the act in response to one of the recommendations. In response to another recommendation, the amendments provide for the use of compliance agreements as a mechanism to regulate quality assurance arrangements developed by importers to ensure that imported food meets Australian food safety standards. The review identified that a significant number of imported foods failed to meet Australian food standards because some overseas producers failed to label products in accordance with Australian food standards. Labelling non-compliance takes up significant AQIS resources and industry. As well, AQIS will benefit from the adoption of a more flexible approach to labelling. In response to a third recommendation, importers rather than overseas producers will be responsible for ensuring that imported foods are labelled in accordance with Australian standards prior to sale.

The amendments to the Pig Industry Act 2001 and the Wool Services Privatisation Act 2000 will enable Australian Pork Ltd and Australian Wool Innovation Ltd to carry forward claims for eligible research and development expenditure which have not been matched by the Commonwealth to subsequent financial years. In this way the amendments will bring both bodies into line with arrangements for all other rural research and development bodies which are currently allowed to carry forward eligible research and development expenditure from year to year and will ensure that all eligible research and development expenditure by Australian Pork Ltd and Australian Wool Innovation Ltd is matched by Commonwealth contributions.

The bill contains a minor and technical amendment to the Quarantine Amendment (Health) Act 2003. The health act contains some amendments that anticipate the passage of this bill. The need for the amendment
arises because the health act refers to the bill by the now incorrect title ‘Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2003’. This title is no longer correct because, as a result of timing issues regarding the passage of the bill, the title has been given to another piece of legislation. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator O’BRIEN (Tasmania) (6.41 p.m.)—by leave—I move opposition amendments (2) and (3) on revised sheet 4141:

(2) Schedule 1, item 162, page 35 (line 19), omit paragraph (c).

(3) Schedule 1, item 164, page 35 (line 29), omit paragraph (c).

As outlined in my contribution to the second reading debate, the opposition are pursuing the removal of the proposed contract provisions from the bill. We oppose the downgrading of Australia’s quarantine function through the privatisation of the quarantine officers’ jobs. I think it has been demonstrated by my contribution and that of Senator Cherry that there is no requirement to permit the contracting out of these provisions to allow AQIS to continue the practices that it now has. Indeed, it has many options in relation to the temporary engagement of staff for particular functions, the engagement of staff for emergencies and the like, and the engagement, indeed, of contractors to assist quarantine officers but not as quarantine officers. We do not believe that it is appropriate to effectively start the ball rolling for the privatisation of Australia’s quarantine function. No case has been made for that. We would, therefore, press these amendments. I indicate that we would then be seeking leave, if these amendments were successful, to move amendments (1), (4) and (5) together.

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (6.43 p.m.)—I simply wish to indicate that the government will be opposing the opposition amendments. Probably the comments that I make now will apply to the other amendments as well. We believe they will severely restrict the flexibility that AQIS needs to ensure that it can call on the most accessible and appropriate resources at any given time and in any given location to help protect Australia’s quarantine borders in situations short of emergency. The current limitations in the act, which only allow a Commonwealth, state or territory employee to be a quarantine officer, mean that AQIS does not have the flexibility it requires to respond as quickly and as efficiently as it would like in order to meet demands for increased levels of quarantine intervention at the border.

The amendments to the Quarantine Act by the government will empower the director of quarantine to appoint a person who is not a Commonwealth, state or territory employee to be a quarantine officer. The amendments exclude contract quarantine officers from the offence related enforcement powers in the act, as the government recognises that these powers should only be exercised by specially trained and qualified employees. Most importantly, the government amendments include other checks to ensure that quarantine officers are suitable and behave in a professional manner. So there is no need for the opposition amendment, in our view.

Quarantine officers appointed from the contract pool will be trained to perform the duties required of them. In addition, the government amendments already impose a requirement on the Director of Quarantine to be satisfied that the contract pool person is a
suitable person to be a quarantine officer, and also require that the person agree to comply with the APS code of conduct. Quarantine officers appointed from the contract pool will be quarantine officers for all purposes under the act except for some enforcement powers that they will not be authorised to exercise. And all the limitations and obligations that apply under the act to quarantine officers will apply to them. There is also the ability to impose limitations on their powers in the contract and any nonobservance of these limitations will entitle AQIS to take breach of contract action against the contractor. The Director of Quarantine will also have statutory powers to revoke, vary or suspend the appointment of these quarantine officers.

The government amendments are not intended, as the opposition has attempted to imply, to be a form of privatisation by stealth; they simply recognise the reality that often the most flexible and accessible resources are not found within the workforce of the Commonwealth, territories and states. So the government will not be supporting the opposition amendments.

Senator CHERRY (Queensland) (6.46 p.m.)—I wish to advise that the Democrats will be supporting the opposition amendments.

Question put:
That the amendments (Senator O’Brien’s) be agreed to.

The committee divided. [6.51 p.m.]
(The Chairman—Senator J.J. Hogg)

| Ayes .......... | 36 |
| Noes .......... | 30 |
| Majority ......| 6  |

AYES
Allison, L.F.  Bishop, T.M.  Brown, B.J.

NOES


PAIRS
Collins, J.M.A.  Hutchins, S.P.  Lundy, K.A.  Sherry, N.J.
Minchin, N.H.  Hill, R.M.  Kemp, C.R.  Lightfoot, P.R.

Question agreed to.

Senator Moore did not vote, to compensate for the vacancy caused by the resignation of Senator Alston.

Progress reported.

NOTICES

Presentation

Senator BUCKLAND (South Australia) (6.54 p.m.)—by leave—At the request of
Senator Conroy, I give notice that, on the next day of sitting he will move:

That the Senate:

(a) expresses great concern that the Howard Government has sold out Australian sugar growers;

(b) notes that:

(i) the expected gains from the trade deal with the United States of America (US) are based on unrealistic assumptions, and

(ii) the US offered a better deal on agriculture to Chile, El Salvador, Guatemala, Honduras and Nicaragua; and

(c) has referred the trade deal with the US to a select committee for thorough examination to assess if it is in Australia’s national interest.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—Order! There being no consideration of government documents, I propose the question:

That the Senate do now adjourn.

Family Services: Stronger Families and Communities

Senator TIERNEY (New South Wales) (6.55 p.m.)—Before the parliament rose last year I delivered a keynote address to the third National Australian Family and Community Strengths Conference in my own Hunter region. As a sponsor of the event, the Australian government was particularly keen to continue to explore the links between building family strengths and strengthening communities. The government, through its Stronger Families and Communities strategy, is promoting and encouraging the idea that it is families and communities themselves that provide the best system of social and moral support. This could and should be underpinned by strategic government support. Indeed, this approach to strengthening families and communities underlies many of the Howard government’s social policies and programs.

Early last year the Prime Minister announced the national agenda on early childhood education. As part of the agenda, the government will commit significant funding from the Stronger Families and Communities strategy for projects specifically designed to strengthen families and communities through early childhood intervention and other prevention strategies. Strong and stable families form the very foundation of strong communities. In turn, it is strong communities that offer families the opportunities they need to thrive. Government alone cannot solve all social problems. More often than not it is people working on the ground in their own communities who find the most practical solutions to local problems.

This government believes that the days of telling communities what is good for them are over. The best ideas come from the bottom up rather than the top down. They come from the people at the coalface; they come from people in the community. It is these people who find the best solutions but, at times, strategically targeted government funding is needed to make the solutions work. There have been many programs over the last seven years that have been brought in by the Howard government to assist families and communities in this targeted way. For example, in Newcastle there is an organisation called DALE, which stands for Dynamic Alternative Learning Environments. This organisation is helping teenage mothers and young people who may drop out of school to continue their education. They are a highly vulnerable group at significant risk of poorer long-term prospects who also receive individualised counselling and advice on parenting skills and coping strategies.
Both Pam, my wife, who is the patron of DALE, and I have been very moved at the graduation ceremonies of these young people in this organisation who have been given new hope by these programs. So far the outcomes for these young people, the ways in which their lives have been improved, include transition to university and TAFE, traineeships, entry into the work force, conflict resolution, improved parenting skills and improved physical and emotional wellbeing. As we strive for a civil society, it is important that we work to provide special assistance to young people at risk.

In fact, since the start of the strategy, some 616 family and community projects worth nearly $79 million have been approved for funding. Just over half of these are in rural and regional communities, around 22 per cent of projects target youth and 18 per cent provide pathways to jobs through activities like volunteering, education or training. To date, the strategy has also provided significant assistance to Indigenous communities, with 153 projects worth $23 million having received funding. This is a great result, exceeding the target set by the Prime Minister, and represents 25 per cent of project funding. There have been over 35,000 family members and over 25,000 volunteers participating in projects, over 21,000 participants in community projects and close to 19,000 people completing courses.

Stronger Family and Communities Strategy projects are already showing impressive results. It has been found that, through partnerships, disadvantaged families have been connected more effectively with their communities. It has been found that direct assistance to at risk and isolated families has improved their parenting and life skills. Individual projects have reported results such as: reduced school truancy, reduced rates of teenage pregnancy, reduced rates of teenage suicide, improved parenting and relationship skills and greater participation by community members in community renewal projects and mentoring.

The strategy also contributes in other ways to strengthening families. Around $65 million has gone into supporting more flexible child-care options specifically to assist shift workers, families working outside standard hours, families with a sick child or families in rural and regional areas. In addition, the groundbreaking Longitudinal Study of Australian Children, funded under the strategy, will provide invaluable information that will help us to shape policy for children and families now and into the future.

If we can empower our communities and the individuals within those communities through these kinds of programs to seek and find the answers they need, we will, I believe, create better places to live, work and build the civil society. In our society, the expansion of our family support systems is inextricably linked to the strengthening of our community. The work being carried out under the Howard government’s Stronger Families and Communities Strategy will go a long way towards strengthening and invigorating the places where we all live and work. It will also provide a powerful model and encouragement to other Australian communities now and into the future.

Youth: Alcohol

Senator McLucas (Queensland) (7.02 p.m.)—I rise tonight to speak about an issue I believe should be of great concern to us as elected representatives as well as parents, and that is the issue of alcopops and youth drinking. Recently, there has been significant debate around the impact that these ready-to-drink products have on young people. International studies are demonstrating that the marketing of ready-to-drink products is targeted directly at young people and their consumption is disproportionately associated
with intoxication and hazardous behaviour. The high level of alcohol use among Australia’s youth is well documented. The Australian Divisions of General Practice recently released a report, *Ready to drink? Alcopops and youth binge drinking*. This report looked at the specific alcoholic products that young people are drinking. It revealed a new cultural phenomenon for Australia’s youth and alcohol use. Alcopops are now the beverages of choice for young Australians between ages 12—I find that extraordinary—and 21.

So what are alcopops? Alcopops fall under the category of premixed, spirit based beverages. They are also referred to as alcoholic sodas or boutique soft drinks. Currently, there are approximately 400 alcopop products available in the Australian market, which represents an increase of 30 per cent in three years. These alcoholic beverages taste and appear like soft drinks and are freely promoted and sold to the very young. The average alcohol content per 375-millilitre bottle is 5.5 per cent, but often the alcohol cannot be tasted. People can feel that they are drinking little or no alcohol at all. A colleague’s 10-year-old child had this to say about the alcopop: ‘It’s sweet and fizzy and tastes just like soft drinks.’

Since their introduction in 1995, alcopops have become the fastest growing sector ever experienced by the alcohol market and, sadly, it appears that it is our youth who are contributing to this growth. The Australian Divisions of General Practice report that these drinks are most popular, incredibly, with 12- to 14-year-olds and are particularly preferred by young women.

The health and social consequences of alcopops consumption among our youth are not that surprising. They include unwanted pregnancy, sexually transmitted disease, motor vehicle accidents, assault, violence, truancy and the use of illegal drugs. Long-term health effects of high levels of use include heart disease, liver damage, high blood pressure and depression. Furthermore, mortality associated with alcohol use in young people rises in line with consumption. Senators, there is no recommended safe level of alcohol consumption for people under the age of 18, yet our children, seemingly, are drinking. Newspaper reports from the Northern Territory and Western Australia say girls as young as 12 are drinking eight or more alcopops a night. The high level of alcopops consumption amongst women should be of concern to us all, given that the safe level of alcohol use for women is always lower than that of men.

There are no low- or mid-strength products in this line of alcoholic beverages. I am in no way advocating any form or level of alcohol consumption for young Australians, but as a parent I am concerned about alcopops and their impact on our children and the rest of our society. The 2002 Australian Drug Foundation survey on children’s alcohol expenditure revealed that 70 per cent of 13- to 17-year-olds surveyed drank alcohol. Almost half of them named alcopops as the last alcoholic drink they consumed. This is not a child sitting with their family having a very small glass of sherry to test it out when they are 16-years-old. These are children who are drinking alcopops regularly and often, I am sure, without parental supervision. It is not wine or beer that these young people are drinking but the sweeter and now cheaper blends of spirits.

According to a report in the Adelaide *Advertiser*, a bottle shop operator attributes the growth in demand for alcopop products to the introduction of the GST. Compared to wine, beer or spirits, alcopops cost $3 to $4 a bottle. The GST brought with it reforms that included a realignment of excise duties and other taxes on alcohol. The makers and distributors of ready-to-drink products lobbied heavily for tax concessions and won. As a
result, our young people, and therefore the rest of our society, face the consequences of cheap and easily obtained alcohol.

Last year I spoke in this place of my great concern for Indigenous health on Cape York Peninsula. I also mentioned the concerns of a range of Indigenous leaders about the culture of binge drinking in Aboriginal communities. Today I pay tribute to the Queensland government and to Indigenous leaders for their leadership in the efforts to tackle alcohol misuse and alcohol related health problems in our Indigenous communities. We still have a long way to go, as much more work needs to be done and much more discussion needs to be had so that there can be agreement about alcohol management plans for Cape York. I urge everyone to look closely at the implications of the fast-growing alcopops market. What would happen to our Indigenous communities if these products were let loose in those places? It is important to note, though, that the Cape York Peninsula and Torres Strait Islander communities and, as I understand it, the Northern Territory do not market this type of product—thank goodness.

The Aboriginal and Torres Strait Islander Commission has argued for some time that the alcohol industry should take some responsibility for reducing the impact of alcohol abuse. ATSIC Commissioner Cliff Foley strongly supports calls by the AMA for changes to the alcohol taxation system, which imposes a reduced excise on alcopops. He says:

The cheapest and nastiest forms of grog are those taxed at the lowest rate and this works as an encouragement for many indigenous people, who are also poor.

We know that mortality associated with alcohol use in young people rises in line with consumption. With the existing high mortality rate amongst Indigenous Australians, alcopops and their appeal to the young would have dire consequences for our Indigenous youth. The Australian Divisions of General Practice argue that the alcopop market has developed over the last decade without much scrutiny by governments or public health authorities. They suggest a possible link between alcopops and youth binge drinking. On both counts we, as elected representatives, have a responsibility to ensure that appropriate policies and policy responses are put in place to help protect our children. For this to happen, more research is needed into the alcopop market to determine whether alcopops are contributing to higher levels of alcohol misuse by young people. I support calls by the Australian Divisions of General Practice for the alcohol industry to fund independent research and consultation administered jointly by Commonwealth, state and territory governments and overseen by a committee of experts. It is a concerning issue that I speak of this evening, and I encourage our leaders and all of us to take it seriously.

Howard Government: Economic Policy

Senator PAYNE (New South Wales)
(7.10 p.m.)—I first want to say that Senator McLucas has raised a very important subject this evening, one which this chamber and, in fact, the parliament would do well to pay some attention to. They are very disturbing statistics. Tonight I want to look at what I would describe as some interesting aspects of electoral developments in Western Sydney and even more broadly in recent times. I have been thinking about, for example, the ‘middle Australians’ whom I understand the new Leader of the Opposition purports to represent and how they might be reminded about the fall in real disposable incomes for median households between 1990 and 1996 from $686 to $650 a week and the fact that in the same period average incomes fell from $766 to $747. We often hear those opposite going on and on about income inequality, but
what the figures really show is that under this government earnings and incomes at the bottom have been going up, not down as they did under previous Labor administrations.

Under the previous government, housing mortgage rates, as many Australians will all too painfully remember, were 17 per cent. They are now just over seven per cent. That means that Australians are, on average, paying $545 a month less in interest on the average new loan under this government. Since the introduction of the new tax system in the year 2000, more than half a million Australian individuals and families have benefited from the First Home Owners Scheme. So what do we have in 2004? We have the lowest home interest rates since the early seventies. We are helping people get into the housing market. We have an inflation rate unimaginable under previous Labor governments and real incomes are up by 13 per cent since our election almost eight years ago, compared to just a 2.5 per cent increase in real incomes over the 13 full years of Labor.

Importantly, we have also increased the real value of family support and pensions. Since 1996 the minimum wage has risen by over eight per cent. In contrast, it fell by five per cent between 1992 and 1996. Importantly, for those who are unable to support themselves, since 1996 we have also increased pensions by 10 per cent above inflation and given low-income working families significantly greater cash assistance. There is a lot more to say—and I am sure Senator Boswell and the Assistant Treasurer would agree with me—about incomes, housing affordability and pensions. They are all very relevant to Western Sydney in particular but, in fact, I want to focus tonight on what I regard as one of the most significant political achievements in delivering the message that the coalition is the only team that Australians can or should trust with managing the economy. I want to focus on that massive group of Australians who languished in unemployment under Labor but who, in contrast, have received assistance to train for and find work under the coalition.

Since the coalition came to office, over 1.3 million new jobs have been created. That is an enormous credit to Australia’s business. Those statistics recognise that, while it is not governments who create jobs, we do create the environments that are conducive to the good business that enables them to create jobs. The unemployment rate now is as low as it has been in 22 years. We have lowered the rate of teenage unemployment to one in 25. As someone who is particularly concerned with youth policy matters, I would say of course it is still too high—but compare that rate to one in 10 under Labor. We have also increased threefold the number of apprenticeships and traineeships for young Australians and people from disadvantaged backgrounds.

What is really interesting is the turnaround in the unemployment rates in Sydney’s west since Labor was last in office. They are very telling numbers. It would be interesting, for example, to hear the member for Werriwa try to explain away the statistics, which, I feel, deserve a special mention for the Hansard record. In March 1996, the Canterbury-Bankstown statistical region had an unemployment rate of 11.6 per cent—it now stands at 6.6 per cent. The Fairfield-Liverpool and outer south-west Sydney region recorded an unemployment rate of 12.4 per cent. Under the coalition, this region’s unemployment is around half that, at 6.4 per cent. Central Western Sydney had an official level of unemployment of 13 per cent. It is now 3.5 per cent. That is 13 per cent down to 3.5 per cent! An indictment of the previous Labor government is the fact that the Fairfield-Liverpool statistical region, which covers, interestingly, a region including the electorate of Werriwa, had a high of 22.2 per cent
unemployment in January 1993. Under the
coalition, it is now 5.9 per cent. The gov-
ernment set out to achieve—and has suc-
cceeded in achieving—the provision of em-
ployment opportunities for more Australians.
Those opposite may well wonder how this
has been done. The answer is that it has been
tackled in a holistic way, giving help in a
way that is targeted to people’s specific
needs.

I want to talk briefly tonight about one ex-
ample of how this has been done under the
coalition. Last week I was honoured to par-
ticipate in launching the second stage of a
project run by a group called the Women’s
Activities and Self-Help—or WASH—House
in Rooty Hill in Western Sydney. As part of
its impressive range of support programs and
activities for women—which, even with
government support, I suspect, are run on the
smell of an oily rag—the WASH House has
been running a very effective program
known as Learning Circles for Lone Parents,
which is funded by the Australian govern-
ment’s Regional Assistance Program and in
this case also supported by state and local
government.

Attending the launch gave me the chance
to meet with participants and to hear their
first-hand accounts of how the project’s first
stage had turned their lives around. One in-
credibly powerful testimonial came from a
single mum with four children ranging in age
from eight to late teens. She had joined the
Lone Parents Program firstly to find a full-
time job but, being new to Sydney, she also
wanted to find people she could socialise
with and to learn self-respect and gain self-
esteeem. Her ultimate goal, as she said, was to
become fully independent and ‘off the pen-
sion’. She faced obstacles so much larger
than could ever be addressed without that
holistic approach. She told the group that she
had been abused by both her partners over 20
years, she had little self-esteem, no network
of friends in Sydney and no-one to guide her
in rebuilding her life.

The Learning Circles program not only
taught her how to find employment and
training opportunities but also helped her
establish friendships with people she saw
once a week. The process gave her the sup-
port she needed and, in her words ‘gave me a
lot of support and respect for others and my-
self’. This program enabled her to find full-
time employment in May last year in Penrith,
and she is still happily working there after
eight months. In fact, my office may well
commission her to provide ‘Krispy Kreme’
donuts in Parramatta, because they are a very
popular commodity, I understand.

She was glowing with pride as she in-
firmed us that she had been promoted to the
marketing and promotions department,
where she will be involved in her company’s
various functions and events. She is enrolled
in TAFE to complete her further training.
She is an ambassador, welcoming clients into
the Penrith store. What I found most impres-
sive was her pride at being able to now pro-
vide her children with a positive role model
in herself and to provide them with more
opportunities and an improved quality of life.
In short, she was inspirational.

We all know of unemployed Australians
who grew up in households where neither
parent worked who consequently find them-
selves at a real disadvantage. Programs like
Learning Circles for Lone Parents help to
break this cycle. For that reason I am particu-
larly keen to see funding continue to be pro-
vided for this excellent project—a matter I
undertook to, and will, pursue with the rele-
vant minister. Claire Clifford, the project
manager for the Learning Circles project, has
done so much for all those participating from
Mount Druitt and surrounding areas to shift
from welfare dependency to paid employ-
ment, to build their self-esteem and to im-
prove their financial prospects.

This project is the result of an enormous
amount of hard work and dedication from
people in this region. As I said, this project
is part of a plan to support local communities
and is partly funded by the Australian gov-
ernment under the Regional Assistance Pro-
gram. Helping single mums in Mount Druitt
to get the training they need to secure jobs is
one example of the type of project that is
being carried out right across the country. In
this particular example in Western Sydney,
32 women have successfully completed stage
1 of the program with a truly renewed sense
of confidence and determination to overcome
obstacles and with a sense that they are
really part of their local community and are
able to get the most out of this. I suspect that
if you had told the person who gave the tes-
timonial that day that she would be standing
up in front of 40 people giving a public
speech she would have thought she was more
likely to fly to the moon. Fourteen women
from the first group have gained employment
and 12 have entered further training. Others
from the group will help future participants
by developing the second stage— the training
component— of the program. That work will
do so much for others in the same situation
down the track. The women who will be-
come facilitators know how isolating it is to
be a single mum and how hard it is to over-
come training and other barriers when they
also have the enormous task of raising a fam-
ily.

This is real evidence that these programs
are working and helping unemployed people
find jobs. It is real evidence that the solution
is so often in empowering local communities
to address their own problems in a way that
suits their region. In concluding tonight, I
really want to commend those participants. It
takes enormous bravery, I suspect, to even
walk through the door. I want to commend
the people who run the WASH House and
hope that I could have more to do with them
in the future and support their activities for
the very important constituents of mine in
Western Sydney.

