INTERNET

The Journals for the Senate are available at

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

For searching purposes use
http://parlinfoweb.aph.gov.au

SITTING DAYS—2004

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>10, 11, 12</td>
</tr>
<tr>
<td>March</td>
<td>1, 2, 3, 4, 8, 9, 10, 11, 22, 23, 24, 25, 29, 30, 31</td>
</tr>
<tr>
<td>April</td>
<td>1</td>
</tr>
<tr>
<td>May</td>
<td>11, 12, 13</td>
</tr>
<tr>
<td>June</td>
<td>15, 16, 17, 18, 21, 22, 23, 24</td>
</tr>
<tr>
<td>August</td>
<td>3, 4, 5, 9, 10, 11, 12, 13, 20, 21, 22, 23, 24, 25, 29, 30</td>
</tr>
<tr>
<td>September</td>
<td>1, 2, 6, 7, 8, 9, 27, 28, 29, 30</td>
</tr>
<tr>
<td>October</td>
<td>5, 6, 7, 25, 26, 27, 28</td>
</tr>
<tr>
<td>November</td>
<td>22, 23, 24, 25, 29, 30</td>
</tr>
<tr>
<td>December</td>
<td>1, 2</td>
</tr>
</tbody>
</table>

RADIO BROADCASTS

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

- **CANBERRA**: 1440 AM
- **SYDNEY**: 630 AM
- **NEWCASTLE**: 1458 AM
- **GOSFORD**: 98.1 FM
- **BRISBANE**: 936 AM
- **GOLD COAST**: 95.7 FM
- **MELBOURNE**: 1026 AM
- **ADELAIDE**: 972 AM
- **PERTH**: 585 AM
- **HOBART**: 747 AM
- **NORTHERN TASMANIA**: 92.5 FM
- **DARWIN**: 102.5 FM
FORTIETH PARLIAMENT
FIRST SESSION—NINTH PERIOD

Governor-General

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

Senate Officeholders

President—Senator the Hon. Paul Henry Calvert
Deputy President and Chairman of Committees—Senator John Joseph Hogg
Temporary Chairmen of Committees—Senators the Hon. Nick Bolkus, George Henry
Brandis, Hedley Grant Pearson Chapman, John Clifford Cherry, Alan Baird Ferguson,
Stephen Patrick Hutchins, Linda Jean Kirk, Susan Christine Knowles, Philip Ross Lightfoot,
John Alexander Lindsay (Sandy) Macdonald, Gavin Mark Marshall, Jan Elizabeth McLucas
and John Odin Wentworth Watson

Leader of the Government in the Senate—Senator the Hon. Robert Murray Hill
Deputy Leader of the Government in the Senate—Senator the Hon. Nicholas Hugh Minchin
Leader of the Opposition in the Senate—Senator the Hon. John Philip Faulkner
Deputy Leader of the Opposition in the Senate—Senator Stephen Michael Conroy
Manager of Government Business in the Senate—Senator the Hon. Ian Gordon Campbell
Manager of Opposition Business in the Senate—Senator Joseph William Ludwig