Queensland Election: Indigenous Vote

Senator CHERRY (Queensland) (7.20
p.m.)—Last Saturday the state election in
Queensland resulted in an overwhelming win
for the Queensland government and Labor
leader Premier Peter Beattie. The election
has been reported in a whole range of ways
in terms of the results of the various parties
and the sugar protests. I want to report on
what I regard as a very significant change in
sentiment.

Since Australia gave its Aboriginal mem-
bers the right to vote in 1967, the Aboriginal
community in Queensland has overwhelm-
ingly supported the Labor Party. Yet on Sat-
urday something very unusual happened in
the state seat of Cook, which covers the Cape
York Peninsula. Cook is a seat with one of
the highest proportions of Indigenous people
in Australia, at 33 per cent of the population.
An Independent candidate in Cook, Mr
Bruce Gibson, a very impressive young In-
digenous community worker in that area,
received 15.6 per cent of vote. That means
that roughly half of the Indigenous people in
that electorate put aside their longstanding
support of the Labor Party to support an In-
digenous candidate.

I want to congratulate Mr Gibson on his
result in Cook. He is a very impressive
young community activist whom I had the
pleasure to meet at a stolen wages working
group a month ago. I want to congratulate
him on his result, but more importantly I
want to acknowledge the anger in that com-
community which resulted in him getting that
particular vote. Across Queensland I am
hearing stories of Aboriginal people who are
increasingly angry with the particular ap-
proach being taken to their concerns by the Beattie government. I want to briefly read out to the Senate the press release put out on Tuesday by the Aboriginal Coordinating Council, which represents the elected councillors on the community councils. The Chair of the ACC, Thomas Hudson, said:

The Beattie Government does not have a good record of delivering positive outcomes for Indigenous Queenslanders on Deeds of Grant in Trust communities ...

He has asked the Premier to listen to their input in the forming of the new cabinet and to make sure that the government seeks to create win-win situations for all concerned. He goes on to say:

The ACC has a long list of concerns and how they can be dealt with on the public record, straight from the communities themselves, and yet Minister Spence and her department at times seemed almost determined to work the other way.

… … …

Alcohol, youth, children and the stolen wages have been on our agenda for years, we know what is going to work and where, and the government and the department need to listen to us on that.

These are key issues. They are very important issues and they are ones I believe it is time for the Beattie government to start listening to—to stop talking and start listening. On the stolen wages issue, I should note that the Beattie government has been the only government in Australia to make any offer of reparations to elderly Indigenous workers for a lifetime of wages stolen or kept from them under government policy. The enormous economic contribution that those workers have made to the economy of Queensland needs to be recognised. Whilst the Beattie government has at least acknowledged that it needs to be recognised, their proposed offer of just $2,000 or $4,000 for a lifetime of stolen wages is hopelessly inadequate. It has left a great feeling of anger across Indigenous communities in Queensland which the Beattie government needs to now address in a more realistic form. Mr Gibson said:

I’m hearing across the Cape communities a loud and clear message of dissatisfaction with the Beattie Government for failing to re-negotiate the current reparations package directly with those workers.

Mr Adrian McAvoy, another stolen wages Indigenous campaigner, actually stood against Mr Beattie in his seat of Brisbane. He said he was standing because ‘the treatment of Aboriginal people hasn’t changed in 100 years’. He continued:

The government has made this $4000 offer just to try and shut our old people up but it’s not acceptable and we’re not going to go away.

It is also worth noting that the Indigenous communities in Queensland are deeply concerned about the issue of child abuse in their communities. The Cherbourg women sought a meeting with the Premier and sought to have their issues addressed during the campaign. They were fobbed off during the campaign in a way that I thought was quite disgraceful. In fact, I joined the Cherbourg women when they came to Parliament House last Wednesday to protest their treatment and to put an impassioned message to the Queensland government to do better on child abuse issues in Aboriginal communities. Professor Bonnie Robertson, an expert on violence in Aboriginal communities, also spoke to that rally. It was a passionate plea from those women to the government to do better, to listen and to come up with better solutions. I noticed that on Saturday night Premier Beattie said he would be visiting the Cherbourg community in the near future. I would urge him to do so and I would urge him to listen, think and then act.

There are other concerns that Indigenous communities around Queensland have been raising that need to be recognised by this government. The government has not consulted adequately on the restructuring of
community councils and on changes of deeds of grant in trust on their land. These issues also need to be put back on the table and renegotiated. In fact, there has been no negotiation of these issues. Again, the government has simply acted without thinking and talking. That has to change. With regard to health, education and housing—all these areas—the desperate plea from Indigenous people in Queensland to the Beattie government is to start listening, consulting and moving on them.

I believe there will be very little disappointment in the community at the moving of Judy Spence from the portfolio in the reshuffle announced today. I would certainly hope that the new minister, Liddy Clark, would take the advice from the Aboriginal Coordinating Council, ATSIC and others, ensure that she speaks directly to the communities and to those people working on the ground and ensure that we come up with much better solutions.

I thought that that political movement in Cook was significant, but the political movement in Townsville where the former Palm Island councillor Delena Foster also recorded quite a credible response against the sitting member for Townsville, Mr Mike Reynolds, was also significant. What comes out of those results, and the decision by Mr McAvoy to stand in Brisbane, is a real level of concern and anger that is growing against governments, not just in Brisbane but also here in Canberra, about not being listened to, about their concerns being ignored and about the ways forward for Aboriginal people and Islander people not being done in a productive and progressive manner—they are simply being told what is good for them. That has got to stop in Queensland.

I hope that Mr Beattie, the Labor Party in Queensland and also the federal government heard the message that came from the people of Cook and Townsville on Saturday when they voted in such numbers for Mr Gibson and Ms Foster. I hope they hear the message that there is a deep level of anger and concern in Indigenous communities—that they are sick of being taken for granted. It is something that needs to be addressed at a national level and also at a state level. We need to have a better offer on stolen wages put on the table and negotiated with the elders concerned. We need to have a better outcome in terms of what happens to community councils. We need better outcomes in terms of the protection of cultural heritage in Queensland.

We need to ensure that health and education policies are about what works. We need to ensure that when we are talking about alcohol consumption in communities—and I note the comments from Senator McLucas earlier—we are talking with people on the ground about programs that can work rather than imposing particular models on communities which sound good in the media. We need to ensure that when we are talking about child abuse in communities the women and the menfolk who are supporting them are being listened to and that culturally appropriate outcomes are being sought.

There is an opening in Queensland at the moment for the Beattie government to listen, to act and to actually address some of these issues. I hope it is taken, because reconciliation in Queensland requires a government that does listen. Reconciliation requires both Indigenous Queenslanders and the dominant white Queenslanders who control the government to work together. Again I congratulate Mr Gibson on his result in Cook. It is, in fact, the best result for an Indigenous candidate in Queensland since Kath Walker ran as a Democrat candidate in 1983 in the seat of Redlands when she recorded, I think, 17 per cent. She subsequently, of course, changed her name to Oodgeroo Noonuccal and I
should acknowledge that. There is an anger there. The Beattie government cannot afford to ignore that anger.

**Senate adjourned at 7.30 p.m.**

**DOCUMENTS**

**Tabling**

The following government documents were tabled:

Advance to the Finance Minister—Statement and supporting applications for funds for November 2003.

Australasian Police Ministers’ Council—Administration and activities of the National Common Police Services—Report for 2002-03.

Issues from the Advance to the Finance Minister as a final charge for the year ended 30 June 2003.


United Nations—Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment—Committee Against Torture—Communication no. 153/2000—Decision.


**Tabling**

The following documents were tabled by the Clerk:


Broadcasting Services Act—Commercial Television Conversion Scheme Variation 2003 (No. 2).


Space Activities Act—Space Activities (Approved Scientific or Educational Organisations) Guidelines 2004.

Superannuation Industry (Supervision) Act—Requests from Minister to APRA, dated 16 and 26 June 2003.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Industry, Tourism and Resources: Mining and Energy Biotechnology Sector Study**

*(Question No. 1478)*

**Senator Brown** asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 22 May 2003:

Was any information prepared by consultant Rio Tinto Ltd as part of the mining and energy biotechnology sector study, undertaken under contract for the department in the 1999-2000 financial year; if so, what was the information and can a copy be provided?

**Senator Minchin**—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator’s question:

Information was prepared by consultant Rio Tinto Ltd as part of the mining and energy biotechnology sector study during the financial year 1999-2000.

The information provided was about the application of biotechnology in the minerals industry.

As requested, a copy of the report is attached.

**Rio Tinto Ltd study on the mining and energy biotechnology sector**

**Executive Summary**

The main current application of biotechnology in the minerals industry is the ‘bioleaching’ of sulphide ores—mainly copper and gold—in dumps, engineered heaps and bioreactors. In this process, sulphide-oxidising microorganisms release the metals from the ore.

The key role of bacteria in the leaching process was first recognised in the 1950s. By 1990, microbial systems were producing 20% of the total world copper supply. The international market for biotechnology in metals recovery is currently estimated at US$4.3 billion and is forecast to continue to grow.

Other existing applications of biotechnology in these sectors include:

- biological treatment of acid rock drainage, via engineered wetlands and bioreactor systems;
- clean-up by ‘bioremediation’ of hydrocarbons, cyanide and other contaminants of soil and water;
- ‘biofilters’ for removal of contaminants such as sulphur dioxide and hydrogen sulphide from gases; and
- microbial enhancement of oil recovery from wells.

To date, no commercial use has been made of genetically modified organisms in these sectors. Possible eventual roles include expanding the range of ores that can be treated successfully by bioleaching and increasing process efficiency. In some cases, exploiting a wider range of natural microorganisms may be another means of achieving these goals.

Several minerals biotechnology processes are in commercial operation in Australia. As in other parts of the world, expected advantages include reductions in material and energy consumption, and in pollution and waste generation. A major increase in applications is likely to depend, though, on positive outcomes from full Life Cycle Assessments as well as further technological developments.

Australia derives a larger proportion of its national wealth from minerals and fossil fuels than most other developed nations, and the minerals and energy sectors are large investors in R&D. Spending totalled $813 million in 1997/98—20% of total industrial R&D expenditure in Australia. However, cost pressures due to low commodity prices have produced a declining R&D commitment in recent years.
While most large companies in the sectors maintain research and technology groups in Australia, only one — BHP — has an active biotechnology group. The others rely on outside expertise, which may account for the increasing level of activity in the consultancy and service sectors.

None of the eleven Cooperative Research Centres related to minerals, or others focusing on petroleum and gas, have had a significant involvement in biotechnology. However, in an important development, CSIRO has allocated $3.2 million for research, beginning in July 2000, focusing on bioleaching and bioremediation. A major aim of this work, in association with the AJ Parker Cooperative Research Centre for Hydrometallurgy, will be to facilitate wider use of biological extraction processes in the Australian minerals industry.

Australian resources that can be exploited using existing bioprocesses include gold, secondary (and primary) copper deposits, nickel sulphides and uranium. Targets for new generation technologies could include nickel laterites, phosphorus-contaminated iron ore, silica-contaminated bauxite and deep sea nodules.

The close cooperation between universities, research institutes and companies, in particular through the CRCs, is a key strength that will assist Australian developments in minerals and energy biotechnology. Weaknesses include limited financial resources, management and market limitations, and a lack of focus on fundamental — and non-industry-supported — research. Currently, there are no Australia-based academic researchers with an active, international profile in minerals biotechnology.

Issues to be fully addressed as biotechnology becomes increasingly significant in the minerals and energy sectors include potential pollution problems from in situ mining and containment questions associated with the use of genetically manipulated organisms.

Recommendations to help Australia maximise the economic and environmental benefits of biotechnology in these sectors include:

• providing government support beyond the current $3.2 million allocation to CSIRO. Chile provides an example of the potential benefits. Its pre-eminent status in copper bioleaching is probably due to an extensive technology transfer and development program supported by the United Nations Industrial Development Organization (UNIDO).

• possible establishment of a national network, similar to Canada’s BIOMINET, to promote academic—business—government interaction and encourage a better understanding, and adoption, of biotechnology-based processes in the minerals and energy sectors.

• recognition that CSIRO is well placed to conduct independent and respected reviews of biotechnological developments, which will be important in the public debate about biotechnology in these sectors.

Context
The Department of Industry, Science and Resources (DISR) is developing a policy to enable Australia to become internationally competitive in biotechnology. Identifying the current impediments to this aim will highlight those areas best suited to technical development within Australia. The technical and commercial opportunities identified have to be matched with appropriate research and development.

This sectoral review concentrates on biotechnology within the minerals and energy sectors. Comparison is made both with a previous Australian review and an identical exercise carried out by the Canadian government.

Purpose
This paper considers mining, mineral processing, metal extraction and recovery, but not downstream processing or recycling. Uranium and coal are treated as metals/minerals, with oil and gas being treated separately under energy production.

The paper is structured to cover:
• a description of the minerals and energy sectors
• a review of international applications for related biotechnology
• opportunities for such biotechnology in Australia, including the presence of suitable mineral resources and off-shore application by Australian companies
• current limitations to further development
• the role of Australian expertise.

Discussion of environmental management, covered in other papers, is limited to brief descriptions of the implications for the minerals and energy sectors in the areas of cyanide destruction, acid drainage and other water treatments (including metals recovery). Dust suppression, hydrocarbon remediation, tailings rehabilitation and phytoremediation are not addressed. Although bio-gasification of coal is briefly mentioned, renewable energy resources – e.g. biomass, biodiesel and ethanol – are not.

Minerals and energy sectors
Mining and minerals processing generate nearly half the value of all Australian goods exported. The proportion of wealth derived from minerals and fossil fuels is larger than in most other developed nations, the mining sector alone adding $8.6 billion to Australia’s wealth in 1997/98.

New, extractive operations require substantial capital expenditure. The total gross value from existing mine production in Australia (including oil and gas) was $35 billion in 1996/97, yet the minerals industry alone spent $8.8 billion on new capital in that same year.

The production of several major commodities (bauxite, alumina, black coal, iron ore and zinc) is dominated by a small number of major industry players. In the case of bauxite, alumina and black coal, the majority are overseas owned or controlled companies. Significant foreign representation is also present in the production of iron ore and increasingly in the production of nickel, whereas copper and gold are controlled by a much larger number of smaller companies.

The following is a listing of major Australian minerals commodities, based on 1997 production, together with export value:

<table>
<thead>
<tr>
<th>Commodity</th>
<th>World Ranked Production</th>
<th>Export Value ($M, fob)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bauxite</td>
<td>1</td>
<td>Aluminium (ore, alumina and ingot) $5,628</td>
</tr>
<tr>
<td>Alumina</td>
<td>1</td>
<td>(steam + coke) $9,313</td>
</tr>
<tr>
<td>Black coal</td>
<td>7</td>
<td>Copper (mined) 5 (refined, 11) (mined + refined) $1,007</td>
</tr>
<tr>
<td>Gold</td>
<td>3</td>
<td>$4,205</td>
</tr>
<tr>
<td>Iron ore</td>
<td>2</td>
<td>$3,155</td>
</tr>
<tr>
<td>Nickel (mined)</td>
<td>3 (refined, 4)</td>
<td>$1,072</td>
</tr>
<tr>
<td>Oil, crude</td>
<td>6</td>
<td>$2,149</td>
</tr>
<tr>
<td>Uranium</td>
<td>2</td>
<td>$245</td>
</tr>
<tr>
<td>Zinc</td>
<td>2 (refined, 9)</td>
<td>(mined + refined) $844</td>
</tr>
</tbody>
</table>

Role of innovation in the minerals and energy sectors
The minerals and energy sectors have historically been large investors in R&D, spending $813 million in 1997/98, or 20% of all industrial R&D expenditure in Australia in that year. However, the R&D spend of mining companies, both foreign and domestic, is being curtailed. The mining industry in Australia reduced its portion of the above 1997/98 R&D spend by 24% (compared to the previous year). This is due to sustained cost pressures from historically low commodity prices, with further implications for local R&D coming from globalisation.

Australia has developed a mining and minerals processing industry “second to none, in its development and application of leading edge technologies”. Technology and developed expertise can also be ex-
Earnings from export of “know-how” (not limited to minerals) exceeded $1 billion in 1997/98 (cf major commodity earnings, table above). The major Australian mining companies are also global players (with 30–40% of their current exploration effort being offshore).

The benefits of long term R&D come at a cost to short term performance (during times of fiscal constraint). As a result, R&D in this sector is:

- increasingly difficult to justify, at Board level
- being reduced in total spend
- more focused on shorter term (seeking improved shareholder value)
- increasingly outsourced (in order to leverage the research dollar)

The risk is that technology needed for the next generation of resource developments (with increasing community demand for sustainable development) will not be funded. The corollary is that there will be increased encouragement for rapid adoption of new technology, but only for substantial and demonstrable reward for risk.

Process developments can be spun-off for use in other sectors, such as agriculture and waste management. Work by ANSTO and Rio Tinto (and others) on ore bioleaching has seen spin-off activity for the treatment of contaminated soils and sediments.

Rio Tinto, BHP, WMC, MIM, Pasminco, Comalco and Alcoa still maintain research and technology groups within Australia. However, only one of these companies (BHP) maintains an active biotechnology group (in the US; soon to be relocated to Newcastle). The others retain expertise and/or employ academics as required. Perhaps as a result, there is an increasing level of activity in the (small) consultancy and service sectors within Australia.

**Biotechnology applications in minerals and energy**

Biotechnology in the mining sector has been based on developments in chemical (or process) engineering, combined with applied microbiology. There is a limited history of modern biotechnology (genetic and molecular engineering), restricted to laboratory research and with no current commercial application.

**Development of biotechnology in minerals extraction and processing**

The recovery of copper from acid drainage is recorded in classical (Chinese and Roman) history and noted in accounts of European mining from the 1500s onwards. The involvement of bacteria was not proven until the 1950s, arising from studies on acid drainage at Kennecott’s Bingham Canyon Mine in the US. This led to the first patent for biological dump leaching, for Kennecott. Currently, all the major open pit copper mines in the United States use dump leaching to scavenge copper.

Dumps were replaced with smaller and better engineered heaps for use with higher grade wastes and to improve process control, based on the increased understanding of the aerobic chemistry and microbiology involved. Both modern and ancient dump/heap leaching operations recovered the copper by cementing onto scrap iron. Only in 1997 did the Kennecott operation (now owned by Rio Tinto plc) pilot a heap operation tying copper leaching of chalcopyrite to the current standard for copper recovery – solvent extraction and electrowinning (SX/EW).

The first SX operation was commissioned in 1968 at the Ranches Bluebird Mine, followed by the Cyprus Bagdad Copper Company in 1970. Both were heap leach operations, both in the US. The development of SX/EW in turn drove heap leaching: 200 ktpa (of ore treated) in Chile 1980, 1200 ktpa in 1995 and a projected 2000 ktpa in 2000. There are currently eight SX/EW plants in Australia, ranging in size from 3.5 to 17.5 ktpa.
Microbiology

Ecologically, the microbiological profile is little understood, and least controlled, in heaps and dumps (relative to reactors – see below). The organisms present are acidophilic/tolerant, including the protozoa that graze on the leaching bacteria, and fungi and other heterotrophs that consume organic carbon, e.g. from raffinate recycled from the SX operation\(^2\). Papers exist on the relative toxicity of these SX reagents (ketoximes and oximes)\(^2\) but their direct ecological impact in heaps is unknown\(^2\), although the effect of recirculated waste streams can be shown to be detrimental, in general\(^2\). Microbial weathering of contained silicates is known under these conditions. In terms of potential biotechnological application, the mechanisms involved are often reported as uneconomic for resource recovery, through considerably slower weathering rates (compared to sulphides)\(^2\).

Sulphide oxidising organisms are integral to the earth’s natural sulphur cycle. They are found in all natural, sulphidic environments including those which are marine (e.g. hydrothermal vents) or highly radioactive\(^2\). The physiology and biochemistry of a few individual bioleaching strains is well understood, but not the role of the vast biological diversity involved. This microbiology is quite complex, in terms of optimal nutrition, temperature and acidity. The identity of, and individual niches for, each organism (and therefore their ecological impact) is poorly understood\(^2\). Even in supposedly well defined (tank) systems, the use of *Thiobacillus ferrooxidans* has continued as a descriptive term, despite well known evidence implying it is more than one organism as defined by differing DNA-DNA homology groups\(^2\). The first commercial tank application for bihydrometallurgy used *T. ferrooxidans* to regenerate ferric iron in acid solution in South Africa using the BacFOX\(^{TM}\) attached cell process\(^2\) (see below). This was followed by BIOX\(^{TM}\) tank leaching of sulphide minerals using the *T. ferrooxidans* FC1 strain (as defined by its specific DNA profile). This organism was enshrined in the related patent\(^2\), although *Leptospirillum ferrooxidans*, an iron only oxidiser, has been found to be dominant in subsequent commercial operations\(^2\).

It was assumed that the satellite sulphur oxidiser in these latter *Leptospirillum*-dominated operations was the “standard” *T. thiooxidans*. It was not. The organism found, *T. caldus*, was only recognised after characterisation in academia\(^2\). *Thiobacillus caldus* has also been identified in the moderate thermophile culture used in the alternative BacTech (Australia) Pty Ltd\(^{19}\) technology. This culture consists of *Sulfobacillus thermosulfidooxidans*, *Acidimicrobium*, and *Thiobacillus caldus*. (Applications of both BIOX\(^{TM}\) and BacTech technologies are discussed below).

It should be noted that the physiologies involved in bioleaching operate across a range of temperature optima: *viz.* mesophiles (30-40°C), moderate thermophiles (45-55°C) and extreme thermophiles (65-80°C). The broader operating temperatures overlap.

Australian researchers were involved at an early stage in the study of this microbiology – in the 1960s and 1970s at the former Baas Becking Geobiological Laboratory in Canberra, and at UNSW (led by Prof Bernhard Ralph and later Dr John Madgwick, now retired). Currently there are no similar centres of excellence, or full-time committed researchers, within Australian academia.

Commercial applications

The established reasons for utilising bihydrometallurgy include simplicity, low cost, and for base metals application to low value ores. Application is possible in dumps, heaps, reactors and *in-situ*.

Bioleaching in reactors is established technology for the pre-treatment of refractory (and often arsenical) gold bearing concentrates. The contained sulphide is oxidised, exposing the gold to subsequent cyanide recovery. This is a niche application, based on costs, for operations treating less than 2000 tpd\(^3\). The limitations from this exothermic process – costs of cooling, concentrations of intermediates in solution (including copper, iron and O\(_2\), or the cost of the power required to get it in) and solids loading – limit the relative economics above this size. These process limits are defined by bacterial toler-
ance to metal concentrations and the influence of solids loading on both the total metal concentration that can be leached and the mass transfer of oxygen. Metal resistance has been built up commercially, but through normal strain development and without recourse to external genetic manipulation.

Commercial bioleach operations are listed below. Of these, the plants at Kasese and Youanmi utilise (d) BRGM (France) and BacTech Pty Ltd technology, respectively. The rest use (d) BIOX® (or earlier Gemmin) technology, with the exception of Beaconsfield. In addition, one commercial plant was built to treat whole ore, at Tonkin Springs, Nevada. This failed and was closed after several months' operation.

Biological sulphide oxidation on a commercial scale is a heterogeneous, liquid-gas-solid reaction. Development and optimisation require understanding of the mechanisms and kinetics of the microbial activity(ies). These mechanisms are not generally accepted within the scientific community; the kinetics are not defined in terms of predictable rate equations, and yet the plants below have been built and successfully run.

<table>
<thead>
<tr>
<th>tpd</th>
<th>Dates</th>
<th>Primary vol m³</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buffelsfontein, S Africa¹</td>
<td>?? 1974-??</td>
<td>??; now closed</td>
</tr>
<tr>
<td>Fairview, S Africa</td>
<td>55 1986-</td>
<td>300</td>
</tr>
<tr>
<td>Sao Bento, Brazil²</td>
<td>150 1990-</td>
<td>280</td>
</tr>
<tr>
<td>Wiluna, Australia</td>
<td>158 1993-</td>
<td>470</td>
</tr>
<tr>
<td>Sansu (Ashanti), Ghana</td>
<td>960 1994-</td>
<td>900</td>
</tr>
<tr>
<td>Youanmi, Australia</td>
<td>120 1995-1997</td>
<td>480</td>
</tr>
<tr>
<td>Tamborraque, Peru</td>
<td>60 1998-</td>
<td>262</td>
</tr>
<tr>
<td>Beaconsfield, Australia</td>
<td>60 commissioning</td>
<td>385</td>
</tr>
<tr>
<td>Amantaytau Gold Fields, Uzbekistan</td>
<td>1100 licensed; project cancelled?</td>
<td></td>
</tr>
<tr>
<td>Olympias (TVX Hellas)²</td>
<td>566 licensed</td>
<td></td>
</tr>
<tr>
<td>Fosterville (Perseverance), VIC</td>
<td>120 licensed</td>
<td></td>
</tr>
<tr>
<td>Kasese, Uganda³</td>
<td>241 1998</td>
<td>1350</td>
</tr>
</tbody>
</table>

¹ Used BacFOX to regenerate ferric iron; used to chemically leach uranium prior to gold recovery
² Biological oxidation used in series with pressure oxidation
³ Cobalt leaching from pyritic tails; only commercial tank operation for base metal

Modelling is proposed as one way to predict the performance of this mix of electrochemical and chemical reactions, as opposed to further elucidation of the biochemistry being the key to enhanced bioleaching.

Bioleaching is particularly suited to secondary copper minerals, e.g. chalcocite (Cu₂S) and covellite (CuS). Here, dump leaching has historically been applied to low grade, low value run-of-mine (ROM) material. This has evolved to a commercially accepted option for higher grade and higher value copper ores, using heap leaching.

Heap operations are monitored via chemical analyses for pH, Eh, and concentrations of total and ferrous iron, acid, arsenic and copper in solution. Recovery of copper (by SX/EW) reaches 75–85% after approximately 200 days of production. Temperature and O₂ respiration can be measured throughout the heap, but this is often avoided in order to reduce costs. This represents an example of the poor housekeeping (and lack of attention to detail) noted at bioleaching operations (discussed below). In heap leaching the ores are:

- crushed
- acid preconditioned and agglomerated
- aerated, via natural convection or low pressure forced air ventilation

QUESTIONS ON NOTICE
Piloted operations – metals

Current successes notwithstanding, the real potential of bioleaching remains to be realised – as confidence in commercial operation grows, as experience extends the knowledge base (in application), and as innovation and new commercial practices emerge. The following is a non-exhaustive listing of commercial base metal heap (and dump) leaching operations:

<table>
<thead>
<tr>
<th>Mine Name</th>
<th>Location</th>
<th>Capacity</th>
<th>Year</th>
<th>Medium</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kennecott Copper, US</td>
<td>?? Mt</td>
<td>1950s - ??</td>
<td>dump, chalcopyrite</td>
<td></td>
</tr>
<tr>
<td>Denison Mines, Canada</td>
<td>???</td>
<td>???</td>
<td>in stope, uranium</td>
<td></td>
</tr>
<tr>
<td>Bulgaria</td>
<td>???</td>
<td>???</td>
<td>dump, copper</td>
<td></td>
</tr>
<tr>
<td>Lo Aguirre, Chile</td>
<td>16ktpd</td>
<td>1980-1996</td>
<td>heap, chalcocite</td>
<td></td>
</tr>
<tr>
<td>Gunpowder’s Mammoth Mine, Australia</td>
<td></td>
<td>1991-</td>
<td>in-situ, copper</td>
<td></td>
</tr>
<tr>
<td>Mt Leyshon, Australia</td>
<td>1.37ktpd</td>
<td>1992-closed</td>
<td>heaps for copper and gold</td>
<td></td>
</tr>
<tr>
<td>Cerro Colorado, Chile</td>
<td>32ktpd</td>
<td>1993-</td>
<td>heap, chalcocite/oxide mix</td>
<td></td>
</tr>
<tr>
<td>Girilambone, Australia</td>
<td>2ktpd</td>
<td>1993-</td>
<td>chalcocite</td>
<td></td>
</tr>
<tr>
<td>Chuquicamata, Chile</td>
<td>1994-</td>
<td>dump, 90% CuFeS₂, 10% Cu₃S/CuS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ivan-Zar, Chile</td>
<td>1.5ktpd</td>
<td>1994-</td>
<td>heap, chalcocite</td>
<td></td>
</tr>
<tr>
<td>Quebrada Blanca, Chile (4,400m)</td>
<td>18.2ktpd</td>
<td>1994-</td>
<td>heap 85-90% Cu₃S, 10-15% CuFeS₂</td>
<td></td>
</tr>
<tr>
<td>Toquepala</td>
<td>1995-</td>
<td>dump, 80% CuFeS₂, 13% Cu₃S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cerro Verde, Peru</td>
<td>32ktpd</td>
<td>1996</td>
<td>heap - plus dumps for iron regeneration</td>
<td></td>
</tr>
<tr>
<td>Andacollo, Chile</td>
<td>10ktpd</td>
<td>1996-</td>
<td>heap, chalcocite</td>
<td></td>
</tr>
<tr>
<td>Dos Amigos</td>
<td>3ktpd</td>
<td>1996-</td>
<td>heap, chalcocite</td>
<td></td>
</tr>
<tr>
<td>Zaldivar, Chile</td>
<td>~20ktpd</td>
<td>1998-</td>
<td>heap, chalcocite</td>
<td></td>
</tr>
<tr>
<td>Escondida Norte, Chile</td>
<td>piloting</td>
<td>2000?</td>
<td>heap, chalcocite</td>
<td></td>
</tr>
</tbody>
</table>

The increasing confidence/development generated by these commercial operations is reflected in a range of past and present pilot studies. Billiton are the former developers (as Genmin) of BIOX® technology (now owned by GoldFields Ltd SA). They are a committed purveyor of this technology. Both Billiton Process Research (BPR – formerly Genmin Process Research) and BacTech Pty Ltd, have run numerous pilot operations. A range of other companies have run piloted operations, many covered by commercial-in-confidence.

As a general statement (having transferred its gold assets to GoldFields), Billiton have looked at copper and nickel concentrates using a range of mesophiles, and moderate and extreme thermophiles. The moderate thermophiles have been shown to reduce operating costs and the extreme thermophiles to be efficient at leaching both primary copper sulphides at 78°C and nickel sulphides at 70°C, and to give higher recoveries than either mesophiles or moderate thermophiles.

Billiton have tested Western Australian nickel concentrates from Maggie Hays (Forestania) and Emily Ann. An integrated thermophilic pilot plant (1 m³ scale) was used to produce LME grade nickel cathode at QNI (Queensland) in 1998. This utilised novel IX/EW technology developed by Mintek. There is no definitive measure as yet for the commercial viability of this BioNICTM process, which will now be developed by QNI. However, a demonstration plant is in operation for the allied process for copper – BioCOP™. This pilot will operate at 4 tpd at the Chuquicamata mine in Chile, in a joint venture with Codelco (the world’s largest copper producer).

A separate 1 tpd demonstration plant for reactor copper leaching is planned in Mexico by BacTech/Mintek. This alternative technology was previously piloted in Tasmania in 1997 by Mt Lyell Cop-
Thermophilic copper bioleaching for chalcopyrite is also being piloted in a UK-based, Mining Industry Research Organisation (MIRO)-brokered, EU-funded project known as HIOX\textsuperscript{TM} (1996- end 1999)\textsuperscript{42}. The process technology was developed by BRGM (France)\textsuperscript{32}, the microbiology by Warwick University (UK)\textsuperscript{43} and the SX/EW by Henkel (Germany). A number of international (nominally European-based) mining companies have sponsored this work, including Boliden, who have their own high temperature biological pilot plant facilities in Sweden\textsuperscript{44}, and Rio Tinto plc.

Other sponsors of HIOX\textsuperscript{TM} include TVX, who have licensed BIOX\textsuperscript{R} technology\textsuperscript{45} (table above), and are separately piloting GeoBiotics’ hybrid Geocoat\textsuperscript{TM} heap leach technology at Stratoni in Greece for their Mavres Petres deposit\textsuperscript{46}. This latter process (the production of a concentrate, sprayed on to prepared rock and then heap leached) is also being piloted at Ashanti in Ghana\textsuperscript{49}.

Newmont Mining Corporation in the US have been trialing an 800 kt demonstration plant in Carlin, Nevada for agglomerated bioheap leach treatment of refractory gold ores. Gold recovery at 60-80\% is controlled by the mineralogy and the particle size. Implementation of this technology has been delayed by the current gold price. Due to perceived similarities in the processes, GeoBiotics and Newmont have cross-licensed their respective Geocoat\textsuperscript{TM} and BIOPRO technologies\textsuperscript{46}. (GeoBiotics as a company is currently available for sale or JV). GoldFields are commissioning a hybrid tank and heap leach in Nevada in 2000, i.e. BIOX\textsuperscript{R} in tank with subsequent gold recovery via heap leach. Cominco are also developing a US$1.5 million integrated pilot plant for biohydrometallurgical recovery of zinc in Canada.

Outside of BacTech, the largest body of biohydrometallurgy development in Australia has been conducted by MIM and CRA (now Rio Tinto Pty Ltd). MIM’s Hydrometallurgy Research Laboratories have run a demonstration plant for cobalt leaching from pyrite, an integrated bioleach-SX/EW operation for zinc recovery from various grades of concentrate, and various projects to leach chalcocite from carbonaceous shale, clay and slag materials\textsuperscript{47}. The scales involved have been up to 40 m\textsuperscript{3}. In addition, a sophisticated microbiological profile was run, in association with the University of Queensland, on the cultures developed in various reactors and columns used to test chalcopyrite leaching for possible in-stope application\textsuperscript{48}.

Rio Tinto (as CRA) piloted a 30 m\textsuperscript{3} novel bio-reactor (the Low Energy Reactor) to demonstrate increased aeration efficiency and reduced power consumption during sulphide leaching of Bougainville Copper (PNG) pyrite in 1990. This technology is currently being negotiated in 1999 for on-site trial at Wiluna. A 6 m\textsuperscript{3} bacterial ferric iron regeneration tank, linked to an integrated ferric leach and SX/EW process, was trialled in 1998 for chalcocite from Las Cruces (Spain). Heap biooxidation for refractory gold recovery was trialled at up to 20,000 tonnes at the Kelian gold mine in Indonesia and a process for microbial delacquering of used aluminium cans was piloted in 1994. In addition, a 1.5 Mt heap operation has been piloted for integrated heap leach–SX/EW recovery of copper from chalcopyrite at Kennecott’s operation in Utah\textsuperscript{17}.

**Piloted operations – coal**

The greatest short term potential in coal and petroleum biotechnology (discussed below) is via sulphur removal. These commodities are also considered to have the greatest potential for the application of genetic engineering, as part of any minerals biotechnology development.

Sulphur removal from coal involves the use of bacteria to either physically suppress pyrite (the major source of inorganic sulphur) during flotation, or to directly oxidise it\textsuperscript{49}. A coal bio-depuriatisation pilot plant was funded by the European Coal and Steel Community (ECSC) at Porto Torres, Sardinia (1991–1993), treating 1.2 tpd using 8 m\textsuperscript{3} stirred tank reactors\textsuperscript{50}. 
Laboratory-centred work has previously concentrated on both the organic sulphur components of coal and the larger generic organic components (i.e. the coal itself). Numerous studies have specifically targeted the latter via biological solubilisation and liquefaction, but without commercial success. Significant contributions in this area are due to work by Prof David Catcheside at Flinders University (including past sponsorship by CRA).

Biological conversion of coal products (or its waste products, e.g. biofiltration to remove nitrogen oxides during coal combustion) is still part of the long term strategy of the US DOE, for coal-related advanced research. This is funded in financial year 1999 to US$12 million (though the proportion allocated to biotechnology is not stated).

**Biotechnology in oil and gas production and processing**

Oil is produced by pumping. As the pressure drops, water flooding is used to sweep the reservoir. The two common approaches to microbiologically enhanced oil recovery (MEOR) are to stimulate indigenous microorganisms with nutrients and to supply mixed strains directly (e.g. Applied Microbic Technology, Inc.), in both cases to increase sweep efficiency via metabolite (and gas) build-up.

MEOR has little requirement for capital investment but is still poorly developed, despite years of research. The major drawback is difficulty in isolating and/or engineering organisms to survive the harsh environments of the reservoirs. This has been exacerbated by the heterogeneity of both the reservoirs and their contained oil, and the poorly understood nature of the bacteria, despite (patented) processes for growth adaptation.

Future development of MEOR requires the ability to control the microbes in-situ, correcting the effects of reservoir heterogeneities and thereby increasing oil production. The Hughes Eastern Corporation ran a 42 month field demonstration, 1994–1999, funded by the US DOE at North Blowhorn Field, Lamar County, Alabama. Successful selective plugging occurred after inorganic nutrients were added to the injection water. Production improved in 12 out of 19 wells. Incremental oil recovery was 100,000 bbl with a projected extended field life of 53 months (at $1.32/bbl produced). This research was in conjunction with Mississippi State University, who are currently funded to trial further polymer/microbial interactions. In addition, pilot trials of MEOR at four sites in the Romashkinske oil field in Russia (using the injection of aerated water plus mineral salts) recently yielded an extra 41,560 t of oil (or a 29% increase).

A second major aim in oilfield biotechnology is to prevent detrimental microbial processes, e.g. souring by microbial sulphate reduction. Prevention can be linked to prior removal of the contaminant sulphur from the primary product (both oil and gas).

Bio-desulphurisation of crude oil was trialled in a fully integrated pilot (at five barrels per day) by Energy BioSystems Corporation in the US in late 1994. The genes responsible for this enzymatic processes have been isolated, cloned and over-expressed in target hosts (with an 100× increase in natural activity). Commercialisation is predicted for both diesel and crude oil in three to five years.

Sulphur removal was combined with the prevention of oil field souring by the Phillips Petroleum Company in a trial of in-situ biological sulphide oxidation at its Copley Operations Unit, Saskatchewan. In a fifty day period, efficiencies of 60–100% sulphur removal were achieved from the test wells.

Treatment to remove sulphur (such as H₂S and SO₂) from gas (both product and waste) can be achieved via microbial filters. (This environmental application is noted below). An alternative to biofiltration (for H₂S) is to chemically oxidise the sulphur with acidic ferric iron, but to biologically regenerate the iron. This BIO-SR™ technology, licensed to NKK Japan, is being developed for direct natural gas treatment by the Institute for Gas Technology in the US. It is also used commercially by the Dowa Mining Co Ltd at their Kosaka smelter in Japan. Waste H₂S from metallurgical processing is oxidised using ferric iron. Iron oxidising bacteria, immobilised on inert cell carriers, are used in regeneration. A third type of application is the treatment of acid drainage, in a plant operated by the Mining and Minerals Agency.
of Japan (MMAJ). Biological oxidation of contained iron increases the efficiency of subsequent precipitation, in order to remove it\textsuperscript{62}.

**Environmental applications**

Although more correctly directed at other sectors (for the purpose of this DISR review), many biological processes for waste treatment and soil and groundwater remediation have applications in mining and mineral processing. One of the most promising in this sector is the use of sulphate reducing bacteria (SRB).

The Dutch company Paques BioSystems has developed THIOPAQ\textsuperscript{8} technology, capable of removing H\textsubscript{2}S from natural- or bio-gas, SO\textsubscript{2} from coal combustion off-gas, and SO\textsubscript{4} from acid mine drainage. In the latter case, a two stage process is used to convert the SO\textsubscript{4} to H\textsubscript{2}S (using SRBs) and then to elemental sulphur using colourless sulphur bacteria\textsuperscript{63}. The production of this H\textsubscript{2}S intermediate has the benefit of precipitating co-contaminating metals. This process has been used commercially since 1992, in a 1800 m\textsuperscript{3} reactor, to remove zinc from an acid groundwater plume at Pasminco’s Budel smelter in Holland. Several full scale sulphate removal plants are currently in operation, in other industries\textsuperscript{63}. The future for such technology (in Minerals at least) is likely to lie in using a more heterogenous carbon source (than the ethanol used by Pasminco), and in treating faster and stronger flows. However, a pilot operation at Rio Tinto’s Kennecott operation successfully used H\textsubscript{2} as the feedstock, although this demonstration showed problems in the long term stability associated with the fixed biomass system in use.

Other “bio-sulphide” processes, including low tech wetlands, have been successfully trialled at numerous mine sites to treat acidic drainage. A similar wetland/pond technology is being trialled by Rio Tinto to biologically remove manganese from pre-treated drainage waters (where the SO\textsubscript{4} is already removed) at the Kelian gold mine in Indonesia\textsuperscript{64}.

Passive biotreatment is similarly employed to degrade cyanides in run-off from a heap leach operation at the Santa Fe mine, Nevada\textsuperscript{65}. This process was developed from the use of a 21,000 m\textsuperscript{3}/d plant to remove cyanides and ammonia from the Homestake Mine in Lead, South Dakota, in operation since 1984. A second plant was commissioned at Nickel Plate Mine, BC, Canada (1996), to remove cyanide and thiocyanate, followed by denitrification.

Although applications for environmental biotechnology would be expected to increase, of all potential applications trialled to date the promise shown by biosorption for metals remediation\textsuperscript{66} has singularly failed to translate into commercial application. The former US Bureau of Mines and the now defunct Advanced Mineral Technologies (US) developed Bio-Fix and AMT-Bioclaim respectively, but neither product is currently actively marketed.

**Minerals and energy biotechnology research in Australia**

The global nature of, and interest in, biohydrometallurgy is illustrated both by the preceding examples (commercial and pilot) and by the following, non-exhaustive list of the types of mining companies and organisations supporting research in the last five to ten years. Many of these organisations have parallel programs or activities in related environmental biotechnology, such as bioremediation.

In Australia

- Rio Tinto R&TD (formerly CRA ATD), Melbourne
- MIM Hydrometallurgy Research, Brisbane
- WMC, Perth – previously tested reactor leaching of nickel sulphides
- BHP Centre for Minerals Technology, Reno, US – scheduled to move to Newcastle
- ANSTO, Sydney
- CSIRO – Division Minerals, Division Land & Water, Division Molecular Sciences (collectively from July 2000) – in association with the A J Parker CRC
Overseas
- Billiton Process Research (formerly Genmin Process Research), S Africa – includes S African laboratory dedicated to thermophiles and pilot facilities at QNI, Queensland
- Mintek, government laboratory, S Africa – extensive pilot facilities up to 1 tpd
- Newmont Metallurgical Services, US
- Phelps Dodge, US – committed in 1999 to new US$10 million facility for heap leach and hydrometallurgical research
- United States Bureau of Mines (now disbanded)
- Idaho National Engineering and Environment Laboratory (and other US national government laboratories), US – expertise in molecular biology and gene probes, plus coal biotechnology
- SNC Research Corporation, Montreal, Canada
- CANMET, Natural Resources Canada
- Placer Dome, US
- Gujarat Mineral Development Corporation, Ahmedabad, India
- Metal Mining Agency of Japan
- National Research Institute for Metals, Japan
- Bureau de Recherches Geologiques et Minieres (BRGM) – privatised government laboratory, France
- Warren Spring Laboratory, Department of Trade and Industry, UK (now disbanded)
- Outokumpu Oy, Finland
- Boliden (Swedish company, listed in Canada)

Some overseas companies have integrated programs for academic research, e.g. Gold Fields’ Mineral Bioprocessing Laboratory at University Cape Town and Billiton’s Centre for Bioprocess Modelling, Witwatersrand University. Billiton Process Research sponsors academics at both universities, including Prof Geoff Hansford and Dr Frank Crundwell (the latter now directly employed), plus Prof Doug Rawlings, Stellenbosch University, Dr Tomas Vargas, Dept Chemical & Metallurgical Engineering, Univ. Chile, and Dr Paul Norris, Dept Biological Sciences, Warwick University (UK). The disciplines represented are chemical and process engineering, modelling, microbial genetics, electrochemistry and microbial physiology.

There is now no Australian-based academic with a similar international profile. Australia’s existing skills in biotechnology to support research and development in this sector are relatively limited.

CSIRO does have a $3.2 million allocation for biomineral processing (of base metal sulphide ores) to be spread across four Divisions, beginning in July 2000. This is to be focused on bioleaching and bioremediation in association with the A J Parker CRC. The initial use of process optimisation (as well as new biotechnical development) in this program is to facilitate a wider use of biological extraction (and other) processes in the Australian minerals industry in the short term. Part of this financial allocation will also be used to establish the associated A J Parker CRC as a centre of excellence (by getting the AJP/CSIRO personnel collectively “up to speed”).

The CRCs are intended to support long term, high quality research and to contribute to internationally competitive Australian industries. They encourage collaboration between private sector partners, universities and government organisations (for example, CSIRO). There are currently eleven CRCs related to minerals, plus others related to petroleum and gas. None has had a significant R&D effort in minerals/energy biotechnology, prior to the above allocation.
Various additional expertise is scattered around Australia; the previous involvement of domestically based mining companies is also noted:

- Dr David Catcheside, Flinders University – experience relevant to coal biotechnology. Not currently active in this area (through lack of funding); previously funded by Rio Tinto.
- Dr Ian Ritchie, Dr Peter Holden, ANSTO – skills in leach dump and ARD modelling, and microbiology. Dr Ritchie is now retired.
- Dr Lindsay Sly, University of Queensland – developed genetic probes and analysed microbial dynamics associated with column, stope and integrated tank leaching test work, carried out for and by MIM Hydrometallurgy Research. Targeted copper and zinc; not currently active in this area.
- Dr David Ralph, Murdoch University – developed alkalophile biotechnology to degrade oxalate from Bayer liquors, in association with Alcoa. Not currently active in this area. Alcoa have abandoned the pilot in favour of new liquor burners.
- Oretest and Ammtec – offer amenability testwork and piloting in association with Bactech and Pacific Ore Technologies/Titan Resources (Dr Colin Hunter), respectively.
- Bateman Brown and Root (Dr Peter Spencer), Signet, Minproc and Straits Resources are the major consultancies for tank and heap leach engineering and operation. Bateman built the Beaconsfield operation in Tasmania, Signet built Youanmi and Wiluna in WA, Minproc (Perth) designed the Olympias operation in Greece, and Straits Resources ran Girilambone.