Senate Party Leaders

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

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

<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>Tas</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Allison, Lynette Fay</td>
<td>Vic</td>
<td>30.6.2008</td>
<td>AD</td>
</tr>
<tr>
<td>Barnett, Guy (5)</td>
<td>Tas</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Bartlett, Andrew John Julian</td>
<td>Qld</td>
<td>30.6.2008</td>
<td>AD</td>
</tr>
<tr>
<td>Bishop, Thomas Mark</td>
<td>WA</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Bolkus, Hon. Nick</td>
<td>SA</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Boswell, Hon. Ronald Leslie Doyle</td>
<td>Qld</td>
<td>30.6.2008</td>
<td>NATS</td>
</tr>
<tr>
<td>Brandis, George Henry (2)</td>
<td>Qld</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Brown, Robert James</td>
<td>Tas</td>
<td>30.6.2008</td>
<td>AG</td>
</tr>
<tr>
<td>Buckland, Geoffrey Frederick (4)</td>
<td>SA</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Calvert, Hon. Paul Henry</td>
<td>Tas</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Campbell, George</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Campbell, Hon. Ian Gordon</td>
<td>WA</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Carr, Kim John</td>
<td>Vic</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Chapman, Hedley Grant Pearson</td>
<td>SA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Cherry, John Clifford (3)</td>
<td>Qld</td>
<td>30.6.2005</td>
<td>AD</td>
</tr>
<tr>
<td>Colbeck, Richard Mansell</td>
<td>Tas</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Collins, Jacinta Mary Ann</td>
<td>Vic</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Conroy, Stephen Michael</td>
<td>Vic</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Cook, Hon. Peter Francis Salmon</td>
<td>WA</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Coonan, Hon. Helen Lloyd</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Crossin, Patricia Margaret (4)</td>
<td>NT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Denman, Kay Janet</td>
<td>Tas</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Eggleston, Alan</td>
<td>WA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Ellison, Hon. Christopher Martin</td>
<td>WA</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Evans, Christopher Vaughan</td>
<td>WA</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Faulkner, Hon. John Philip</td>
<td>NSW</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Ferguson, Alan Baird</td>
<td>SA</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Ferris, Jeannie Margaret</td>
<td>SA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Fifield, Mitch (8)</td>
<td>Vic</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Forshaw, Michael George</td>
<td>NSW</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Greig, Brian Andrew</td>
<td>WA</td>
<td>30.6.2005</td>
<td>AD</td>
</tr>
<tr>
<td>Harradine, Brian</td>
<td>Tas</td>
<td>30.6.2005</td>
<td>Ind</td>
</tr>
<tr>
<td>Harris, Leonard William</td>
<td>Qld</td>
<td>30.6.2005</td>
<td>PHON</td>
</tr>
<tr>
<td>Heffernan, Hon. William Daniel</td>
<td>NSW</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Hill, Hon. Robert Murray</td>
<td>SA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Hogg, John Joseph</td>
<td>Qld</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Humphries, Gary John Joseph (1x7)</td>
<td>ACT</td>
<td></td>
<td>LP</td>
</tr>
<tr>
<td>Hutchins, Stephen Patrick</td>
<td>NSW</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Johnston, David Albert Lloyd</td>
<td>WA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Kemp, Hon. Charles Roderick</td>
<td>Vic</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Kirk, Linda Jean</td>
<td>SA</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Knowles, Susan Christine</td>
<td>WA</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Lees, Meg Heather</td>
<td>SA</td>
<td>30.6.2005</td>
<td>APA</td>
</tr>
<tr>
<td>Lightfoot, Philip Ross</td>
<td>WA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Ludwig, Joseph William</td>
<td>Qld</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Lundy, Kate Alexandra (5)</td>
<td>ACT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Macdonald, Hon. Ian Douglas</td>
<td>Qld</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Senator</td>
<td>State or Territory</td>
<td>Term expires</td>
<td>Party</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>--------------------</td>
<td>--------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Macdonald, John Alexander Lindsay (Sandy)</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>NATS</td>
</tr>
<tr>
<td>McGauran, Julian John James</td>
<td>Vic</td>
<td>30.6.2005</td>
<td>NATS</td>
</tr>
<tr>
<td>Mackay, Susan Mary</td>
<td>Tas</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>McLucas, Jan Elizabeth</td>
<td>Qld</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Marshall, Gavin Mark</td>
<td>Vic</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Mason, Brett John</td>
<td>Qld</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Minchin, Hon. Nicholas Hugh</td>
<td>SA</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Moore, Claire Mary</td>
<td>Qld</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Murphy, Shayne Michael</td>
<td>Tas</td>
<td>30.6.2005</td>
<td>Ind</td>
</tr>
<tr>
<td>Murray, Andrew James Marshall</td>
<td>WA</td>
<td>30.6.2008</td>
<td>AD</td>
</tr>
<tr>
<td>Nettle, Kerry Michelle</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>AG</td>
</tr>
<tr>
<td>O’Brien, Kerry Williams Kelso</td>
<td>Tas</td>
<td>30.6.2005</td>
<td>ALP</td>
</tr>
<tr>
<td>Patterson, Hon. Kay Christine Lesley</td>
<td>Vic</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Payne, Marise Ann</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Ray, Hon. Robert Francis</td>
<td>Vic</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Ridgeway, Aden Derek</td>
<td>NSW</td>
<td>30.6.2005</td>
<td>AD</td>
</tr>
<tr>
<td>Santoro, Santo (5)</td>
<td>Qld</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Scullion, Nigel Gregory (1)</td>
<td>NT</td>
<td></td>
<td>CLP</td>
</tr>
<tr>
<td>Sherry, Hon. Nicholas John</td>
<td>Tas</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Stephens, Ursula Mary</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Stott Despoja, Natasha Jessica</td>
<td>SA</td>
<td>30.6.2008</td>
<td>AD</td>
</tr>
<tr>
<td>Tchen, Tsebin</td>
<td>Vic</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Tierney, John William</td>
<td>NSW</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Troeth, Hon. Judith Mary</td>
<td>Vic</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Vanstone, Hon. Amanda Eloise</td>
<td>SA</td>
<td>30.6.2005</td>
<td>LP</td>
</tr>
<tr>
<td>Watson, John Odin Wentworth</td>
<td>Tas</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Webber, Ruth Stephanie</td>
<td>WA</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Wong, Penelope Ying Yen</td>
<td>SA</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
</tbody>
</table>