Future opportunities and trends

The need for continued innovation in the minerals sector

Global competition drives the mining industry. Over the last several decades, the production of coal, industrial minerals and many metallic minerals has increased while costs and prices have decreased in real terms.

Despite its significant contribution to Australia’s wealth, returns on investment have not kept pace with other industries which compete with the minerals and energy sectors for capital. The mining industry is capital intensive, and only by using technologies to increase returns can it become more attractive to investors.

The National Mining Association of the US recently published “A Vision of the Mining Industry of the Future” in which it argued the case for research and development of new technologies:

- to reduce costs of production and increase quality of output, whilst minimising environmental impacts and protecting workers from hazards to health and safety
- to maximise efficiency in the use of energy and raw materials
- to minimise waste generation throughout the product cycle
- to conduct electricity production and carbon dioxide sequestration that enables near zero net emissions of greenhouse gases from energy generated from coal
- to produce recyclable mining products, with low transportation costs, competitive with other materials.

This vision applies equally in Australia. However, industries tend to reduce R&D spending during difficult economic times, as it may be seen as a discretionary cost in the short term. Even if this is justifiable at the business level, it is not necessarily sustainable for a national industry. Government facilitation and support of R&D is therefore still warranted in areas of national significance.

Cooperation and collaboration is one way to alleviate this problem of a shrinking research dollar. The Australian mining industry has recognised this for many years and has established mechanisms in place (e.g. AMIRA – the Australian Mineral Industries Research Association, and ACMER – the Australian...
Centre for Mining Environment Research). Taking Rio Tinto as an example, close to 10% of its global R&D budget in 1998 was allocated to contract or collaborative programs. The latter were leveraged at >10:1, relative to Rio Tinto’s direct expenditure. Locally, the CSIRO Division of Minerals receives 40% of its funding from industry as a result of this type of collaboration. However, this is also seen as a reason for the CSIRO (incorrectly) focusing on short term industry imperatives, thereby risking the spread of its skills base and ultimately making it uncompetitive in the global R&D market.

**Drivers for biotechnology in minerals and energy**

The debate on sustainability will arguably have a bigger impact on minerals extraction and the use of non-renewable resources than elsewhere. It appears certain that further improvements in production, health, safety and environmental performance will be needed, leading to a continual need for lower cost processes which also have lower environmental impacts – e.g. reduced footprints for mining operations. The community view of the industry, as much as technology development, will drive change in these sectors. Although minerals biotechnology is marketed in the technical literature as more environmentally friendly (than competing technologies), this assertion has never been rigorously tested, or modelled.

Biotechnology (as applied to any sector) is regarded as having clear environmental advantages in reducing pollution and waste generation, and in reducing material and energy consumption. The lack of definition of sustainable development is acknowledged, although it is accepted that it will impact on all stages of a product or process life cycle. Therefore it is only through life cycle assessment (LCA) that the green credentials (if any) of biotechnology can be defined.

In addition, LCA only takes into account material and energy balances for a process. However, in the context of Australia, where minerals and energy resources are major employers/export earners, it seems logical that the socio-political and economic criteria for minerals and energy (and associated biotechnologies) should also be developed. The development of LCA and policies for managing environmental and social issues across both sectors may lead directly to opportunities for biotechnology – e.g. in sequestration of CO₂ from coal usage.

International agreements to reduce CO₂ emissions are already emerging as a major factor in energy markets. Energy efficiency strategies, methane emission control, reduction of fossil fuel use and carbon dioxide sequestration technologies will all become significant. Therefore there will be a need for increased energy efficiency in mining operations, and in the processing and use of mining products, as in other sectors.

As an example, the main year 2000 research program for the ECSC will be coal combustion, targeting an improved competitive position for coal via improved environmental protection – with particular reference to CO₂. The suggested mechanism is co-utilisation of coal with other solid fuels (e.g. waste and biomass) to reduce CO₂ emissions. An alternative might be hydrogen production, as a potential outcome from biological sequestration of CO₂. Both concepts are obvious targets for modern biotechnology, but only in conjunction with a holistic engineering program to develop new burner technology and associated downstream gas capture and utilisation.

**Trends and opportunities**

Minerals biotechnology development on a commercial basis is largely unguessable. Since the earlier report of 1989, the then expected expansion of biosorption has not happened, the fear that leaching processes may not be transferable between heterogeneous ore bodies has not transpired, and as a result the need for genetic engineering (in this context) has also proven unnecessary. The driver now is that modest investments in biotechnology are expected to lead to societal benefits such as a cleaner environment (discussed above).

Bioleaching cannot, though, compete with pyrometallurgy for base metal sulphide concentrates. The conventional smelting route for copper is an energy efficient, low operating cost process. Hydromet-
lurgical processes are projected to be less capital intensive, but the relatively large size of bioreactors (higher investment and power costs per unit metal recovery) are currently against biotechnology. However, the operational simplicity, low capital and operating costs (for gold), and shorter construction times are seen as potentially profitable. Plus, 85% of the world's copper is in sulphidic ores. Increased microbial kinetics would therefore reduce both reactor size and costs for base metal (and gold) leaching, but the greatest expansion in copper hydrometallurgy is currently still (bio)heap leaching of sulphide and oxide ores.

The short term outlook for reactor-based base metal bioleaching is that it will concentrate on niche operations in opposition to smelters (i.e. small deposits where transport or green field smelter costs are prohibitive, objections by sizeable local populations, concentrates are too contaminated) and on optimising known technology:

- targeting intrinsic limitations of current reactors – low mass transfer coefficients, high shear stress, lack of power design formulae
- application of under-exploited microbiology – e.g. the ongoing development of thermophiles for chalcopryite and the development of a chloride microbiology
- modelling secondary sulphide heaps – more specifically, developing an improved understanding of the chemistry, real time measurements and an understanding in terms of bacterial population dynamics and heterogeneity.

These process changes will largely be incremental and will not involve modern biotechnology, but will be financially lucrative.

An example of a medium term target that may involve microbial development is selective targeting of metal moieties, both to reduce oxidation costs and to simplify downstream processing – e.g.:

- copper removal from within complex polymetallics using *T. cuprinus*-like organisms (which only oxidise copper minerals)
- arsenic removal from arsenopyrite (FeAsS) ores using *Pseudomonas arsenitoxidans* (at neutral pH)
- lead removal from mixed ore with *T. plumbophilus* (with subsequent brine wash).

A copper specific thermophile culture has already been demonstrated at laboratory scale by Pacific Ore Technologies (Titan Resources) in Western Australia, using a moderately thermophilic culture developed by the Research Productivity Council, New Brunswick, Canada. Trials to date show significant selectivity of copper over nickel during leach experiments, together with the complete oxidation of chalcopyrite. The development of this research (leading to two 5 kt trial heaps) is being funded by a $0.75 million Commonwealth grant.

Longer term developments could take a step change approach to minerals biotechnology (including the use of molecular techniques), targeting oxides, silicates and carbonates. This invokes the much studied, but never used, idea of heterotrophic leaching (using waste organic carbon) and/or the acceleration of natural processes, e.g. silicate weathering. As targets (relevant to Australia), heterotrophs might take nickel from laterites, iron from anything, plus perhaps phosphorous and uranium, or simply reclaim metal from wastes. As an example, fungal production of citric and gluconic acids released 60–80% of the copper in oxidised mining residues in Canada. This was not economic, costing $6.78/kg Cu produced (at a time when copper was trading at $1.98/kg). However, this was for a tank configuration where the biggest cost by far was for the carbon source, opening up possibilities for cheaper adaptations in terms of simpler technology and feed source. In Australia, dunder from cane sugar processing would be a good source of organic carbon.

Bioprocessing for phosphate could replace the standard acid digestion process that currently produces 5 t gypsum waste per tonne product. In the US, total phosphate and acid products are worth US$11 billion annually. A bioprocess, patented by the INEEL in the US, eliminates this gypsum waste and may be
suitable for in-situ application. The adaptation of such a process to phosphorus-contaminated iron ores in Australia would have significant commercial benefit, if feasible.

Microbial weathering (and leaching) involves redox reactions, organic/inorganic acids and complexing agents. Some of these latter compounds could provide the basis for a “biomimetic” and combinatorial minerals chemistry – i.e. bio-weathering may be easier to mimic than directly accelerate. It would appear likely that this area would be a target for gene technology.

A broader view of mineral bioprocessing might include its use in flotation and flocculation. As an example, Bacillus subtilis Marburg acts as a depressant to separate apatite from dolomite. This is through preferential binding by this organism of magnesium over calcium. Again, this could lead to the development of biomimetic compounds, through studies of the surface chemistry, or be a target for genetic manipulation.

Suitable Australian mineral resources

Australasian and secondary (and primary) copper deposits, nickel sulphides and in-situ uranium (e.g. through the use of regenerated ferric iron).

Esoteric targets suitable for new generation technologies (noted above) would include nickel laterites, phosphorus-contaminated iron ore, silica-contaminated bauxite, and deep sea nodules. The quality of the coal reserves makes processing unlikely, though the issue of CO₂ production is a real one, and in-situ bio-gasification is intriguing in concept. (There is a theory that coal bed methane may be biological in origin, but formed over geological time).

Barriers to application of modern biotechnology in the minerals and energy sectors

The greatest hurdle to biotechnology within the extractive industries has previously been stated as being management commitment, both in terms of acceptance and allocation of funds. The predicted drivers to change this situation (for biotechnology in the 21st century) are environment and sustainability (a core theme of the most recent International Biohydrometallurgy Symposium). However, to date, no decommissioning of any commercial heap operation has occurred and this must be seen as a risk, through liabilities left behind, incidental to the actual biotechnology itself.

Minerals biotechnology in the future is likely to have three limitations: the biotechnology itself, the industry, and regulation. The involvement of NGOs is likely to become significant for certain applications, such as in-situ mining or the widespread application of genetic engineering of natural (biogeochemical) processes. Transgenic GMOs have not been an issue to date, and artificial breeding (along with wild strain development and discovery) is likely to remain the industry target in the shorter term. However, the ability to engineer metabolic pathways – including through the use of powerful directed evolution tools – could be a breakthrough for minerals biotechnology, although no group appears to be actively supporting this route.

Current minerals biotechnology (predominantly leaching) is seen as a technology suited to remote areas, including the limitations of local and unskilled workforces. This latter thinking reflects the “bucket chemistry” approach to most leaching applications to date, and is likely to create resistance to the adoption of more radical (or precision based) technology.

The current operating limitations for bioleaching are largely commercially driven, and dictated on a case by case basis. Previous reviews have cited metal toxicity, slow processing rates, and lack of waste management as the technical issues limiting wider application. Undiscovered natural biodiversity and genetic manipulation are seen as solutions. Technical limitations also include lack of knowledge, by both technologists and management, of what actually occurs – e.g. in commercial heaps. This may increase the risk of using new technology.

Technical advances required in heaps are:

- knowledge of microbial succession, composition and activity
• better temperature control
• reduction in inhibition by chloride, nitrate and TDS.

Failures of heap operations have been frequent. Of 47 heap, dump and vat operations in Australia over the last 20 years (not all bacterial), 54% have been rated as successes, with 31% failures and 15% that, while technically successful, failed to meet their commercial objectives. The successes do include biological operations – e.g. at Mt Leyshon and Girilambone Copper.

Arguably, it is poor housekeeping in existing operations that is the biggest limitation of heaps, not a lack of (the) technology per se. The lack of attention to detail in fines removal and heap construction limits the microbiology. The applications described in this paper are essentially ecological engineering on the grand scale.

Despite being an “ecological” biotechnology, there is limited understanding of the consortium/population dynamics involved. This heterogeneity, and at scale, is the single biggest limiting factor that can be divided into its component parts (i.e. apart from microbial succession) of aeration, temperature and water fluctuation, and the mineralogical and size variations of the solid matrix, over time and space. Even applications in tanks, where controls are much greater, are rife with empiricism and assumption. Both Wiluna and Youanmi previously operated without any on-site microbiological support, and no routine monitoring of the cultures. At issue is combining the scientific limits imposed by such process heterogeneity with the homogeneity imposed by the operating engineers.

Technical advances required for improvements in tank leaching are:
• faster kinetics, resulting in lower residence time and smaller reactors
• reduced power costs during agitation and aeration
• lower cyanide consumption from biooxidation residues
• cyanide and thiocyanate treatment in tailings water
• controlled sulphur oxidation chemistry.

Mixing, and therefore impeller design, is also critical to stirred tank operation. All standard reactor systems are limited to 20% pulp density when using concentrates. This limitation is due to oxygen transfer, not shear stress. The pulp density limits for extreme thermophiles are even greater.

**Resources**

This paper has demonstrated the involvement in biotechnology of the complete minerals sector in Australia – companies, working operations, engineering consultancies, research institutions, universities and private biotechnology companies – but in an ad hoc and uncoordinated manner. Collaboration with external research programs, e.g. MIRO/EU, and the use of external (but Australian) assets, e.g. by BHP at Reno, is also noted.

The close cooperation between Australian universities, research institutes and companies is a strength. The CRCs in particular provide a government sponsored forum for such cooperation. Their corresponding weaknesses are money, management and market limitations, including lack of focus on fundamental – and non-industry supported – research. This criticism contrasts with the Canadian opinion, that for biotechnology to increase its profile in the minerals and energy sectors it should focus on problematic technical areas where significant potential already exists for cost reduction.

Chile’s pre-eminent status in copper bioleaching is probably due to an extensive technology transfer and development program supported by UNIDO (as well as having suitable resources in the ground). Government promotion of minerals biotechnology in Australia, in support of an important industrial sector, is therefore appropriate.

The Canadian experience also highlights the impact of provincial funding, as well as national government funding, and in Australia State-driven initiatives to support biotechnology at all levels do exist.
There is, therefore, a case for government support beyond the current $3.2 million allocation to CSIRO (although the $0.75 million allocation from other sources to Pacific Ore Technologies is already noted75). As is already recognised, effective internal management within CSIRO’s individual divisions will be critical, as will much cleaner and clearer lines of communication between the AJ Parker CRC and those other companies involved, e.g. Pacific Ore Technologies (whether formally involved in collaboration or not).

The future/review

For reasons outlined in this paper, it is expected that the significance of biotechnology in the minerals and energy sectors will increase. The world market for biotechnology in metals recovery is placed at US$4.3 billion by the year 2000 (quoting the Biotechnology Industry Organization, USA). By 1990, the world production of copper attributed to microbial means was 20% of the total (or a US$1 billion a year business).

Mineral resources that can be exploited using biotechnology are as likely to be found in Australia as elsewhere. Australian minerals and energy companies have established R&D facilities, including cooperative relationships with the public research sector. Increased development and applications of these technologies would be beneficial to Australia both in production and as a means to improve environmental management and, ultimately, sustainability. The role of modern biotechnology is very limited, near term, but molecular biology techniques do offer an immediate avenue to detect activity (in-situ) and to demonstrate relationships within communities.

However, the current state of readiness in Australia contrasts both with this potential, over the next 5–10 years, and indeed with the need for new technologies to be available within this timeframe in order to derive a competitive advantage for Australian based resource companies.

Minerals sector companies are feeling the pressures of globalisation and low commodity prices, and reducing R&D spends accordingly. The commercial research groups with biotechnology expertise are therefore also at risk. These and other factors in the industry may favour alliances or licensing agreements with established offshore technology providers, such as Billiton, at the expense of locally developed technology. Billiton also expressly use their technology to generate access to equity in late development operations38.

Despite this commercial driver towards global R&D, a pool of relevant expertise is still available in a number of Australian minerals companies, the CSIRO and universities. There have also been some positive recent developments (e.g. the $3.2 million allocated to CSIRO).

Canada’s BIOMINET is a national network, funded by the biotechnology strategy fund and operated by the Canada Centre for Mineral and Energy Technology (CANMET). It promotes interaction among academic, business and government communities, encouraging a better understanding and adoption of biotechnology-based processes in the mining and energy sector85. In the context of a national biotechnology strategy for this sector, a similar network could be beneficial for Australia, perhaps operated on the government’s behalf by the CSIRO.

As well as its technology development contribution, CSIRO is well placed to provide the independent and respected review required if the public licence to operate is to be sought, achieved and held. This will be a very important factor in the public debate about biotechnology in this sector, and elsewhere. However, the recent Canadian review noted that the supply of adequately trained people in government, as well as in industry, will become an issue, especially for understanding, developing, implementing and monitoring regulatory policy84. If further funding were to be made available as part of a national biotechnology strategy, the timing couldn’t be better.

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The opinions expressed in this document are those of the authors and do not necessarily reflect the opinions of Rio Tinto or its allied operations.
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Biological cyanide treatment
www.cyaniderecovery.com/homestake.html

Bioremediation for the next century
www.mcgill.ca/biosorption/publication/BVspain/BVspain.htm

pers comm
Houchin, Division of Minerals, CSIRO 1999

On 8th October 1999, the CSIRO Mineral Processing and Metal Production Sector advisory group meeting considered the challenges confronting the minerals industry in bioprocessing, including accelerated organism selection and the prospects of using GMOs.

The impact of globalisation on the availability of new mineral processing technology
Batterham and Shaw 1998 International Minerals Congress, Turkey, Conference Proceedings
Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 2 September 2003:

With reference to Sustainable Regions Programme funding for the Wide Bay Burnett region of Queensland:

(1) Why is the Yarraman district included in the Wide Bay Burnett region for the purposes of the Sustainable Regions Programme but not included in the same region for the purposes of the Wide Bay Burnett Structural Adjustment Package.

(2) (a) On what date did the Wide Bay Burnett Sustainable Region Advisory Committee call for expressions of interest from possible candidates for Sustainable Regions Programme funding; and
(b) in what form was that call made.

(3) How many expressions of interest were received.
(4) On what date did the committee report registration statistics to the department.

(5) Has the committee: (a) discussed the expressions of interest with each prospective proponent; (b) assessed all expressions of interest against programme guidelines; (c) identified eligible projects; (d) worked with prospective proponents of eligible projects on the development of formal funding applications; and (e) made a recommendation to the Minister on funding individual projects; if so, what was the date of the recommendation.

(6) With reference to the 29 November 2002 media statement by the Member for Wide Bay (Mr Truss) titled ‘Strong Interest in Regional Funding’: (a) on what dates were the contents of each expression of interest communicated to the Member; (b) did the committee or the department inform the Member about the contents of each expression of interest; (c) was the Minister or his office consulted about this communication; and (d) was the statement by the Member that projects being considered by the committee ‘all appeared to have potential for moving the region towards self-reliance’ based on advice from the committee or the department.

(7) Has the committee received representations from the Member for Wide Bay on behalf of prospective proponents or the committee.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) Mr Clinton Weber, the Chief Executive Officer of the Rosalie Shire Council wrote to Senator the Hon Ian MacDonald, the former Minister for Regional Services, Territories and Local Government, in January 2002 requesting that the Yarraman district be included in the Sustainable Regions Programme. The Minister for Transport and Regional Services recognised the proximity of the Yarraman district to other towns included in the Wide Bay Burnett region and appreciated that Yarraman projects would provide economic and employment benefits to the area. He agreed to include the Yarraman district in the Programme.

(2) (a) public advertisements were released on 13, 14, 18, 19 and 20 September 2002 as well as ongoing calls for expressions of interest in regular media releases; (b) public advertisements for Expressions of Interest were made in the following local papers: Bundaberg News Mail, Bundaberg Guardian, Fraser Coast Chronicle, Gympie Times, Hervey Bay Independent, Hervey Bay Observer, Isis Town & Country, Kingaroy South Burnett, Maryborough Heritage Herald, and Central and North Burnett Times.

(3) 123 Expressions of Interest (EOIs) were received by the closing date (11 October 2002) for the public advertising round. Other EOIs have also been received, in response to media statements made by the Advisory Committee for example. To date, 155 EOIs have been received.

(4) Information on Expressions of Interest are reported to the Department at the regular meetings of the Wide Bay Burnett Sustainable Regions Advisory Committee.

(5) (a) all project proponents have been corresponded with; (b) yes; (c) yes; (d) yes; (e) yes; to date five letters from the Chair of the Wide Bay Burnett Sustainable Region Advisory Committee have been sent to the Minister for Transport and Regional Services regarding recommendations for nine projects, the dates of the letters were: 12 May 2003, 11 June 2003, 2 July 2003, 25 August 2003 and 12 September 2003.

(6) (a) the specific contents of each expression of interest were not communicated to the member; (b) no; (c) yes; (d) yes, based on material supplied to the Minister’s office by the Department and the Executive Officer (as representing the Committee).

(7) The Department’s files contain no records of such communications.
Regional Services: Rural Transaction Centres
(Question Nos 1925 and 1928)

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 8 September 2003:
With reference to Media Release M250/2000 of 18 December 2000, can the Minister advise:
(1) (a) What process was used to select and appoint GRM International Pty Limited (GRM International); and (b) who made the final decision.
(2) Which other organisations expressed an interest in undertaking this work.
(3) What was the original tenure of the contract with GRM International.
(4) What was the total forecast expenditure, by year, under the contract with GRM International.
(5) How many full-time equivalent officers was GRM International to supply under the contract.
(6) Did the contract specify where these officers were to be located.
(7) (a) What, if any, changes have been made to the original terms of the contract with GRM International; (b) why have these changes been made; (c) who approved these changes.
(8) What was the actual expenditure, by year, in relation to the contract.
(9) How many full-time equivalent officers has GRM International supplied for each year since the contract was awarded.
(10) (a) Where is each officer supplied by GRM International based; and (b) in which federal electorates are they located.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) (a) Select tender process.

(b) Senator the Hon Ian Macdonald, then Minister for Regional Services, Territories and Local Government.

(2) The following organisations provided a formal expression of interest:
Farmwide.
Pryor Knowledge.
Armstrong Export Strategies.
National Strategic Services

(3) First contract - 2 years from 14 December 2000.
Second contract – 12 months extension.

(4) First contract Calendar Year 1 - $2,969,716
Calendar Year 2 - $2,969,716
Second contract Calendar Year 3 - $2,631,200

(5) First contract - Between twelve and fifteen full time equivalent field officers.
Second contract – Eleven full time equivalent field officers

(6) The first contract specified: “All field officers will be based in regional areas”.
The second contract specified: “All field officers will normally be based in regional areas, unless otherwise authorised by the Project Officer”.

QUESTIONS ON NOTICE
(7) (a) Extension of services – The principal contract was amended by extending the two years of Services from 14 December 2000 under the terms of the principal contract for a further year until 13 December 2003.

Number of field officers – the principal contract was amended to specify a reduced number of field officers, from 12 – 15 to 11.

Fees and Allowance – The principal contract was amended to provide for payment of a further $2,631,200 over the additional 12 month period.