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

**PARTY ABBREVIATIONS**

AD—Australian Democrats; AG—Australian Greens; ALP—Australian Labor Party; APA—Australian Progressive Alliance; CLP—Country Labor Party; Ind—Independent; LP—Liberal Party of Australia; NATS—The Nationals; PHON—Pauline Hanson’s One Nation

**Heads of Parliamentary Departments**

Clerk of the Senate—H. Evans
Clerk of the House of Representatives—I.C. Harris
Secretary, Department of Parliamentary Services—H.R. Penfold QC
HOWARD MINISTRY

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

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

Minister for Justice and Customs                      Senator the Hon. Christopher Martin Ellison
Minister for Fisheries, Forestry and Conservation    Senator the Hon. Ian Douglas Macdonald
Minister for the Arts and Sport                       Senator the Hon. Charles Roderick Kemp
Minister for Small Business and Tourism               The Hon. Joseph Benedict Hockey MP
Minister for Science and Deputy Leader of the        The Hon. Peter John McGauran MP
  House
Minister for Local Government, Territories and        The Hon. James Eric Lloyd MP
  Roads
Minister for Children and Youth Affairs               The Hon. Lawrence James Anthony MP
Minister for Employment Services and Minister         The Hon. Frances Esther Bailey MP
  Assisting the Minister for Defence
Special Minister of State                              Senator the Hon. Eric Abetz
Minister for Veterans’ Affairs                         The Hon. Danna Sue Vale MP
Minister for Revenue and Assistant Treasurer           The Hon. Malcolm Thomas Brough MP
Minister for Ageing                                    The Hon. Julie Isabel Bishop MP
Minister for Citizenship and Multicultural Affairs    The Hon. Gary Douglas Hardgrave MP
  and Minister Assisting the Prime Minister
Parliamentary Secretary to the Prime Minister          The Hon. Jacqueline Marie Kelly MP
Parliamentary Secretary to the Minister for           The Hon. De-Anne Margaret Kelly
  Transport and Regional Services and
Parliamentary Secretary to the Minister for            
  Trade
Parliamentary Secretary to the Treasurer               The Hon. Ross Alexander Cameron MP
Parliamentary Secretary to the Minister for            The Hon. Bruce Fredrick Billson MP
  Foreign Affairs
Parliamentary Secretary to the Minister for            The Hon. Teresa Gambaro MP
  Defence
Parliamentary Secretary to the Minister for            The Hon. Dr Sharman Nancy Stone MP
  the Environment and Heritage
Parliamentary Secretary to the Minister for            The Hon. Peter Neil Slipper MP
  Finance and Administration
Parliamentary Secretary to the Minister for            Senator the Hon. Judith Mary Troeth
  Agriculture, Fisheries and Forestry
Parliamentary Secretary to the Minister for Family     The Hon. Christopher Maurice Pyne
  and Community Services
Parliamentary Secretary to the Minister for Health      The Hon. Patricia Mary Worth MP
  and Ageing
Parliamentary Secretary to the Minister for            The Hon. Warren George Entsch MP
  Industry, Tourism and Resources
## SHADOW MINISTRY