Some Key Performance Indicators in the principal contract were amended to reflect the changing priority of the Field Officer Network during this 12 month period, for example, less emphasis on developing a communication strategy, promoting the Programme and building community capacity and more emphasis on assisting approved RTCs become operational, and facilitating business planning and development of applications.

(b) To provide for a continuation of the Field Officer Network for an additional 12 months.

(c) The Hon Wilson Tuckey MP, then Minister for Regional Services, Territories and Local Government.

(8) Calendar Year 2001: $3,266,687.60
Calendar Year 2002: $2,672,744.40
Calendar Year 2003: $1,973,400.00

(10) Calendar Year 1 – 14
Calendar Year 2 – 14
Calendar Year 3 - 11

Table 1: Principal Contract - Field Officer locations, date at each location, federal electorate of each location and region covered by each Field Officer.

<table>
<thead>
<tr>
<th>Location</th>
<th>Date at Location</th>
<th>Area Covered</th>
<th>Federal Electorate</th>
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</thead>
<tbody>
<tr>
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<td>19/02/01 – end of contract</td>
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<td>Rockhampton, QLD</td>
<td>4/06/01 – end of contract</td>
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<tr>
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<td>25/02/02 – end of contract</td>
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<td>19/02/01 – end of contract</td>
<td>Southern NSW</td>
<td>Eden-Monaro</td>
</tr>
<tr>
<td>Bairnsdale, Vic</td>
<td>19/02/01 – end of contract</td>
<td>Eastern and Central Victoria</td>
<td>Gippsland</td>
</tr>
<tr>
<td>Bendigo, Vic</td>
<td>19/02/01 – end of contract</td>
<td>Central and Western Victoria</td>
<td>Bendigo</td>
</tr>
<tr>
<td>Meander, Tas</td>
<td>19/02/01 – end of contract</td>
<td>Tasmania</td>
<td>Lyons</td>
</tr>
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<td>19/02/01 – end of contract</td>
<td>Western Vic, and South East SA</td>
<td>Barker</td>
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<td>Central, North and West SA</td>
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<td>Boyanup, WA</td>
<td>19/02/01 – end of contract</td>
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<td>Forrest</td>
</tr>
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<td>Geraldton, WA</td>
<td>19/02/01 – end of contract</td>
<td>North and Central WA (excluding Kimberleys)</td>
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<td>Tennant Creek, NT</td>
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<td>Northern Territory, and Northern WA</td>
<td>Lingiari</td>
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<td>Darwin, NT</td>
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<td>WA</td>
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QUESTIONS ON NOTICE
Table 2: Amended Contract - Field Officer locations, date at each location, federal electorate of each location and region covered by each Field Officer.

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<th>Location</th>
<th>Date at Location</th>
<th>Area Covered</th>
<th>Federal Electorate</th>
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<td>Leichhardt</td>
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<td>Rockhampton, QLD</td>
<td>15/12/02 – present</td>
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<td>Capricornia</td>
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<td>Samford, QLD</td>
<td>15/12/02 – present</td>
<td>Southern QLD, Northern NSW</td>
<td>Dickson</td>
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<tr>
<td>Newcastle, NSW</td>
<td>15/12/02 – present</td>
<td>Central NSW</td>
<td>Newcastle</td>
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<tr>
<td>Bairnsdale, Vic</td>
<td>15/12/02 – present</td>
<td>South East NSW, Eastern Vic, and Tasmania</td>
<td>Gippsland</td>
</tr>
<tr>
<td>Bendigo, Vic</td>
<td>15/12/02 - present</td>
<td>South West NSW and Central Vic</td>
<td>Bendigo</td>
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<tr>
<td>Mt Gambier, SA</td>
<td>15/12/02 - present</td>
<td>Western Vic, and South East SA</td>
<td>Barker</td>
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<td>Wudinna, SA</td>
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<td>Central, North and West SA</td>
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<td>Cowaramup, WA</td>
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<td>North and Central WA (excluding the Kimberleys)</td>
<td>O'Connor</td>
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<td>Darwin, NT</td>
<td>15/12/02 - present</td>
<td>Northern Territory, Northern WA</td>
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Regional Services: Rural Transaction Centres
(Question Nos 1929 and 1930)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 8 September 2003:

1. When was the Rural Transaction Centre program announced.
2. What was the intended outcome of the program at the time of the original announcement.
3. (a) What was the program’s forecast duration; and (b) has the forecast been altered; if so, in what way and why.
4. What was the initial funding allocation to the program for each year of the program’s original intended duration.
5. Of the original funding allocation, what quantum was allocated for: (a) the preparation of business plans to enable identification of services required by the applicant communities; and (b) The establishment and operation of Rural Transaction Centres.
6. What has been the actual quantum of funding expended for each year of the program for: (a) The preparation of business plans to enable identification of services required by the applicant communities; and (b) The establishment and operation of Rural Transaction Centres.
7. At the time the program was announced, what was the forecast number of applications expected, by year, for: (a) the preparation of business plans to enable identification of services required by the applicant communities; and (b) the establishment and operation of Rural Transaction Centres.
8. How many applications have been received, by year, for: (a) the preparation of business plans to enable identification of services required by the applicant communities; and (b) the establishment and operation of Rural Transaction Centres.
9. How many Rural Transaction Centres have been established for each year since the program’s inception.
10. What is the location of each established Rural Transaction Centre, and in which federal electorates are they located.
(11) (a) How many applications, for the preparation of business plans to enable identification of services required by the applicant communities, are pending; and (b) from which town or community groups have these applications been received and in which federal electorates are they located.

(12) How many applications for the establishment and operation of Rural Transaction Centres are pending and, if successful, in which towns and federal electorates will they be located.

**Senator Ian Campbell**—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) The Rural Transaction Programme was announced on 11 March 1999.

(2) The intended outcome of the Programme was to restore services to rural and regional Australia in small towns with populations under 3,000 people, providing services such as basic personal banking, phone, fax, post and Medicare Easyclaim.

(3) (a) The forecast duration of the programme was for five years from 1999-2004. (b) In accordance with the Telstra (Further Dilution of Public Ownership) Act 1999, the Minister for Transport and Regional Services has extended by Gazettal the period under which funds can be debited from the RTC Programme to 30 June 2005. The extension is to meet existing programme commitments.

(4) The initial funding allocation for each year of the Programme is as follows:

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<tr>
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<tr>
<td>Total</td>
<td>$10,000,000</td>
<td>$25,405,000</td>
<td>$15,438,000</td>
<td>$10,382,000</td>
<td>$8,775,000</td>
<td>$70,000,000</td>
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</table>

(5) (a) The RTC Programme is community driven and therefore there was no target funding allocation for the preparation of business plans under the programme.

(b) The RTC Programme is community driven and therefore there was no target funding allocation for the establishment and operation of RTCs.

(6) (a) and (b) (as at 16 September 2003)

<table>
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<td><strong>Question 6a</strong></td>
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<td>Approved</td>
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<td>Grants Paid</td>
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| **Question 6b** | Project Assistance | Project Assistance | Project Assistance | Project Assistance | Project Assistance |
| Approved      | $2,651,481 | $7,741,519  | $4,105,310 | $8,023,468 |
| Grants Paid   | $1,739,947 | $3,770,023  | $4,469,212 | $4,673,721 |

**QUESTIONS ON NOTICE**
(7) (a) The RTC programme is community driven and therefore there was no forecast number of applications expected, by year, for the preparation of business plans.

(b) The RTC programme is community driven and therefore there was no forecast number of applications expected, by year, for the establishment and operation of Rural Transaction Centres.

(8) (a) and (b) (as at 16 September 2003)

1999-2000

Question 8a Question 8b

Business Planning Project Assistance

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<th>Year</th>
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<td>2000</td>
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(9)

9 17 28 28 4 86

(10)

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(11) (a) and (b) There are no applications pending for the preparation of business plans to enable identification of services.

(12) There are 45 applications pending, some covering multiple locations. If successful, they would be located in the following towns:

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QUESTIONS ON NOTICE
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Education: Evaluation and Investigation Program
(Question No. 1934)

Senator Carr asked the Minister representing the Minister for Education, Science and Training, upon notice, on 9 September 2003:

(1) Can a list be provided of all projects commissioned under the Department’s Evaluation and Investigation Program (EIP) since 1 July 2000.

(2) In relation to each project mentioned in paragraph (1), can the following information be provided in tabular form: (a) the title of the project; (b) who commissioned the project; (c) who undertook the study and research for the project; (d) the stated purpose of the project; (e) the value of the project; (f) the date of acquittal of payment for each project; (g) the date the report for the project was provided to the department; (h) the date the report was published; (i) details of whether the report was published electronically or in hard copy; (j) confirmation that all such reports have been provided to the Employment, Workplace Relations and Education Legislation Committee, together with the date of provision; (k) if reports were not published, why; and (l) if reports were not provided to the Committee, why not.

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator’s question:

(1) The Department provides a list of all projects commissioned under the Department’s Evaluations and Investigations Programme (EIP) since 1 July 2000 (attached).

(2) The list contains information as requested by Senator Carr.

In relation to 2(j) and 2(l), in which Senator Carr seeks information relating to the provision of reports to the Employment, Workplace Relations and Education Legislation Committee, the Department advises that the standing order to provide reports to this Committee relates to ‘Consultancy’ type contracts valued at $100,000 or more. Where EIP projects have been commissioned under ‘General Service’ or ‘Funding’ type contracts, or have a value less than $100,000, they have not come within the scope of this order.
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<tr>
<th>NO</th>
<th>Title of the Project</th>
<th>Who Commissioned the project? (A)</th>
<th>Who undertook the study &amp; research for the project? (B)</th>
<th>Stated Purpose of the project (D)</th>
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<td>1</td>
<td>National Scheme for Peer-Reviewing the Quality of ICT-Based Teaching and Learning Resources [TAYLOR]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Dr Peter Taylor - Griffith University</td>
<td>The project will develop a national scheme to provide independent expert review of the quality of the ICT-based resources that have been developed to support student learning. In turn, this development will allow for recognition of achievements. The strategies to achieve this are modelled on the widely accepted practices of peer-review used in the areas of funding and publication. Thus, it will provide independent assurance that the time and other resources invested in the development of those resources are likely to effectively support student-centred learning.</td>
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<td>2</td>
<td>Introduction to the Regional Atlas [GARLICK]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor Steve Garlick - Southern Cross University</td>
<td>To build a regional demographic data base to assist communities, in partnership with their universities, better understand the higher education planning requirements of the regions they are located in.</td>
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<tr>
<td>3</td>
<td>Improving Educational Services for Tertiary Students with Disabilities [EDWARDS]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Mr Mark Edwards - University of Western Australia</td>
<td>The project aim will be to investigate the relationships between the method and flexibility of course delivery, the level of disability supports, the learning experiences of students with disabilities and their resultant ability to cope with course requirements and demands.</td>
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<tr>
<td>4</td>
<td>A Scoping Study into the Feasibility of the Establishment of an International Observatory on Borderless Education [RYAN]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Dr Yoni Ryan - Queensland University of Technology</td>
<td>Scoping the role and nature of an Australian branch of an International Observatory devoted to ongoing study of the activities of corporate, virtual and for profit educational organisations; establishing the feasibility and possible structure of such a branch; ascertaining the financial commitment that relevant Australian industry bodies in Australia might bring to such a branch.</td>
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**QUESTIONS ON NOTICE**