**Leader of the Opposition**  
Mark Latham MP

**Deputy Leader of the Opposition and Shadow Minister for Employment, Education and Training**  
Jennifer Louise Macklin MP

**Leader of the Opposition in the Senate, Shadow Special Minister of State and Shadow Minister for Public Administration and Accountability**  
Senator the Hon. John Philip Faulkner

**Deputy Leader of the Opposition in the Senate and Shadow Minister for Trade, Corporate Governance and Financial Services**  
Senator Stephen Michael Conroy

**Shadow Minister for Employment Services and Training**  
Anthony Norman Albanese MP

**Shadow Minister for Defence**  
The Hon. Kim Beazley MP

**Shadow Minister for Veterans’ Affairs and Shadow Minister for Customs**  
Senator Thomas Mark Bishop

**Shadow Minister for Industry and Innovation and Shadow Minister for Science and Research**  
Senator Kim John Carr

**Shadow Minister for Children and Youth**  
Senator Jacinta Mary Ann Collins

**Shadow Minister for Revenue and Shadow Assistant Treasurer**  
David Alexander Cox MP

**Shadow Treasurer and Deputy Manager of Opposition Business in the House**  
The Hon Simon Findlay Crean MP

**Shadow Minister for Ageing and Seniors and Shadow Minister for Disabilities**  
Annette Louise Ellis MP

**Shadow Minister for Workplace Relations and Shadow Minister for the Public Service**  
Craig Anthony Emerson MP

**Shadow Minister for Defence Procurement, Science and Personnel**  
Senator Chris Evans

**Shadow Minister for Population, Citizenship and Multicultural Affairs**  
Laurence Donald Thomas Ferguson MP

**Shadow Minister for Urban and Regional Development and Shadow Minister for Transport and Infrastructure**  
Martin John Ferguson MP

**Shadow Minister for Mining, Energy and Forestry**  
Joel Andrew Fitzgibbon MP

**Shadow Minister for Health and Manager of Opposition Business in the House**  
Julia Eileen Gillard MP

**Shadow Minister for Consumer Affairs and Assisting the Shadow Minister for Health**  
Alan Peter Griffin MP

**Shadow Minister for Information Technology, Shadow Minister for Sport and Recreation and Shadow Minister for the Arts**  
Senator Kate Alexandra Lundy

**Shadow Minister for Homeland Security**  
Robert Bruce McClelland MP
SHADOW MINISTRY—continued

Shadow Minister for Finance and Shadow Minister for Small Business
Robert Francis McMullan MP

Shadow Minister for Housing, Urban Development and Local Government
Daryl Melham MP

Shadow Minister for Reconciliation and Indigenous Affairs and Shadow Minister for Tourism, Regional Services and Territories
Senator Kerry William Kelso O’Brien

Shadow Minister for Agriculture and Fisheries
Gavan Michael O’Connor MP

Shadow Attorney-General and Assisting the Leader on the Status of Women
Nicola Louise Roxon MP

Shadow Minister for Foreign Affairs and International Security
Kevin Michael Rudd MP

Shadow Minister for Retirement Incomes and Savings
Senator the Hon. Nicholas John Sherry

Shadow Minister for Immigration
Stephen Francis Smith

Shadow Minister for Family and Community Services
Wayne Maxwell Swan MP

Shadow Minister for Communications and Shadow Minister for Community Relationships
Lindsay James Tanner MP

Shadow Minister for Sustainability, the Environment and Heritage
Kelvin John Thomson MP

Parliamentary Secretary for Industry, Innovation, Science and Research
Senator George Campbell

Parliamentary Secretary to the Leader of the Opposition
Senator the Hon. Peter Francis Salmon Cook

Parliamentary Secretary for Defence
The Hon. Graham John Edwards MP

Parliamentary Secretary for Family and Community Services
Senator Michael George Forshaw

Parliamentary Secretary for Sustainability, the Environment and Heritage
Kirsten Fiona Livermore MP

Parliamentary Secretary to the Attorney-General and for Homeland Security; Manager of Business in the Senate
Senator Joseph William Ludwig