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<th>Who undertook the study &amp; research for the project? (C)</th>
<th>Stated Purpose of the project (D)</th>
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<td>5</td>
<td>Development of a New Methodology for Determining Low SES Background of Higher Education [JONES]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Dr Roger Jones - Quantitative Evaluation and Design pty Ltd</td>
<td>This project will develop an effective method for identifying the SES backgrounds of students based on their response to a questionnaire asking details of their parents' occupations and educational levels.</td>
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<tr>
<td>6</td>
<td>Performance Review of Cooperative Multimedia Centre's Financial Statements and Reports [WILLIAMS]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Mr Peter Williams - Deloitte Touche Tohmatsu</td>
<td>The purpose of this engagement is to provide DETYA with an objective assessment of the performance of each CMC over their last twelve months of operations. The assessment should take into consideration the proposed performance of each individual CMC, as outlined in their business plan, as well as the aims and guidelines of the CMC program.</td>
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<td>7</td>
<td>Socio-economic Background and Higher Ed. Participation [JAMES]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Dr Richard James - University of Melbourne</td>
<td>The project will summarise the current patterns of participation, identify the encouraging and inhibiting effects for students at the point of transition through analysis by socioeconomic status of a large database on the educational attitudes and aspirations of young Australians in Years 10-12.</td>
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<tr>
<td>8</td>
<td>An Overview of Issues in Nursing Education [NUGENT]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Associate Professor Pauline Nugent - Deaking University</td>
<td>The project aims to develop an integrated picture of the reports and projects related to nursing education and practice on a national level; analyse the recommendations of the State Governments' workforce reviews and reports which impact on nursing education or practice; and provide recommendations for subsequent research projects and assist in the development of research priorities in the area.</td>
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</table>
| 9  | Australian Teacher Education Programmes and Graduates [BALLANTYNE]                      | Mike Gallagher, First Assistant Secretary, Higher Education Division   | Associate Professor Roy Ballantyne - Queensland University of Technology | Map the full range of programmes that lead to teacher qualifications and report it on an institutional basis
Survey universities to find the numbers of graduates who have left or will leave university with teacher qualifications in 1999, 2000 and 2001 identifying these by teaching method specialty.
Report the data on an institutional basis. |
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<th>NO</th>
<th>Title of the Project (A)</th>
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<th>Stated Purpose of the project (D)</th>
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<tr>
<td>10</td>
<td>National and International Models of Best Practice in the Support of the Transition of Students with Disabilities from Tertiary Education to Employment [BOARDMAN]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Mr Eric Boardman - Central Queensland University</td>
<td>The project would have broad application in informing the sector on effective strategies for improving employment outcomes for graduates with disabilities. It would make recommendations on a best practice model for universities giving appropriate career advice and support to students with disabilities.</td>
</tr>
<tr>
<td>11</td>
<td>Benchmarking Community Service in Australian Teacher Education [BUTCHER]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Associate Professor Jude Butcher - Australian Catholic University</td>
<td>The project is intended to enhance the quality of community service activities specifically in the field of teacher education. Its aim is to produce baseline data on the nature, status and efficacy of current community service components in teacher education courses across Australia.</td>
</tr>
<tr>
<td>12</td>
<td>Integrated Information Technology &amp; Physical Infrastructure Planning &amp; Management: A Case Study of QUT [COCHRANE]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Mr Tom Cochrane - Queensland University of Technology</td>
<td>As part of a recent innovation the Queensland University of Technology (QUT) has brought together information technology and physical infrastructure planning in the one Asset Management Plan (AMP). The AMP is expected to facilitate the integration of strategic thinking, planning and management at the highest level enabling projection of and strategic decision-making about the on-going and future development of the University's physical and virtual infrastructure.</td>
</tr>
<tr>
<td>13</td>
<td>Nursing Education - Programmes &amp; Graduates [OGLE]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Ms Kaye Robyn Ogle - Deaking University</td>
<td>The purpose of this study is twofold. Firstly this study will explore and map in detail the full range of undergraduate programs offered by educational providers across Australia that lead to an initial qualification and entry into nursing practice. Secondly, this study will explore and map in the full range of specialist nursing courses across Australia.</td>
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<td>14</td>
<td>Lifelong Learning, Teachers &amp; Teacher Educators [CHAPMAN]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor Judith Chapman - Australian Catholic University</td>
<td>The project aims to examine specifically the principles, policies and practices impacting on the roles and responsibilities of educational personnel (including teachers and administrators in schools and other educating agencies, and lecturers and other academic leaders in universities) as they face the challenge of making lifelong learning a reality for all.</td>
</tr>
<tr>
<td>15</td>
<td>On-line Learning in a Borderless Market Conference [DASH]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Coordinated by Australian National University - 10 contributors from various institutions</td>
<td>Proceedings of a conference held 15-16 February 2001 at Griffith University - Gold Coast Campus</td>
</tr>
<tr>
<td>16</td>
<td>The Doctoral Education Experience: Diversity &amp; Complexity [NEUMANN]</td>
<td>Tom Karmel, Acting First Assistant Secretary, Higher Education Division</td>
<td>Associate Professor Ruth Neumann - Macquarie University</td>
<td>To gain a better understanding of the research education experience of Australian doctoral students through case studies at selected universities. The focus is on intensive exploration of qualitative issues associated with students’ experiences and perceptions of their research education.</td>
</tr>
<tr>
<td>17</td>
<td>Improving Postdoctoral Education in Australian Universities: Learning from Professional Doctorate Programmes [MCWILLIAM]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Associate Professor Erica McWilliam - Queensland University of Technology</td>
<td>The aim of this study is to investigate the relatively recent experience of offering doctoral education through professional doctorate programs as a contribution to the improvement of doctoral education in Australian universities.</td>
</tr>
<tr>
<td>18</td>
<td>Post Initial Higher Education: Participation, Costs, Benefits and Rates of Return [BURKE]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor Gerald Burke - Monash University</td>
<td>This study focuses on participation in post initial higher education, the costs and benefits of that participation and the rates of return. The focus of the study is higher education courses after a first degree but excluding participation in research degrees.</td>
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<td>19</td>
<td>What Technology Parks Achieve for Universities? - Conference [KUCHLER]</td>
<td>Tom Karmel, Acting First Assistant Secretary, Higher Education Division</td>
<td>Dr Deborah Kuchler - Technology Parks and Incubators Ltd</td>
<td>The conference will discuss the role of Technology Parks and incubators in university research commercialisation and provides case studies in these areas. The conference proceedings will be a compilation of speakers’ papers, which will be delivered at the conference.</td>
</tr>
<tr>
<td>20</td>
<td>University Credit for School Students [PARKER]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor Lesley Parker - Curtin University</td>
<td>This project will examine the different arrangements that allow secondary school students to gain university credit while still at school. Of particular interest are State education policies and related new policy directions as well as the arrangements with school students that enable them to gain university credit or university subject completions.</td>
</tr>
<tr>
<td>21</td>
<td>Preparing Teachers for the Challenge of Teaching Science, Mathematics and Technology in 21st Century [LAWRANCE]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor Geoffrey Lawrence - University of Newcastle</td>
<td>To explore current practice in university courses that prepare teachers to teach science, mathematics and technology in both primary and secondary schools. This will involve the collection of not only detailed information on teacher training but also perspectives from both pedagogical and content providers in universities. To develop guidelines for the definition and identification of innovative and best practice and to use case studies to link these guidelines to particular courses that are currently in operation.</td>
</tr>
<tr>
<td>22</td>
<td>Impact of Internationalisation on University Education [PORTER]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor Paige Porter - University of Western Australia</td>
<td>2000-3000 word essay on the impact of the internationalisation on university education in the Australian higher education sector</td>
</tr>
<tr>
<td>23</td>
<td>The Changing Mix of Students Work and Study Loads [MCINNIS]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor Craig McInnis - University of Melbourne</td>
<td>2000-3000 word essay on changing mix of student work and study loads in the Australian higher education sector.</td>
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<td>24</td>
<td>Changes in Distance Education [BARNARD]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Dr Ian Barnard - Charles Sturt University (Wagga)</td>
<td>2000-3000 word essay on changes in distance education in the Australian higher education sector</td>
</tr>
<tr>
<td>25</td>
<td>Adoption of Problem Based Learning [SEFTON]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor Ann Sefton - University of Sydney</td>
<td>2000-3000 word essay on the adoption of problem based learning in the Australian higher education sector</td>
</tr>
<tr>
<td>26</td>
<td>Statistical Data on Online Courses and University Online Student Support Services [JOHNSON]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor Richard Johnson - Australian National University</td>
<td>Facilitation of development and acceptance of definitions to enable the collection of statistical data on online courses and university online student support services.</td>
</tr>
<tr>
<td>27</td>
<td>PhD Conference in Economics &amp; Business (Nov 01) [CLEMENTS]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor Keith Clements - University of Western Australia</td>
<td>Sponsorship of the 2001 PhD Conference.</td>
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<td>29</td>
<td>Electronic Graduate Destination Survey [BARTLEY]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Mr Roger Bartley - Graduate Careers Council of Australia</td>
<td>Each year the Graduate Destination Survey (GDS) and Course Experience Questionnaire (CEQ) is issued to around 150,000 graduates in the higher education sector to gather information on graduate destinations and satisfaction. The survey is an important accountability tool within the sector and is used extensively by institutions to advise students and graduates and to manage institutional performance.</td>
</tr>
<tr>
<td>30</td>
<td>Patterns of Higher Education Research Output in Australia over the last Decade [BUTLER]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Linda Butler - Australian National University</td>
<td>A study on patterns of higher education research output in Australia over the last decade.</td>
</tr>
<tr>
<td>31</td>
<td>ANU - Australian Partnership for Advanced Computing [O'Callaghan]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor John O'Callaghan - Australian National University</td>
<td>A case study on the achievements of the Australian Partnership for Advanced Computing. The paper should outline the organisation's distinctive approach to managing research and research training, its challenges and achievements, notable trends and observations of general interest.</td>
</tr>
<tr>
<td>32</td>
<td>Research &amp; Research Training at the University of Tasmania during the 1990’s [GLENN]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor Andrew Glenn - University of Tasmania</td>
<td>A study of the University of Tasmania’s approach to managing research and research training during the 1990’s.</td>
</tr>
<tr>
<td>33</td>
<td>Research &amp; Research Training at the Australian Photonics Cooperative Research Centre [SCEATS]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor Mark Sceats - Australian Photonics Pty Ltd</td>
<td>A case study outlining the centre's distinctive approach to managing research and research training over the decade, and describe its challenges and achievements, notable trends, and observations of general interest.</td>
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<td>34</td>
<td>Research &amp; Research Training at UMelb during the 1990s [LARKINS]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor Frank Larkins - University of Melbourne</td>
<td>A case study of the University of Melbourne’s approach to managing research and research training during the 1990s. The paper should outline the institution’s distinctive approach to managing research and research training, its challenges and achievements, notable trends and observations of general interest.</td>
</tr>
<tr>
<td>35</td>
<td>Thebarton Commerce and Precincts Approach to Research and Research Training [YENGI]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Mr Ben Yengi - University of Adelaide</td>
<td>A case study on the Thebarton Commerce and Research Precinct's approach to research and research training, with a particular focus on collaboration with industry.</td>
</tr>
<tr>
<td>37</td>
<td>University Research Parks Approach to Research &amp; Research Training [BERGQUIST]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor Peter Bergquist - Macquarie University</td>
<td>A case study of approx 1,000 words on Macquarie University Research Park’s approach to research and research training.</td>
</tr>
<tr>
<td>38</td>
<td>Online Teaching and Learning: Its Appropriateness and Implications for Teaching and Learning [POSTLE]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Dr Glen Postle - University of Southern Queensland</td>
<td>The study will investigate the consequences of shifts in patterns of teaching and learning following the introduction of web-based instruction. Web-based instruction is a rapidly growing instructional format that seems to be challenging the traditional teaching/learning models in higher education. The study will draw heavily on the experience in online education at the University of Southern Queensland to determine the nature and extent of such change.</td>
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<td>39</td>
<td>Undergraduate Full-time Study and Part-time Employment [McInnis]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor Craig McInnis - University of Melbourne</td>
<td>The project aims to investigate factors that influence full-time undergraduate students to seek part-time and casual work.</td>
</tr>
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<td>40</td>
<td>Validity Study for the Graduate Skills Assessment Program [BUTLER]</td>
<td>Tom Karmel, Acting First Assistant Secretary, Higher Education Division</td>
<td>Ms Adele Butler - Australian Council for Educational Research</td>
<td>A validity study is needed to ensure that the Graduate Skills Assessment test (GSA) test is properly focussed and provides appropriate information to students, universities, employers and DETYA. Such a study should provide feedback to test developers who may refocus and refine the test as required.</td>
</tr>
<tr>
<td>41</td>
<td>Reassessment of Info Requirement, Processes and Related Management Practices for HED [WILLIAMS]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Mr Geoff Williams - Acumen Alliance (Stanton Consulting Partners)</td>
<td>The projects aim is at defining the necessary management information frameworks, information/knowledge management processes, systems, personnel and competencies that the Division would need to have in place to enable it to best fulfil its role in overseeing and developing policy for the higher education sector, having regard to changed expectations and different organisation relationship models that may be considered. This would include identifying gaps and the actions necessary to close them.</td>
</tr>
<tr>
<td>42</td>
<td>Developing Alternative Methods of Identifying Higher Education Students from Low SES [JONES]</td>
<td>Tom Karmel, Acting Group Manager, Research Analysis and Evaluation Group</td>
<td>Dr Roger Jones - Quantitative Evaluation and Design pty Ltd</td>
<td>Dr Jones’ research was commissioned to address long-standing concerns that the current postcode methods of identifying students from low socio-economic status (SES) backgrounds and geographically disadvantaged areas were unsound.</td>
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<td>43</td>
<td>The Organisation of the Academic Year</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor Craig McInnis - University of Melbourne</td>
<td>The project will review developments in the organisation of the academic year into terms, semester or trimesters, in Australia and overseas, particularly in relation to the use of the traditional ‘long break’ over the summer. It will investigate the success or failure of various models in these systems and analyse the implications of different structures for teaching, learning and research activities in universities. It will offer some recommendations about the most effective forms of organisation in the contemporary Australian context.</td>
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<tr>
<td>44</td>
<td>Nursing Careers Pathways Project [PRICE]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Dr Kay Price - University of South Australia</td>
<td>The project will examine the current career pathways for nurses, their integration with other parts of the health workforce, their coherence with educational and industrial awards and their impact on nursing as an attractive career. It will also show the links between these pathways and educational and training needs.</td>
</tr>
<tr>
<td>45</td>
<td>Job Turnover &amp; Growth in Nursing Occupations [SHAH]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Dr Chandra Shah - Monash University</td>
<td>The aim of the research is to provide estimates of job turnover coupled with estimates of job growth for all four digit nursing occupations as described in Australian Standard Classification of Occupations (ASCO).</td>
</tr>
<tr>
<td>46</td>
<td>The Scope for Nursing in Australia - A Snapshot of the Challenges and Skills Needed [CHEEK]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor Julianne Cheek and Dr Jacqueline Jones - University of South Australia</td>
<td>The aim of the research is to produce rich data about different contexts of practice that nurses in Australia work in to inform and provide context for the deliberations of the Nursing Education Review Secretariat.</td>
</tr>
<tr>
<td>47</td>
<td>National Review of Nursing Education: Enrolled Nurses [SADLER]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Dr Robert Sadler - Monash University</td>
<td>The project will examine the current arrangements for the education and training of enrolled nurses, education and training pathways, costs of training enrolled nurses and the legislative environment for enrolled nurses.</td>
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<td>48</td>
<td>Creating a Viable Regional Campus in a Rural Location [DELVES]</td>
<td>Tom Karmel, Acting First Assistant Secretary, Higher Education Division</td>
<td>Professor Angela Delves - Southern Cross University</td>
<td>To assess the feasibility and options for the delivery of effective university learning programs in the Mid-North Coast region through Southern Cross University</td>
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<tr>
<td>49</td>
<td>Study of Regulatory Environment Applying to Universities [O'CALLAGHAN]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Mr Brian O'Callaghan - Phillips Fox Lawyers</td>
<td>The main purpose of the study is to provide information to the Department on the precise nature of the regulatory environment in which universities operate, which will facilitate the development of a common, more effective approach nationally to the accountability, reporting requirements, and regulation of universities including their commercial activities.</td>
</tr>
<tr>
<td>50</td>
<td>Evaluation of the CDP [THOMPSON]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Marisa Senese - Wiz- ard Personnel</td>
<td>Engagement of contractor to assist with the evaluation of the Capital Development Pool (CDP).</td>
</tr>
<tr>
<td>51</td>
<td>Developing the SCU Cellulose Valley Technology Park [BAVERSTOCK]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor Peter Baverstock - Southern Cross University</td>
<td>A case study on developing the Cellulose Valley Technology Park, with a particular focus on research, research training, and fostering and sustaining collaboration with industry. The study may address the Park's challenges and achievements, notable trends and observations of general interest.</td>
</tr>
<tr>
<td>52</td>
<td>Distributed Learning in Non-metropolitan Australia [DEDEN]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor Ann Deden - Edith Cowan University</td>
<td>The study aims to produce baseline data on the status and efficacy of programs of this type that are currently in operation across Australia. Anticipated outcomes include the identification of: Threats to program success, as well as any effective strategies for avoiding, ameliorating, or overcoming these; key criteria for successful programs; 'Best practice' models</td>
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<td>53</td>
<td>Lifelong Learning: Filling in the Gaps [WATSON]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Dr Louise Watson - University of Canberra</td>
<td>The purpose of this project is to build on the earlier work and to provide empirical data and analysis on a number of dimensions of the lifelong learning environment.</td>
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<tr>
<td>54</td>
<td>The Factors Impacting on Student Aspirations and Expectations in Regional Australia [ALLOWAY]</td>
<td>Wendy Jarvie, Deputy Secretary, DEST</td>
<td>Associate Professor Nola Alloway - James Cook University</td>
<td>To inform school based practices and policy development designed to improve Year 12 or equivalent completion rates and school outcomes in regional areas by: obtaining a better understanding of the expectations and aspirations of students in regional areas of Australia; identifying the underlying factors that drive those aspirations and expectations, in particular, any factors differentiating the expectations and aspirations of students in regional areas from those of their urban counterparts - the ‘rurality’ factor.</td>
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<tr>
<td>55</td>
<td>Business of Borderless Education - An Update [RYAN]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Dr Yoni Ryan - Queensland University of Technology</td>
<td>To update developments in corporate, for-profit and online activities in postsecondary education, as they pertain to the Australian context.</td>
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<tr>
<td>56</td>
<td>Single Data Processing of Low SES Background Questionnaires [MEARNS]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Dr Mearns - Datacol Research Pty Ltd</td>
<td>To contract data processing services for SES questionnaires</td>
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<tr>
<td>57</td>
<td>Research &amp; Research Training at UWoll during the 1990s [BRINK]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor Chris Brink - University of Wollongong</td>
<td>A case study on the University of Wollongong’s approach to managing research and research training during the 1990s. The paper should outline the institutions distinctive approach to managing research and research training, its challenges and achievements, notable trends and observations of general interest.</td>
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<td>58</td>
<td>Research and Research Training at ARC Special Research Centre [CLARK]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor Robert Clark - University of New South Wales</td>
<td>The project aims to outline the organisation’s distinctive approach to managing research and research training, its challenges and achievements, notable trends and observations of general interest.</td>
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<tr>
<td>59</td>
<td>Articulation and Other Qualification Linkages from Uni and Uni to VET [CARNEGIE]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Ms Jane Carnegie - Business Services Training Australia Ltd</td>
<td>the developments in articulation and recognition of qualifications over the past ten years between VET institutions and universities and from universities to VET institutions.</td>
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<tr>
<td>60</td>
<td>Learning Disabilities Resource Package - Tools for Assessing [PAYNE]</td>
<td>Tom Karmel, Acting First Assistant Secretary, Higher Education Division</td>
<td>Mr Tony Payne - University of Tasmania</td>
<td>Conduct research into the incidence of learning disability and implications of this disability for tertiary education in Australia and develop a concise resource package for educational institutions and academics.</td>
</tr>
<tr>
<td>61</td>
<td>Digital Rights Management (DRM) in the Higher Education Sector [McLean]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Mr Neil McLean - Macquarie University</td>
<td>The project aims to provide a core set of requirements gathered and analysed from the Australian higher education sector and report on the impact these have on the state-of-play of relevant DRM initiatives. The report will conclude with a set of recommendations applicable to the Australian education sector which will also be presented at a workshop for sector feedback.</td>
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<tr>
<td>62</td>
<td>Broadbank Internet Access and the Higher Education Sector [WRIGHT]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Mr Peter Wright - Consultant</td>
<td>The consultant shall undertake consultation with AARNet Pty Ltd, universities and relevant organisations to determine the nature and capacity of the bandwidth owned and/or accessed by the sector to undertake research and teaching activities; develop a map of these connectivities and other relevant information, undertake an analysis of costs and trends in the delivery of bandwidth and develop a framework to enable further consultation.</td>
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<td>Who Commissioned the project? (B)</td>
<td>Who undertook the study &amp; research for the project? (C)</td>
<td>Stated Purpose of the project (D)</td>
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<td>Data Collection for Private Higher Education Providers [FINCH]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Mr Alan Finch - Council of Private Higher Education</td>
<td>The project will study the feasibility of private higher education providers participating in the DETYA Higher Education Annual Data Collections and will conduct an initial limited data collection.</td>
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<td>64</td>
<td>Internationalisation at Monash University [ROBINSON]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor David Robinson - Monash University</td>
<td>to discuss what it means to have a campus overseas and demonstrate the complexity of operating in such an environment. The paper should cover such things as the implications for management, staffing, marketing, recruitment, delivery, quality, ownership of buildings, assessment etc.</td>
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<td>65</td>
<td>An Analysis of Indigenous Schools Students Aspirations with Regard to their Schooling and Further Study and of Indigenous Parents with regard to their Children's Further Education and their own Further Studies [CRAVEN]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Associate Professor Rhonda Craven - University of Western Sydney</td>
<td>to conduct research on the opinions of Indigenous Australian school students 14 years + to conduct related research on the opinions of parents (Indigenous or non-Indigenous) of Indigenous school students.</td>
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<td>66</td>
<td>Chapter on Internationalisation for the National Report [SWANNELL]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Professor Peter Swannell - University of Southern Queensland</td>
<td>To discuss the advantages and disadvantages of catering for overseas students through distance education, and cover such issues as management implications, staffing for management, marketing recruitment, delivery, quality, ownership of buildings, assessment and potential obstacles.</td>
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<td>67</td>
<td>Pearson - Development of a Funding Model for the Additional Support for Students with Disabilities Programme [PEARSON]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Ms Jenny Pearson - Jenny Pearson and Associates Pty Ltd</td>
<td>The project’s objective is the development of a funding model for the Additional Support for students with disabilities Programme, to commence in 2002. The mode will be informed by previous research, will be verified with institutions, and will take account of relevant standards, as appropriate.</td>
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<td>68</td>
<td>A Study on Higher Education Provision in the Northern Territory [KPMG]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Mr J G Sheldon - KPMG</td>
<td>An assessment of the efficiency and effectiveness of the Northern Territory’s University’s operations, the extent to which it has taken advantage of alternative sources of additional funding, and the relativity of its funding level to other institutions, having regard to any special factors which increase or decrease input costs and issues of scale of operations as the only higher education provider in the Northern Territory. Recommendations outlining strategies for ensuring that the Northern Territory University is on a sustainable educational and financial footing for the future are to be made.</td>
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<td>69</td>
<td>Benchmarking University Technical Services Workshop [URQUHART]</td>
<td>Tom Karmel, Acting First Assistant Secretary, Higher Education Division</td>
<td>John Urquhart - Griffith University</td>
<td>To conduct a Benchmarking Technical Services Workshop on Friday 21st June 2002</td>
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<td>70</td>
<td>Study of Regional Participation in Higher Education [GARLICK]</td>
<td>Mike Gallagher, First Assistant Secretary, Higher Education Division</td>
<td>Steve Garlick - Pryor Knowledge (ACT) Pty Ltd</td>
<td>A chapter of around 30 pages and will combine departmental data on participation with findings on regional engagement, and provide a well-balanced study of higher education participation in regional areas</td>
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<td>71</td>
<td>Qualitative Analysis of Graduate comments on their experiences at Australian Universities [SCOTT]</td>
<td>Tom Karmel, Acting First Assistant Secretary, Higher Education Division</td>
<td>Professor Geoff Scott - University of Technology Sydney</td>
<td>The aim of this project is to develop a methodology for the analysis of qualitative data from the Course Experience Questionnaire.</td>
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<tr>
<td>72</td>
<td>A New Pathway for Adult Learners: Evaluation of a School-University Access Pilot [RAMSAY]</td>
<td>Tom Karmel, Acting Group Manager, Research Analysis and Evaluation Group</td>
<td>Professor Eleanor Ramsay - University of South Australia</td>
<td>This research concerns the access to higher education of adult prospective students from low socio-economic backgrounds who do not have the usual academic pre-requisites for entry to university level study. In particular, it aims to investigate the effectiveness of a pilot program for entry to UniSA by such prospective university students being conducted jointly by the University and Para West Adult Re-entry Campus (PWAC) - called UniSA-PAL (University of South Australia Pathways for Adult Learners).</td>
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<td>73</td>
<td>Outcomes for Indigenous People who withdraw before completing Higher Education (JAMES)</td>
<td>Tom Karmel, Acting First Assistant Secretary, Higher Education Division</td>
<td>Dr Richard James - University of Melbourne</td>
<td>The primary aim of this research is to examine the activities of Indigenous people who withdraw from university studies, including gathering information on employment or other studies achieved by ex-students since withdrawal and their perceptions of their university experience in the light of their original goals and current life situation.</td>
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<td>If reports were not requested to the Committee, why not? (L)</td>
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### QUESTIONS ON NOTICE

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### QUESTIONS ON NOTICE

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## QUESTIONS ON NOTICE

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<td>N/A</td>
<td>Not provided</td>
<td>Report contains sensitive information - publication would jeopardise commercial interests of NTU</td>
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QUESTIONS ON NOTICE
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<td>Jul-02</td>
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<td>Lack of quantitative data received from two-stage survey</td>
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Dairy Regional Assistance Program: Strategic Response to Implementation Project
(Question No. 2067)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 30 September 2003:

With reference to the answer to Question on Notice no. 1472 (Senate Hansard, 19 August 2003, p. 14004) concerning a Dairy Regional Assistance Program (RAP) grant of $39,974 to the South East New South Wales Area Consultative Committee for the strategic response to dairy RAP project:

(1) Can the Minister explain why he advised that ‘ownership of assets purchased with Dairy RAP funds vests with the funding recipient’ when the Minister’s program information guide states that ‘any assets purchased with Dairy RAP funds will remain the property of the department upon completion or termination of the project, unless the Commonwealth determines otherwise’?

(2) If the Minister has determined that assets purchased with this grant should be vested in the proponent, can the Minister: (a) explain why; (b) advise what assets were purchased and the value of these assets; and (c) advise on what date this decision was made?

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) and (2a) Current practice in departmental Funding Agreements is for assets to remain the property of the funding recipient. The answer initially provided in Question on Notice 1472 is based on clauses in current Funding Agreements. The initial advice provided for this project was incorrect. At the commencement of Dairy RAP, Funding Agreements required that ownership of assets were vested with the Commonwealth and this is reflected in the information guide. The older Funding Agreement applies to this project.

(2) (b) The asset purchased was a laptop computer for the use of the Dairy RAP project officer. The value of the laptop was $2,651 GST exclusive which I am advised was purchased in March/April 2002.

(c) Not applicable.

Prime Minister and Cabinet: Paper and Paper Products
(Question Nos 2243 and 2273)

Senator O’Brien asked the Minister representing the Prime Minister and Assisting the Prime Minister for the Status of Women, upon notice, on 14 October 2003:

For each of the financial years 2001-02 and 2002-03 can the following details be provided in relation to paper and paper products:

(1) How much has been spent by the department on these products.

(2) From which countries of origin has the department sourced these products.

(3) From which companies has the department sourced these products.

(4) What was the percentage of the total paper and paper products in value (in AUD) sourced by the department by country.

(5) What was the percentage of the total of paper and paper products in value (in AUD) sourced by the department by company.

(6) What steps has the department taken to ensure that paper and paper products sourced by the department from other countries comply with the ISO 14001 environmental management system standard.
Senator Hill—The Prime Minister has provided the following answer to the honourable senator’s questions:

2001-02 2002-03
(1) $64,399 $83,355
(2) Australia/Austria Australia/Austria
(3) Boise, Corporate Express, Boise, Corporate Express,
   Fuji-Xerox, Blue Star, Fuji-Xerox, Blue Star,
   Spicers, M&M Rolfe Spicers, M&M Rolfe
(4) Australia, 97.75% Australia, 89.56%
   Austria, 2.25% Austria, 10.44%
(5) Boise, 25.13% Boise, 16.99%
   Corporate Express, 24.18% Corporate Express, 19.62%
   Fuji-Xerox, 46.92% Fuji-Xerox, 42.87%
   Blue Star, 2.09% Blue Star, 0.45%
   Spicers, 1.68% Spicers, 4.06%
   M&M Rolfe, 0.00% M&M Rolfe, 16.01%
(6) The department is currently developing an environmental management system complying with ISO14001. This will address the issue of the department considering ISO 14001 environmental management system standards when purchasing paper and paper products that are made in other countries.

Family and Community Services: Paper and Paper Products
(Question Nos 2257 and 2265)

Senator O’Brien asked the Minister for Family and Community Services upon notice, on 14 October 2003:

For each of the financial years 2001-02 and 2002-03 can the following details be provided in relation to paper and paper products:

(1) How much has been spent by the department on these products.
(2) From which countries of origin has the department sourced these products.
(3) From which companies has the department sourced these products.
(4) What was the percentage of the total of paper and paper products in value (in AUD) sourced by the department by country.
(5) What was the percentage of the total of paper and paper products in value (in AUD) sourced by the department by company.
(6) What steps has the department taken to ensure that paper and paper products sourced by the department from other countries comply with the ISO 14001 environmental management system standard.

Senator Patterson—The answer to the honourable senator’s question is as follows:

(1) FY 2001-2002 $ 15 375 063
    FY 2002-2003 $ 12 286 845
(2) Centrelink has a standing policy of seeking to obtain all its paper products from Australian sources. However, some heavy weight and gloss specialist papers, which were not available in Australia were sourced last year by a supplier, PMP Limited, from Italy.

(3) FY 2001-2002
- Addex
- Australian Envelopes
- Blue Star
- Business Forms
- Canberra Mailing and Envelopes
- Candida Stationery
- Camerons Envelopes
- Canon Australia
- Corporate Express
- Complete Office Supplies
- Dalton Web
- Edwards Dunlop Paper
- Fuji Xerox
- National 1
- Office Works
- PMP Limited
- POL Corporate Publications Pty Ltd
- RAM Paper
- Spicers Australia.

FY 2002-2003
- Addex
- Australian Envelopes
- Blue Star
- Business Forms
- Canberra Mailing and Envelopes
- Candida Stationery
- Camerons Envelopes
- Canon Australia
- Corporate Express
- Complete Office Supplies
- Dalton Web
- Edwards Dunlop Paper
- Fuji Xerox
- National 1
Office Works,
• PMP Limited
• POL Corporate Publications Pty Ltd
• RAM Paper
• Spicers Australia.

(4) Centrelink’s paper sourcing policy outlined at Answer 6 below, seeks to source all paper from reputable Australian sources but does allow for the overseas sourcing of certain specialist papers not available in Australia. One Centrelink supplier, PMP Limited, has advised that they sourced some 17 per cent of paper in 2002-03 under this provision from Italy in order to meet a particular printing requirement. PMP has advised Centrelink that their Italian supplier is certified as complying with the ISO 14001 environmental management standard. The remaining 83 per cent of expenditure in 2002-03 related to sourcing from Australian manufacturers.

(5) PMP Limited 62%
• Edwards Dunlop Paper 13%
• Australian Envelopes 12%
• POL Corporate Publications Pty Ltd, 4%
• Corporate Express 1%
• Other 8%

(6) It is Centrelink’s policy that it sources its cut-sheet office paper and continuous roll paper from reputable Australian sources that are prepared to certify that their product has been manufactured from renewable and sustainable resources. The only exception to this overarching policy would be where operational needs dictate the use of specialist papers (e.g. high gloss or heavy weight) that cannot be sourced in Australia. In these relatively rare circumstances, Centrelink will give preference to suppliers who source the specialist paper from mills that are accredited and certified to appropriate ISO quality control standards.

Parliament House: Child Care
(Question No. 2362)

Senator Nettle asked the President of the Senate, upon notice, on 6 November 2003:

(1) When did the Joint House Department commission the company One Planet Solutions to work on an early childhood centre for Parliament House.

(2) How was the company selected.

(3) Who is the company required to consult in the course of fulfilling its contract.

(4) What is the timeline for the project, and what is the expected date for commencement.

(5) Have any decisions been made, and, if so, by whom, about: (a) where the centre will be located; (b) who will be permitted to use the centre; (c) who will operate the centre; (d) what the hours and days of operation will be; and (d) whether fees are to be charged and, if so, how these will be determined.

The President—The answer to the honourable senator’s question is as follows:

(1) 9 January 2003
The contract was let directly following an assessment of the experience of One Planet Solutions. The company had just completed similar work for the Department of Finance and Administration for their Early Childhood Centre.

The Company utilised the information contained in Childcare surveys conducted by “Families at Work”, on behalf of the Joint House Department during 2001/02. The company was required to consult with the following stakeholders:- Joint House Department Project Officer; Joint House Department Works Management; relevant Commonwealth, local government and regulatory bodies. The company also briefed the Parliament House Childcare Reference Group on a regular basis.

The project plan consisted of three stages.
Stage I -the detailed assessment of the five potential solutions outlined in the survey reports from ‘Families at Work’, leading to a decision on the model to be recommended and other options for siting of a Childcare Centre.
(Timeline:- Commenced January 2003, completed May 2003.)
There are difficulties associated with the siting options proposed by ‘One Planet Solutions’ and, following discussions with the Parliament House Childcare Reference Group and the National Capital Authority (NCA), the Joint House Department is seeking discussions with ACT government officials about the possible availability of some shorter term solutions in close proximity to Parliament House.
The following stages 2 and 3 of the project have not progressed as yet.
Stage 2--Develop and document a comprehensive project implementation plan, including a business case to support a request for necessary funding.
(Timeline: subject to the acceptance of the preferred model solutions.)
Stage 3-Design and construction of the building and establishment of management and operational procedures.
(Timeline: Subject to funding being obtained.)

As outlined above, the project has not progressed to this stage.

Vietnam Veterans Counselling Service
(Question No. 2368)

Senator Mark Bishop asked the Minister representing the Minister for Veterans’ Affairs, upon notice, on 7 November 2003:

(1) (a) What was the expenditure of the Vietnam Veterans Counselling Service (VVCS) by state for the financial years: (i) 1999-2000, (ii) 2000-2001, (iii) 2001-2002, and (iv) 2002-03; and (b) what were the allocations by state for 2003-04.

(2) (a) What programs does the VVCS currently run in each state; (b) what is the current allocation to each program; (c) how many clients have participated in each program in the past 3 years; and (d) what is the average length of participation.

(3) Which programs have been professionally evaluated in each of the past 3 years.

(4) Given that the health program is funded from a standing appropriation: (a) why are the funds allocated to VVCS programs capped; and (b) what is the decision-making process in determining annual allocations.

(5) For each office of the VVCS, how many permanent staff are employed.
(6) (a) By postcode, how many contract counsellors are accredited to the VVCS; (b) what was the average number of veteran clients counselled during the 2002-03 financial year; and (c) what was the average total payment made to counsellors in the 2002-03 financial year.

(7) (a) How many Vietnam veterans were admitted to psychiatric care in the 2002-03 financial year; and (b) what was the average length of stay.

(8) (a) How many psychiatric institutions are currently accredited to the Repatriation Commission; and (b) how much was paid in total to each, by name, in the 2002-03 financial year.

(9) What is the weekly cost of psychiatric care at: (a) St John of God at Richmond and Burwood; and (b) Eversham at Neutral Bay, New South Wales; and (i) how much was paid in total to each establishment in the 2002-03 financial year, and (ii) how many veteran clients did each treat.

(10) Has the department received any complaints about the standard of care at any psychiatric service provider institution in the year 2003 to date; if so, how many were made in respect of each institution.

Senator Coonan—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

(1) (a) The administered expenditure information for the Vietnam Veterans Counselling Service for 1999-00, 2000-01, 2001-02, and 2002-03 is as follows, and covers the comprehensive range of VVCS related services. These services incorporate a range of group programs for veterans and partners, sons and daughters of Vietnam veterans and an outreach counselling services for clients in remote, rural and outer metropolitan areas. Although in-house and outreach counselling is demand driven, group program participation is generally regarded as ‘elective’ in nature. For example, lifestyle management programs combine both therapeutic and psycho-educational aspects. Conversely, retirement programs place more emphasis on planning for the future while Heart Health aims to reduce the risk of cardiovascular illness and re-engage participants in healthy social and recreational activities.

<table>
<thead>
<tr>
<th>STATE</th>
<th>1999/00 ($)</th>
<th>2000/01 ($)</th>
<th>2001/02 ($)</th>
<th>2002/03 ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Office</td>
<td>125,099</td>
<td>209,627</td>
<td>502,641</td>
<td>378,592</td>
</tr>
<tr>
<td>NSW</td>
<td>1,130,364</td>
<td>1,214,940</td>
<td>1,654,621</td>
<td>1,924,714</td>
</tr>
<tr>
<td>VIC</td>
<td>882,313</td>
<td>1,016,578</td>
<td>1,793,625</td>
<td>1,577,355</td>
</tr>
<tr>
<td>QLD</td>
<td>1,447,795</td>
<td>1,689,235</td>
<td>2,456,038</td>
<td>2,697,517</td>
</tr>
<tr>
<td>WA</td>
<td>437,332</td>
<td>651,779</td>
<td>1,172,451</td>
<td>1,647,749</td>
</tr>
<tr>
<td>SA</td>
<td>213,052</td>
<td>153,090</td>
<td>264,434</td>
<td>380,088</td>
</tr>
<tr>
<td>TAS</td>
<td>579,434</td>
<td>577,766</td>
<td>717,646</td>
<td>697,519</td>
</tr>
<tr>
<td>NT</td>
<td>112,018</td>
<td>82,757</td>
<td>180,486</td>
<td>169,668</td>
</tr>
<tr>
<td>ACT</td>
<td>215,840</td>
<td>274,748</td>
<td>535,503</td>
<td>706,490</td>
</tr>
<tr>
<td>SUB-TOTAL</td>
<td>5,143,247</td>
<td>5,870,520</td>
<td>9,277,445</td>
<td>10,179,692</td>
</tr>
<tr>
<td>Australian Centre for Post Traumatic Mental Health</td>
<td>659,050</td>
<td>1,888,132</td>
<td>1,438,964</td>
<td>1,612,951</td>
</tr>
<tr>
<td>Other related projects *</td>
<td>0</td>
<td>70,836</td>
<td>213,436</td>
<td>498,744</td>
</tr>
<tr>
<td>Total VVCS Funds</td>
<td>5,802,297</td>
<td>7,829,488</td>
<td>10,929,845</td>
<td>12,291,387</td>
</tr>
</tbody>
</table>

(b) The following table shows the allocations by State for 2003-04. This represents a working base for the VVCS to provide the full range of available services. Final expenditure is
determined by the actual level of demand. As part of the normal management process, VVCS monitors expenditure trends amongst the various centres and reallocates unspent funds from other centres to centres where demand for services has exceeded expectation. Additional funding may also be sought and provided if client demand exceeds the overall allocation.

<table>
<thead>
<tr>
<th>STATE</th>
<th>2003/04 ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Office</td>
<td>740,000</td>
</tr>
<tr>
<td>NSW</td>
<td>1,700,000</td>
</tr>
<tr>
<td>VIC</td>
<td>1,750,000</td>
</tr>
<tr>
<td>QLD</td>
<td>2,420,000</td>
</tr>
<tr>
<td>WA</td>
<td>1,300,000</td>
</tr>
<tr>
<td>SA</td>
<td>420,000</td>
</tr>
<tr>
<td>TAS</td>
<td>700,000</td>
</tr>
<tr>
<td>NT</td>
<td>130,000</td>
</tr>
<tr>
<td>ACT</td>
<td>560,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>9,720,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>2003/04 ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Centre for Posttraumatic Mental Health</td>
<td>1,600,000</td>
</tr>
<tr>
<td>Other related projects*</td>
<td>969,000</td>
</tr>
<tr>
<td>SUB-TOTAL</td>
<td>2,569,000</td>
</tr>
</tbody>
</table>

Total including additional program funds

| Total VVCS Funds | 12,289,000 |

* Projects include the Alcohol Management, Men’s Health Peer Education and Crisis Relief Projects.

(2) (a), (b), (c) and (d) The programs currently run by the VVCS in each State, the current allocation for each program, the number of participating clients in each program over the past three financial years, and the average length of participation over the same period, are outlined in the table below.

<table>
<thead>
<tr>
<th>New South Wales</th>
<th>Allocation ($)</th>
<th>Participants past 3 years</th>
<th>Length/program duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>* Heart Health</td>
<td>175,000</td>
<td>392</td>
<td>12 months</td>
</tr>
<tr>
<td>* Lifestyle</td>
<td>210,000</td>
<td>317</td>
<td>5 days</td>
</tr>
<tr>
<td>* Partners of Veterans</td>
<td>76,000</td>
<td>164</td>
<td>10x2 hours</td>
</tr>
<tr>
<td>* Sons &amp; Daughters</td>
<td>27,000</td>
<td>91</td>
<td>8x2 hours</td>
</tr>
<tr>
<td>* Stress and Anger Management</td>
<td>72,000</td>
<td>141</td>
<td>12x2 hours</td>
</tr>
<tr>
<td>* Retirement</td>
<td>48,000</td>
<td>234</td>
<td>3 days</td>
</tr>
<tr>
<td>* Community Transition</td>
<td>3,000</td>
<td>81</td>
<td>12x2 hours</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Victorian</th>
<th>Allocation ($)</th>
<th>Participants past 3 years</th>
<th>Length/program duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>* Heart Health</td>
<td>250,000</td>
<td>1999</td>
<td>12 months</td>
</tr>
<tr>
<td>* Lifestyle</td>
<td>150,000</td>
<td>348</td>
<td>6 days</td>
</tr>
<tr>
<td>* Partners of Veterans</td>
<td>40,000</td>
<td>262</td>
<td>10x2 hours</td>
</tr>
</tbody>
</table>
### QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>Program</th>
<th>Allocation ($)</th>
<th>Participants past 3 years</th>
<th>Length/program duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>* Sons &amp; Daughters</td>
<td>150,000</td>
<td>247</td>
<td>10x2 hours</td>
</tr>
<tr>
<td>* Anger Management</td>
<td>40,000</td>
<td>new program</td>
<td>10x2 hours</td>
</tr>
<tr>
<td>* Alcohol Management</td>
<td>20,000</td>
<td>16</td>
<td>10x2 hours</td>
</tr>
<tr>
<td>* Retirement</td>
<td>40,000</td>
<td>48</td>
<td>10x2 hours</td>
</tr>
<tr>
<td>* PTSD</td>
<td>40,000</td>
<td>326</td>
<td>13x2 hours</td>
</tr>
<tr>
<td><strong>Queensland</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Heart Health</td>
<td>604,000</td>
<td>1,672</td>
<td>12 months</td>
</tr>
<tr>
<td>* Lifestyle</td>
<td>280,000</td>
<td>823</td>
<td>5 days</td>
</tr>
<tr>
<td>* F111</td>
<td>64,000</td>
<td>78</td>
<td>4 days</td>
</tr>
<tr>
<td>* Partners of Veterans</td>
<td>34,500</td>
<td>371</td>
<td>8x2 hours</td>
</tr>
<tr>
<td>* Sons &amp; Daughters</td>
<td>91,000</td>
<td>218</td>
<td>1 day</td>
</tr>
<tr>
<td>* Health and Wellbeing</td>
<td>146,500</td>
<td>1,110</td>
<td>12x2 hours</td>
</tr>
<tr>
<td>* Anger Management</td>
<td>8,500</td>
<td>55</td>
<td>6x2 hours</td>
</tr>
<tr>
<td>* Alcohol Management</td>
<td>9,500</td>
<td>11</td>
<td>6x2 hours</td>
</tr>
<tr>
<td><strong>Western Australia</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Heart Health</td>
<td>280,000</td>
<td>535</td>
<td>12 months</td>
</tr>
<tr>
<td>* Lifestyle</td>
<td>72,000</td>
<td>129</td>
<td>7 days</td>
</tr>
<tr>
<td>* Partners of Veterans</td>
<td>80,000</td>
<td>104</td>
<td>16x2 hours</td>
</tr>
<tr>
<td>* Sons &amp; Daughters</td>
<td>23,200</td>
<td>30</td>
<td>16x2 hours</td>
</tr>
<tr>
<td>* Alcohol Management</td>
<td>19,000</td>
<td>22</td>
<td>16x2 hours</td>
</tr>
<tr>
<td>* Retirement</td>
<td>26,400</td>
<td>40</td>
<td>8x2 hours</td>
</tr>
<tr>
<td>* PTSD</td>
<td>32,400</td>
<td>80</td>
<td>16x2 hours</td>
</tr>
<tr>
<td><strong>South Australia</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Heart Health</td>
<td>45,000</td>
<td>236</td>
<td>12 months</td>
</tr>
<tr>
<td>* Lifestyle</td>
<td>48,000</td>
<td>146</td>
<td>6 days</td>
</tr>
<tr>
<td>* Partners of Veterans</td>
<td>21,000</td>
<td>128</td>
<td>2 days</td>
</tr>
<tr>
<td>* Sons &amp; Daughters</td>
<td>5,000</td>
<td>20</td>
<td>7x2 hours</td>
</tr>
<tr>
<td>* Anger Management</td>
<td>2,000</td>
<td>56</td>
<td>7x2 hours</td>
</tr>
<tr>
<td>* Health and Wellbeing</td>
<td>19,000</td>
<td>282</td>
<td>8x2 hours</td>
</tr>
<tr>
<td>* Alcohol Management</td>
<td>4,000</td>
<td>34</td>
<td>7x2 hours</td>
</tr>
<tr>
<td>* PTSD</td>
<td>12,000</td>
<td>73</td>
<td>10x2 hours</td>
</tr>
<tr>
<td>* Older Veterans Forum</td>
<td>2,000</td>
<td>13</td>
<td>1 day</td>
</tr>
<tr>
<td>* Retirement</td>
<td>3,000</td>
<td>21</td>
<td>8x2 hours</td>
</tr>
<tr>
<td><strong>Tasmania</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Heart Health</td>
<td>80,000</td>
<td>118</td>
<td>12 months</td>
</tr>
<tr>
<td>* Lifestyle</td>
<td>80,000</td>
<td>102</td>
<td>4 days</td>
</tr>
<tr>
<td>* Partners of Veterans</td>
<td>24,000</td>
<td>162</td>
<td>12x2 hours</td>
</tr>
<tr>
<td>* Sons and Daughters</td>
<td>18,000</td>
<td>73</td>
<td>3x2 hours</td>
</tr>
</tbody>
</table>
QUESTIONS ON NOTICE

Allocation ($)

Participants past 3 years

Length/program duration

| * Post Clinic Stress Management | 40,000 | 514   | 12x2 hours |
| * PTSD                         | 12,000 | 108   | 12x2 hours |

Northern Territory

* Heart Health
  - 50,000
  - 61
  - 12 months

* Lifestyle
  - 12,000
  - 32
  - 3 days

* Partners of Veterans
  - 2,000
  - 42
  - 8x2 hours

* Sons & Daughters
  - 4,000
  - new program 03/04
  - -

* Retirement
  - 3,000
  - 24
  - 1 day

* Health and Wellbeing
  - 7,000
  - 32
  - 8x2 hours

* Anger Management
  - 6,500
  - 18
  - 6x2 hours

* Narrating Group
  - -
  - 5
  - 12 months

Australian Capital Territory

* Heart Health
  - 90,000
  - 128
  - 12 months

* Lifestyle
  - 120,000
  - 381
  - 5 days

* Partners of Veterans
  - 30,000
  - 50
  - 8x2 hours

* Sons & Daughters
  - 20,000
  - 12
  - 1 day

* Retirement
  - 10,000
  - 12
  - 3x2 hours

* Health & Wellbeing
  - 60,000
  - 49
  - 8x2 hours

(3) The following programs have been professionally evaluated on a national basis over the past 3 financial years:

- Heart Health (internal evaluation with external review of process by Australian Centre for Posttraumatic Mental Health);
- Lifestyle (Australian Centre for Posttraumatic Mental Health);
- Sons & Daughters Project (external evaluation by Lennmac Consulting Pty Ltd); and
- Veterans Line (internal evaluation with independent reviewer and consumer participation).

In addition, group programs undergo an outcome evaluation based on quantitative and qualitative data gathered before and at the end of the program as well as three and six months after completion. The evaluation includes de-briefing meetings with contracted facilitators to ensure correct content delivery and to analyse client feedback.

(4) (a) While funds for VVCS programs are not capped as such, VVCS centre managers are expected to manage expenditure on programs within their allocation in an accountable manner, although funding is often adjusted to meet actual requirements. In 2002-03 $838,692 was reallocated to meet such demand as follows:

<table>
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<tr>
<th>State</th>
<th>Allocation ($)</th>
<th>Expenditure ($)</th>
<th>Supplementation ($)</th>
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(b) Annual funds are allocated on the basis of a resource allocation formula, derived in part from the percentage of eligible clients living in each State and Territory. The allocation process also takes into account:

- the total resources provided to the VVCS;
- the geographic remoteness of some communities;
- the centre activity based on Balanced Scorecard outcomes; and
- known additional and endorsed centre activity in the forthcoming year.

(5) By state, the VVCS has the following number of full and part time on-going and non on-going employees and contractors, with a conversion to full time equivalents.

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<tr>
<th>State</th>
<th>Full &amp; part time ongoing employees</th>
<th>Full &amp; part time non-ongoing employees</th>
<th>Contractors</th>
<th>Full time equivalents</th>
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(6) (a) A list of Outreach Program counsellors currently engaged by the VVCS, by postcode, appears below.

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QUESTIONS ON NOTICE
(b) The average number of clients counselled by Outreach Program counsellors during 2002-03 was 15.

(c) The average total payment made to Outreach Program counsellors in 2002-03 was $7,485.

(7) (a) The number of Vietnam veteran private admissions for psychiatric care in 2002-03 was approximately 5,100. This includes some services provided in an outpatient setting. The number of Vietnam veterans that were admitted to public psychiatric care was approximately 160 in 2001-02*. An additional 100 Vietnam veterans were admitted for psychiatric care in both a private and public hospital during that year.

*Note: Public hospital data is not finalised for all States for 2002-03. The public data was based on the ICD-10AM codes (F00-F99) “Mental and Behavioural Disorders” as a principle diagnosis only.

(b) The average length of stay for private psychiatric care admissions was approximately 14 days in 2002-03. Again the average length of stay is indicative because some programs are provided on an outpatient basis and some programs contain leave days which tend to inflate the average length.

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</table>

(b) The average number of clients counselled by Outreach Program counsellors during 2002-03 was 15.

(c) The average total payment made to Outreach Program counsellors in 2002-03 was $7,485.

(7) (a) The number of Vietnam veteran private admissions for psychiatric care in 2002-03 was approximately 5,100. This includes some services provided in an outpatient setting. The number of Vietnam veterans that were admitted to public psychiatric care was approximately 160 in 2001-02*. An additional 100 Vietnam veterans were admitted for psychiatric care in both a private and public hospital during that year.

*Note: Public hospital data is not finalised for all States for 2002-03. The public data was based on the ICD-10AM codes (F00-F99) “Mental and Behavioural Disorders” as a principle diagnosis only.

(b) The average length of stay for private psychiatric care admissions was approximately 14 days in 2002-03. Again the average length of stay is indicative because some programs are provided on an outpatient basis and some programs contain leave days which tend to inflate the average length
of stay. The average length of stay for public psychiatric care admissions was approximately 4 days in 2001-02.

(8) (a) Although the Repatriation Commission does not accredit psychiatric institutions, there are contractual arrangements at Greenslopes Private Hospital and Hollywood Private Hospital which include psychiatric services. The Commission has also entered into tier 2 contracts with 34 private hospitals that are stand-alone psychiatric facilities or contain designated psychiatric units which are accredited by the Australian Council on Healthcare Standards (ACHS) and participate in the regular ACHS clinical indicators review process. Post Traumatic Stress Disorder programs provided to veterans are required to be accredited by the Australian Centre for Posttraumatic Mental Health (ACPMH). With respect to public hospitals, the Repatriation Commission relies on the relevant accreditation agency within the State in which the designated psychiatric unit is located.

(b) Table 1 provides 2002-03 expenditure for private psychiatric inpatient treatment at each stand-alone psychiatric facility or hospital with a designated psychiatric unit.

Table 1 - Total 2002-03 Private hospital psychiatric expenditure

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</tr>
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<td>NSW</td>
<td>EVESHAM CLINIC HOSPITAL</td>
<td>2,612,317</td>
</tr>
<tr>
<td>NSW</td>
<td>WESLEY PRIVATE HOSPITAL</td>
<td>633,949</td>
</tr>
<tr>
<td>NSW</td>
<td>ST JOHN OF GOD HOSPITAL</td>
<td>765,050</td>
</tr>
<tr>
<td>NSW</td>
<td>WANDENE HOSPITAL</td>
<td>210,336</td>
</tr>
<tr>
<td>NSW</td>
<td>NORTHSIDE CLINIC</td>
<td>142,555</td>
</tr>
<tr>
<td>NSW</td>
<td>WENTWORTH PRIVATE CLINIC</td>
<td>96,710</td>
</tr>
<tr>
<td>NSW</td>
<td>SYDNEY PRIVATE CLINIC</td>
<td>148,519</td>
</tr>
<tr>
<td>VIC</td>
<td>NORTH PARK PRIVATE HOSPITAL</td>
<td>41,759</td>
</tr>
<tr>
<td>VIC</td>
<td>THE ALBERT ROAD CLINIC</td>
<td>897,367</td>
</tr>
<tr>
<td>VIC</td>
<td>PINELODGE CLINIC PRIVATE HOSPITAL</td>
<td>503,457</td>
</tr>
<tr>
<td>VIC</td>
<td>THE GEELONG CLINIC</td>
<td>770,098</td>
</tr>
<tr>
<td>VIC</td>
<td>THE MELBOURNE CLINIC</td>
<td>226,566</td>
</tr>
<tr>
<td>VIC</td>
<td>DELMONT HOSPITAL</td>
<td>124,992</td>
</tr>
<tr>
<td>VIC</td>
<td>BELEURA HOSPITAL</td>
<td>169,065</td>
</tr>
<tr>
<td>QLD</td>
<td>GREENSLOPES PRIVATE HOSPITAL</td>
<td>4,500,000</td>
</tr>
<tr>
<td>QLD</td>
<td>THE SUNSHINE COAST</td>
<td>591,434</td>
</tr>
<tr>
<td>QLD</td>
<td>ST ANDREWS/IPSWICH PRIVATE HOSPITAL</td>
<td>515,865</td>
</tr>
<tr>
<td>QLD</td>
<td>ST ANDREWS HOSPITAL</td>
<td>142,658</td>
</tr>
<tr>
<td>QLD</td>
<td>PIONEER VALLEY HOSPITAL</td>
<td>158,248</td>
</tr>
<tr>
<td>QLD</td>
<td>PINE RIVERS PRIVATE HOSPITAL</td>
<td>317,067</td>
</tr>
<tr>
<td>QLD</td>
<td>TOO WONG PRIVATE HOSPITAL</td>
<td>1,863,940</td>
</tr>
<tr>
<td>QLD</td>
<td>PALM BEACH CLINIC</td>
<td>1,139,960</td>
</tr>
<tr>
<td>QLD</td>
<td>NEW FARM CLINIC HOSPITAL</td>
<td>553,995</td>
</tr>
<tr>
<td>QLD</td>
<td>BELMONT HOSPITAL</td>
<td>487,372</td>
</tr>
<tr>
<td>WA</td>
<td>HOLLYWOOD PRIVATE HOSPITAL</td>
<td>2,060,858</td>
</tr>
<tr>
<td>SA</td>
<td>THE ADELAIDE CLINIC</td>
<td>387,476</td>
</tr>
<tr>
<td>SA</td>
<td>KAHLYN PRIVATE HOSPITAL</td>
<td>219,715</td>
</tr>
<tr>
<td>SA</td>
<td>FULLARTON PRIVATE HOSPITAL</td>
<td>67,930</td>
</tr>
<tr>
<td>TAS</td>
<td>HOBART CLINIC</td>
<td>613,452</td>
</tr>
</tbody>
</table>
State Private Psychiatric Hospital Expenditure (\$)

<table>
<thead>
<tr>
<th>State</th>
<th>Private Psychiatric Hospital</th>
<th>Expenditure ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>CALVARY PRIVATE HOSPITAL</td>
<td>420,915</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>25,593,092</td>
</tr>
</tbody>
</table>

Public hospital data is not yet finalised for 2002-03. Table 2 gives 2001-02 expenditure for public hospital psychiatric treatment by State and Territory.