Parliamentary Secretary to the Leader of the Opposition
John Paul Murphy MP

Parliamentary Secretary for Communications
Michelle Anne O’Byrne MP

Parliamentary Secretary for Agriculture and Resources
Peter Sid Sidebottom MP

Parliamentary Secretary for Northern Australia and Reconciliation
The Hon. Warren Edward Snowdon MP

Parliamentary Secretary for Urban and Regional Development, Transport, Infrastructure and Tourism
Christian John Zahra MP
CONTENTS

TUESDAY, 3 AUGUST

Australian Labor Party—
Leadership and Office Holders ........................................................................................................ 25319
Committees—
   Economics Legislation Committee—Meeting ........................................................................ 25321
   Free Trade Agreement Committee—Membership ................................................................ 25321
US Free Trade Agreement Implementation Bill 2004 and
US Free Trade Agreement Implementation (Customs Tariff) Bill 2004—
   First Reading ............................................................................................................................. 25321
   Second Reading ........................................................................................................................ 25321
Ministerial Arrangements .................................................................................................................. 25345
Questions Without Notice—
   Telstra: Line Rental Charges .................................................................................................. 25347
   Howard Government: Economic Policy ................................................................................ 25349
Distinguished Visitors ...................................................................................................................... 25350
Questions Without Notice—
   Telstra: Foxtel .......................................................................................................................... 25350
   Trade: Policy ............................................................................................................................. 25351
   Telstra: Services ....................................................................................................................... 25352
   Trade: Free Trade Agreement .................................................................................................. 25353
   Health: Immunisation .............................................................................................................. 25354
   Trade: Free Trade Agreement .................................................................................................. 25356
   Taxation: Family Payments ..................................................................................................... 25356
   Trade: Free Trade Agreement .................................................................................................. 25358
   Health: Immunisation .............................................................................................................. 25359
   Trade: Free Trade Agreement .................................................................................................. 25360
Free Trade Agreement Committee: Interim Report ......................................................................... 25361
Questions Without Notice: Take Note of Answers—
   Telstra: Services ....................................................................................................................... 25362
   Trade: Free Trade Agreement .................................................................................................. 25368
Condolences—
   Jenkins, Hon. Dr Henry Alfred, AM ...................................................................................... 25369
   Simon, Mr Barry Douglas ......................................................................................................... 25373
Petitions—
   East Timor: Oil and Gas Fields .............................................................................................. 25373
   Education: Funding ................................................................................................................... 25373
   Medicare ................................................................................................................................... 25373
   Child Abuse ............................................................................................................................... 25374
   Indigenous Affairs: Government Policy .................................................................................. 25374
   Military Detention: Australian Citizens ................................................................................... 25374
Notices—
   Presentation ............................................................................................................................... 25374
Leave of Absence .............................................................................................................................. 25377
Committees—
   Economics Legislation Committee—Extension of Time ........................................................ 25377
Notices—
   Postponement .......................................................................................................................... 25377
Documents—
   Tabling ....................................................................................................................................... 25377
CONTENTS—continued