Table 2 - Total 2001-02 Public hospital psychiatric treatment expenditure

<table>
<thead>
<tr>
<th>State</th>
<th>Expenditure ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW (Incl. ACT)</td>
<td>12,556,488</td>
</tr>
<tr>
<td>VIC</td>
<td>13,296,050</td>
</tr>
<tr>
<td>QLD</td>
<td>2,098,801</td>
</tr>
<tr>
<td>WA</td>
<td>2,913,418</td>
</tr>
<tr>
<td>SA</td>
<td>5,941,840</td>
</tr>
<tr>
<td>TAS</td>
<td>557,133</td>
</tr>
<tr>
<td>NT</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>37,363,730</td>
</tr>
</tbody>
</table>

(a) and (b) Given the varying number of veterans accessing services, the range of programs and the mixture of inpatient and outpatient treatment, the weekly cost of psychiatric care for these institutions is difficult to compile in a meaningful way. The total expenditure and the number of veteran clients treated for each of these hospitals in 2002-03 is provided below.

<table>
<thead>
<tr>
<th>Psychiatric Hospital</th>
<th>Expenditure ($)</th>
<th>No. of Clients</th>
<th>No. of Separations</th>
</tr>
</thead>
<tbody>
<tr>
<td>ST JOHN OF GOD HOSPITAL BURWOOD</td>
<td>765,050</td>
<td>71</td>
<td>340</td>
</tr>
<tr>
<td>ST JOHN OF GOD HOSPITAL RICHMOND</td>
<td>3,465,056</td>
<td>291</td>
<td>956</td>
</tr>
<tr>
<td>EVESHAM CLINIC HOSPITAL</td>
<td>2,612,317</td>
<td>167</td>
<td>1,214</td>
</tr>
<tr>
<td>Total</td>
<td>6,842,423</td>
<td>529</td>
<td>2,510</td>
</tr>
</tbody>
</table>

The Department of Veterans’ Affairs has received complaints regarding the standard of psychiatric care provided in two institutions in 2003. Three complaints were received regarding St John of God Richmond and one complaint was received regarding St John of God Burwood.

Royal Australian Navy: Helo North Low Flight Training Zone

(Question No. 2444)

Senator Chris Evans asked the Minister for Defence, upon notice, on 4 December 2003:

With reference to the Helo North Low Flight Training Zone of HMAS Albatross, Nowra:

(1) When did the Navy activate Helo North as a Navy training area, and when did operations commence?

(2) (a) What is the current status of the noise sensitive areas over the town of Berry that were established by Captain Barrett, Commander of HMAS Albatross, in 2001; and (b) have there been any alterations to these arrangements; if so, what are they.

(3) Does the Navy continue to advise all pilots using Helo North of the noise sensitive areas around Berry; if so, how is this advice conveyed to pilots.

(4) Does the Navy intend to continue to use Helo North; if so, for how long.

(5) What increases in flight training does the Navy envisage in the next 3 to 5 years.
(6) (a) Does the Navy monitor flying patterns over Helo North; and (b) has the Navy detected any breach of any noise sensitive area over the last 12 months; if so, can a description of each breach detected be provided.

(7) (a) Is the Navy aware of the change in density and types of land use in the Berry district; and (b) do these changes have any implications for the future use of Helo North; if so, what.

(8) Do contingency plans in relation to the need to accommodate the rapidly increasing population of the northern Shoalhaven exist; if so, can an outline of any be provided.

(9) (a) Why has the Navy never provided, via Shoalhaven City Council 149 Certificates, information to prospective homebuyers about the potential noise pollution caused by low flying aircraft; and (b) does the Navy intend to provide such information in the future; if not, why not.

(10) Can a detailed and up-to-date map of both the Helo North and Helo South training areas be provided, including the following information: (a) operating borders; (b) flight paths; (c) operational altitudes; (d) hours of operations; (e) noise sensitive areas; (f) restricted zones; and (g) specific instructions for pilots and/or navigators relating to details in (a) – (f) above.

(11) Can details of aircraft types that train in both areas be provided.

(12) Can a table be provided showing noise levels of these aircraft, in decibels, at: (a) close proximity; (b) at 500 metres; (c) 1000 metres; (d) 2000 metres; and (e) 3000 metres.

(13) Can copies be provided of the ministerial directives for the establishment of the noise sensitive areas over ‘Possum Gully’ and over 515 Back Forest Road, Far Meadow, Berry.

(14) Can information be provided about: (a) how many complaints were received for each year of the past 5 financial years; (b) the subject of these complaints; and (c) the response to each of the complaints.

(15) Has the Navy met with any representatives from Shoalhaven City Council or other local community groups about aircraft noise from Helo North over the past 12 months; if so, can details be provided of each meeting and of any outcomes.

(16) Have Navy representatives met with representatives of the Berry Alliance Aircraft Noise Group; if so: (a) how many such meetings have taken place over the past 12 months; and (b) what was the purpose and outcome of each meeting.

Senator Hill—The answer to the honourable senator’s question is as follows:

The Helo North Training Area is not, by definition, a low flying area. Flying below 500 feet above round level (AGL) in Helo North is not permitted. However, Practice Forced Landings (PFL) may be conducted but are not to go below 200 feet AGL.

1 Helo North has been in use for a very long time and is inside a properly gazetted Military Airspace restricted area. Research has not identified a definitive date for when the area was first activated; suffice to say that it was first used to provide a pilot training area for the then newly-introduced Sycamore Helicopters in the late 1950s.

2 (a) The noise sensitive area over the town of Berry was not established by Captain Barrett, Commanding Officer of HMAS Albatross, in 2001. The noise sensitive area established by Captain Barrett was over one resident’s property within the Helo North training area. The details of which were conveyed to the resident verbally and in writing. The area established over this property is held by each Naval Squadron with a direction that every possible effort to minimise noise be made during all training evolutions within Helo North and especially within one mile of the resident’s property.

The noise sensitive area over the township of Berry was established by the Commanding Officer of HMAS Albatross in 1982.
(b) The only alteration to the noise sensitive area over the property in Back Forest Road (2a above) was an additional requirement of not below 1000 feet AGL where possible.

(3) Military squadrons confirm that they are aware and continually brief their aircrew on the location and considerations that should be observed. Aerial photographs were taken of the property in Back Forest Road, which have been reproduced and are prominently displayed within each Squadron. Flying Order Books reflect the requirement to avoid, where possible, the two noise sensitive areas. Additionally, verbal briefings are given to all Squadrons on a regular basis.

(4) There are currently no plans to change Navy flying operations in Helo North.

(5) Navy will train its aircrews for the recently commissioned SH2G-A Super Seaspire helicopter. This may mean an increase in air activity in some parts of the Shoalhaven.

(6) (a) Squadron aircrew are monitored through their authorisations prior to each flight. This process ensures that only acceptable evolutions are conducted. Aircraft altitudes are monitored by Air Traffic Control to ensure that authorised altitudes are adhered to.

(b) No. Investigations conducted by Navy into alleged breaches of the noise sensitive areas have failed to find evidence that a breach has occurred.

(7) (a) and (b) Shoalhaven City Council (SCC) maintains responsibility for all town planning and regional development within the northern Shoalhaven. The Navy continues to liaise directly with SCC on issues of mutual interest and concern.

(8) As previously stated, SCC maintains responsibility for all town planning and regional development within the northern Shoalhaven. Any questions with regard to contingency plans should be directed to the appropriate government department. With regard to Navy’s need to accommodate the rapidly increasing population, the Navy has gone to considerable lengths to ensure that disruption to residents is kept to an absolute minimum. The willingness of Navy to ensure a ‘good neighbour’ relationship with all residents of the Shoalhaven is effective as there have only been a small number of recorded complainants in the Helo North area over the past 40 years.

(9) (a) and (b) It is not correct to state the Navy has never and still does not feel obligated to provide such information via 149 Certificates (Planning Certificates issued under Section 149 of the NSW Environmental Planning and Assessment Act 1979 – EPAA).

SCC has advised that, following consultation with the Navy, Council has provided appropriate information at least back to October 2001. The Navy understands that the SCC has made mapping available and included appropriate text in Section 149 Certificates under Section 149(5) of the EPAA since 31 December 2002.

The following is advice provided under Section 149(5):

“The Department of Defence has advised Council that the subject land is within HMAS Albatross Military Aircraft Operating Area. Specifically, the subject land is within an area known as Helo North and information provided to Council advises:

‘Helo North
Helicopter Training Area
Operating Heights – Surface to 3000 ft

Military helicopters conduct training evolutions in this area. The area is available for this type of operation 24 hours per day. However operations are generally weekdays between 8.00 am and 5.00 pm. Occasionally night flying is conducted in this area. This activity is normally completed by 11.00 pm’.
Further information is available by contacting HMAS *Albatross* at Nowra or maps may be viewed at Council’s Nowra Office, Bridge Road, Nowra.”

(10) There is a map on display at the Shoalhaven City Council Chambers, which indicates all military flight training areas within the Shoalhaven. There are no charts that indicate flight paths as helicopters do not follow standard flight paths within these military training areas.

An aeronautical chart is available that shows operating borders and operational altitudes of military airspace around HMAS *Albatross*. This chart will be provided separately to Senator Evans.

(11) The Navy has a variety of aircraft operating in both areas. These are Sea King, Seasprite, Seahawk and Squirrel helicopters.

(12) (a), (b), (c), (d) and (e) The decibel information requested is not available at these particular altitudes for all of these aircraft in both areas.

(13) There are no known Ministerial Directives for the establishment of the noise sensitive areas, as they are self-imposed and self-regulated by the Navy and are not legally binding as they fall within gazetted military airspace. These noise sensitive areas have been established only as part of the Navy’s ‘good neighbour’ relations policy.

(14) (a) The following is a breakdown of all noise complaints received by HMAS *Albatross* since 1999. The breakdown depicted in brackets is specific to Helo North:

<table>
<thead>
<tr>
<th>Year</th>
<th>Complaints</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999-2000</td>
<td>14</td>
<td>(1 from a resident in Helo North)</td>
</tr>
<tr>
<td>2000-2001</td>
<td>14</td>
<td>(2 from a resident in Helo North)</td>
</tr>
<tr>
<td>2001-2002</td>
<td>30</td>
<td>(7 from one resident and 1 each from two other residents in Helo North)</td>
</tr>
<tr>
<td>2002-2003</td>
<td>13</td>
<td>(8 from one resident in Helo North)</td>
</tr>
<tr>
<td>2003-present</td>
<td>10</td>
<td>(2 from residents in Helo North, 1 from a farmer who agists animals on a property in Helo North).</td>
</tr>
</tbody>
</table>

(b) Complaints received at HMAS *Albatross* have generally involved noise. Many of these complaints arose from the Royal New Zealand Air Force Skyhawks that ceased operating from HMAS *Albatross* in 2001.

(c) No. Each complaint is actioned in accordance with standard procedures.

(15) Command at HMAS *Albatross* has discussed the noise complaint issues with members of the SCC during related meetings over the last 12 months. Shoalhaven City Council has stated that they support Navy fully in the conduct of Air Operations from HMAS *Albatross*.

The Commanding Officer of HMAS *Albatross* has undertaken an extensive speaking program with 34 visits to Service clubs in the region over the last 12 months. During these presentations the functions and roles of HMAS *Albatross* are discussed, as well as the Base’s ‘fly neighbourly’ policy.

(16) The Berry Alliance Aircraft Noise Group (BAANG) is a sub-committee of the Berry Alliance. The Navy was only made aware of the BAANG following the receipt of an article from a local Berry newspaper dated September 2003 that was sent to the Commanding Officer HMAS *Albatross*. Navy representatives have met with one resident in the past that was named as the lead signatory for the BAANG in the newspaper article. This is not considered to be a meeting with the BAANG as the meetings occurred as a result of the resident’s own grievances.

**Social Welfare: Newstart Allowance and Youth Allowance**

*(Question No. 2455)*

Senator George Campbell asked the Minister for Family and Community Services, upon notice, on 8 December 2003:
(1) For the period 1998-99 to 2002-03, what proportion of people who discontinued NewStart Allowance or Youth Allowance returned to claiming these benefits within: (a) 3 months; (b) 4 to 6 months; (c) 7 to 12 months; and (d) 13 to 24 months.

(2) Can similar information be provided for the period 1991-92 to 1997-98.

Senator Patterson—The answer to the honourable senator’s question is as follows:

(1) During the period 1 July 1998 to 30 June 2003 a total of 948,446 customers discontinued receiving Youth Allowance (YA). Many of these customers discontinued receiving YA on more than one occasion - in total there were 1,450,434 discontinuation events.

Of this total number of discontinuation events:
(a) 198,057 or 13.7 per cent of customers returned to YA within 3 months
(b) 136,230 or 9.4 per cent of customers returned to YA within 4 to 6 months
(c) 121,719 or 8.4 per cent of customers returned to YA within 7 to 12 months
(d) 83,313 or 5.7 per cent of customers returned to YA within 13 to 24 months

During the period 1 July 1998 to 30 June 2003 a total of 2,131,260 customers discontinued receiving Newstart Allowance (NSA). Many of these customers discontinued receiving NSA on more than one occasion - in total there were 3,551,932 discontinuation events.

Of this total number of discontinuation events:
(a) 579,785 or 16.3 per cent of customers returned to NSA within 3 months
(b) 363,699 or 10.2 per cent of customers returned to NSA within 4 to 6 months
(c) 343,802 or 9.7 per cent of customers returned to NSA within 7 to 12 months
(d) 256,442 or 7.2 per cent of customers returned to NSA within 13 to 24 months

(2) Similar information is not available for earlier periods because Youth Allowance was introduced in July 1998 and, in the case of Newstart Allowance, there was a major system redevelopment that occurred in early 1998.

Veterans: Child Support Payments
(Question No. 2461)

Senator Mark Bishop asked the Minister representing the Minister for Veterans’ Affairs, upon notice, on 9 December 2003:

(1) Can the Minister confirm that some veterans’ payments are exempt from the Child Support Agency means test; if so, does this mean that veterans are able to avoid their responsibilities in relation to child care after separation.

(2) (a) Which payments are affected; and (b) what is the authority for this exemption under the Act.

(3) What plans does the Government have to remove this provision.

(4) To how many veterans is this exclusion estimated to apply.

(5) How many representations has the Minister had on this matter in the past 3 years.

Senator Coonan—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

(1) to (3) The Senator should note that all of the legislation under which the Child Support Agency operates is administered by my colleague the Minister for Family and Community Services. However, the Minister for Veterans’ Affairs has an appreciation of the issues raised in this question insofar as it impacts on the administration of the Veterans' Entitlements Act 1986 (VEA).
With regard to the powers of the Child Support Agency and pensions, benefits and other pecuniary allowances paid under the VEA there are two relevant issues raised by the Senator's question. The first issue is whether or not these VEA benefits are taken into account by the Child Support Registrar (the Registrar) and the second issue is whether VEA benefits can be accessed by the Registrar to enforce the child support liability. I am advised that the answer to both of these issues is Yes.

In relation to the first issue, the normal administrative formula contained in the Child Support (Assessment) Act 1989 (the Assessment Act) limits the liable parent's child support liability to the amount of the liable parent's taxable income under the two Income Tax Assessment Acts (see sections 38 and 56 of the Assessment Act). It is understood that the disability pension paid under Parts II and IV of the VEA are dealt with by the Registrar on the same basis as other non-economic loss payments as they are not "income" under the relevant provisions of the Income Tax Assessment Acts. Accordingly, payments of disability pension under the VEA are not included in the normal administrative formula to be considered by the Registrar under the Assessment Act. However, there is a wider power contained in the Assessment Act for the Registrar to depart from the normal administrative assessment "because of special circumstances that exist" (section 98B of the Assessment Act). The matters to be taken into account by the Registrar in exercising this power are contained in section 98C of the Assessment Act and refers to the matters set out in subsection 117(2) which includes the "financial resources of either parent". It appears that, in appropriate cases, on application by the other party, the Registrar is able to take into account disability pension payments made under the VEA to determine the level of child support payments.

In relation to the second issue, I am advised that this process is regulated by the Child Support (Registration and Collection) Act 1989 (the Collection Act) Act and section 125 of the VEA. I am advised that, due to the combined effect of section 72A of the Collection Act and section 125 of the VEA, the Registrar cannot obtain access to payments of disability pension while in the hands of the Department of Veterans' Affairs. However, the Banking Ombudsman has advised that as soon as the payments of disability pension are received in the liable parent's bank account, the protection afforded by section 125 of the VEA ceases and the funds can be accessed from the bank by the Registrar under section 72A of the Collection Act. The actual source of the funds available in the bank account is not relevant to the exercise of the power under section 72A of the Collection Act. The mere fact that funds are in the liable parent's account and there is a child support liability is sufficient to require a bank to pay the funds directly to the Registrar under subsection 72A(1) of the Collection Act if the Registrar considers it appropriate to issue a notice to this effect.

Accordingly, the existing legislative scheme results in veterans being fully accountable to the Registrar.

(4) I am advised that the Department of Veterans' Affairs does not hold or collect information concerning those veterans who are subject to child support liabilities.

(5) The Department of Veterans' Affairs ministerial correspondence recording system shows that in the past 3 years, the Minister has received 8 representations from Federal Members and Senators and 10 letters from individuals on matters relating to child support payments.

**Minister for Defence: Office Space**

(Question No. 2466)

Senator Chris Evans asked the Minister for Defence, upon notice, on 10 December 2003:

Have any staff of the Minister used Australian Defence Organisation office space, when not accompanying the Minister; if so, can a list be provided of all such occasions, indicating: (a) office space used; and (b) when and why the office space was used.

Senator Hill—The answer to the honourable senator’s question is as follows:
Yes, as advised in the response to question W27 of the Additional Estimates Hearings of 20 and 21 February 2002.

**Defence: Personnel**

(Question No. 2473)

**Senator Chris Evans** asked the Minister for Defence, upon notice, on 18 December 2003:

With reference to the decision to retire the F-111 fleet by 2010:

1. (a) How many Australian Defence Force (ADF) full-time equivalent personnel are currently employed at RAAF Amberley; and (b) how many of those full-time equivalent personnel are involved in supporting the operation of the F-111s.
2. (a) How many full-time equivalent civilians are currently employed at RAAF Amberley; and (b) how many full-time equivalent civilians are involved in supporting the operation of the F-111s.
3. Without the F-111s will RAAF Amberley remain a viable base.
4. (a) What other aircraft would still be operating from RAAF Amberley in 2010; and (b) how many full-time equivalent personnel are involved in supporting the operation of these aircraft.
5. Are there any plans to redeploy some or all of the F/A-18s to RAAF Amberley following the retirement of the F-111s.

**Senator Hill**—The answer to the honourable member’s question is as follows:

1. (a) 2,253.
   (b) 615.
2. (a) 510 Australian Public Servants (APS) and approximately 750 contractors.
   (b) 247 APS and approximately 620 contractors.
3. Yes.
4. (a) Caribou aircraft will continue to operate from Royal Australian Air Force Base Amberley. Additionally, Defence is currently investigating options to make more effective use of our air base resources and this may result in other units being based at Amberley in the future.
   (b) Unknown. The potential number of support personnel required in 2010 is subject to an ongoing review to make more effective use of our air base resources.
5. No.

**Veterans: Gold Card**

(Question No. 2475)

**Senator Nettle** asked the Minister representing the Minister for Veterans’ Affairs, upon notice, on 22 December 2003:

1. Has the Federal Government taken steps to implement the January 2003 Clarke report on veterans’ entitlements, which recommended that the British Commonwealth Occupational Forces stationed in Japan after the end of the Second World War be entitled to a Veterans Gold Card.
2. If so, what steps has the Government taken, and when will these veterans receive their Gold Cards.

**Senator Coonan**—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

1 and 2. The Government is still considering its response to the recommendations made in the Clarke Report “Review of Veterans’ Entitlements”. In this regard the Minister has met with a number of ex-service organisations and individual veterans and received a range of views. The Government will take these views into account when framing its response.
Veterans: DDT Exposure
(Question No. 2478)

Senator Nettle asked the Minister representing the Minister for Veterans’ Affairs, upon notice, on 22 December 2003:

(1) Given the high likelihood that many World War II and Korean War veterans were exposed to DDT during these conflicts has the Federal Government undertaken any studies or testing of World War II or Korean War veterans in relation to this possible exposure to DDT; if not, why not.

(2) Has the Federal Government attempted to inform or educate World War II or Korean War veterans about the possible consequences of their exposure to DDT during these wars; if not, why not.

Senator Coonan—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

(1) No, the Government has not tested such exposure. Dichlorodiphenyltrichloroethane (DDT) was introduced to the Australian Armed Forces during 1944 as one of a range of measures to help control Malaria. Thus, only those who served during and after 1944 might have been exposed to DDT. The chemical was used in the Korean and Vietnam Wars. The chemical was also used in Australia during the 1940s, 1950s and 1960s in civilian life. This means that it is difficult to ascertain what proportion of the DDT found in a human was due to military or civilian exposure.

(2) No. The Department of Veterans’ Affairs has reviewed the research on the health effects of exposure to DDT and the findings are inconclusive. Given this, an education program would not be appropriate.

Health: Mobile Phone Radiation
(Question No. 2482)

Senator Brown asked the Minister representing the Minister for Health and Ageing, upon notice, on 22 December 2003:

(1) What is the Minister’s response to the article in the Journal of the Australasian College of Nutritional and Environmental Medicine (Volume 22. No. 2 August 2003, pp3-8) indicating that children may be far more vulnerable than adults to health effects from mobile phone radiation.

(2) What warnings, if any, has the Government issued, or will the Government issue.

(3) What monitoring is being undertaken.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) The question as to whether children may be more vulnerable than adults to any health effects that may arise from exposure to radiofrequency radiation from mobile phones has been debated for several years. The article referred to presents the author’s opinions and refers to a number of individuals and organisations that have put forward views on this matter. It is not the outcome of a scientific investigation published in a peer-reviewed journal.

(2) The Government has not issued any warnings. The Government notes the advice that the Australian Radiation Protection Standard ‘Maximum Exposure Levels to Radiofrequency Fields 3kHz to 300GHz’ includes the advice that ‘the Standard has been specifically devised to protect everybody, including children’.

(3) Australia, through the National Health and Medical Research Council, is part of a world-wide research effort facilitated by the World Health Organisation (WHO) into possible risks of radiofrequency emissions and particular emphasis is being given to the possibility of effects to the users of mobile telephone handsets. The WHO Research Coordination Committee is monitoring
studies in electromagnetic field exposure in a range of possible health areas, with a final WHO assessment expected in 2005. WHO has called for additional epidemiological research that may provide specific information on children. There is ongoing animal research that is related to this question. The answer to the question will come from the weight of scientific evidence. At this point in time there is no evidence that exposure to radiofrequency radiation from mobile phones has an adverse effect on human health.

Trade: Free Trade Agreement
(Question No. 2505)

Senator Brown asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 13 January 2004:

Has the Chief Scientist provided any advice to the Minister, his department or its agencies about the proposed Australia-United States free trade agreement; if so:

(a) when; (b) what was the advice; and (c) can a copy of the advice be provided?

Senator Minchin—the Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator’s question:

No, there has been no advice provided by the Chief Scientist to the Minister, his department or its agencies about the proposed Australia-United States free trade agreement.