Australian Intelligence Services ................................................................. 25391
Committees—
  Privileges Committee—Report ................................................................. 25395
Budget—
  Consideration by Legislation Committees—Additional Information .......... 25396
  Consideration by Legislation Committees—Additional Information .......... 25397
Committees—
  Foreign Affairs, Defence and Trade: Joint—Report .................................. 25397
Bills Returned from the House of Representatives ........................................ 25397
Surveillance Devices Bill (No. 2) 2004—
  First Reading .............................................................................................. 25397
  Second Reading ........................................................................................... 25397
Textile, Clothing and Footwear Strategic Investment Program Amendment
  (Post-2005 scheme) Bill 2004 and
Customs Tariff Amendment (Textile, Clothing and Footwear Post-2005 Arrangements)
  Bill 2004—
    First Reading ............................................................................................ 25399
    Second Reading .......................................................................................... 25400
Workplace Relations Amendment (Protecting Small Business Employment) Bill 2004... 25402
Anti-terrorism Bill (No. 2) 2004—
  First Reading .............................................................................................. 25402
  Second Reading ........................................................................................... 25402
Assent .............................................................................................................. 25405
US Free Trade Agreement Implementation Bill 2004 and
US Free Trade Agreement Implementation (Customs Tariff) Bill 2004—
  Second Reading ........................................................................................... 25406
Documents—
  Sport: Drug Testing ................................................................................... 25437
Adjournment—
  Australian Broadcasting Corporation: Monitoring .................................... 25439
  Taxation: Income Tax .................................................................................. 25442
  Education: Universities ................................................................................ 25444
  Veterans: Health Services .......................................................................... 25446
  Caboolture Region: Education ................................................................... 25449
  Community Services: Domestic Violence ............................................... 25451
  Townsville City Council ............................................................................. 25453
  Health and Ageing: Aged Care ................................................................. 25455
Documents—
  Tabling ......................................................................................................... 25456
  Tabling ......................................................................................................... 25457
Proclamations ................................................................................................. 25463
Questions on Notice—
  Telstra: Funding—(Question No. 1619) ..................................................... 25464
  Communications Legislation Amendment Bill (No. 2) 2003—(Question No. 2421)  .. 25465
  Trade: Imported Motor Vehicles—(Question No. 2543) ............................ 25465
  Australian Broadcasting Corporation—(Question No. 2553) ..................... 25469
  Telecommunications: Internet Services—(Question No. 2563) ................. 25471
  Telstra: Late Payment Fee—(Question No. 2566) ........................................ 25473
  Environment: Mount Lyell Mine—(Question No. 2580) ......................... 25473
CONTENTS—continued

Motor Vehicles: Vehicle Classifications and Safety Standards—(Question No. 2595).......................................................... 25474
Environment: Greenhouse Gas Abatement Program—(Question No. 2614).......................................................... 25475
Environment: Greenhouse Gas Abatement Program—(Question No. 2616).......................................................... 25476
Environment: Greenhouse Gas Abatement Program—(Question No. 2617).......................................................... 25476
Environment: Greenhouse Gas Abatement Program—(Question No. 2618).......................................................... 25477
Environment: Greenhouse Gas Abatement Program—(Question No. 2619).......................................................... 25477
Environment: Oil Recycling—(Question No. 2622)................................................................................................................... 25478
Environment: Photovoltaic Rebate Program—(Question No. 2623)................................................................................. 25478
Renewable Energy Development and Commercialisation Program—(Question No. 2624).......................................................... 25480
Renewable Remote Power Generation Program—(Question No. 2625)................................................................................. 25481
Australian Federal Police: E-Security National Agenda—(Question No. 2645)........................................................................... 25487
Veterans: Rent Assistance—(Question No. 2670)................................................................................................................... 25487
Australian Federal Police: Law Enforcement Powers—(Question No. 2754).......................................................... 25490
Aviation: Security—(Question No. 2770)................................................................................................................... 25491
Australian Customs Service—(Question No. 2776)................................................................................................................... 25492
Environment: Salinity and Water Quality—(Question No. 2797)................................................................................. 25495
Genetically Modified Organisms—(Question No. 2818)................................................................................................................... 25496
Fisheries: Illegal Fishing—(Question No. 2824)................................................................................................................... 25496
Environment: Natural Heritage Trust—(Question No. 2854)................................................................................. 25496
Environment: Natural Heritage Trust—(Question No. 2855)................................................................................. 25497
Environment: Natural Heritage Trust—(Question No. 2856)................................................................................. 25503
Environment: Natural Heritage Trust—(Question No. 2857)................................................................................. 25506
Environment: Natural Heritage Trust—(Question No. 2858)................................................................................. 25516
Environment: Sunrise Gas Development Proposal—(Question No. 2859)................................................................................. 25519
Fisheries: High Seas Fishing Permits—(Question No. 2865)................................................................................. 25520
Roads: Scoresby Freeway—(Question No. 2868)................................................................................................................... 25526
Australian Federal Police: Investigations—(Question No. 2874)................................................................................. 25527
Attorney-General’s: Legal Professional Privilege—(Question No. 2878)................................................................................. 25527
Telstra—(Question No. 2886)................................................................................................................... 25529
Science: Cooperative Research Centres—(Question No. 2896)................................................................................. 25530
Education: Literacy and Numeracy Benchmarks—(Question No. 2897)................................................................................. 25531
Iraq—(Question No. 2903)................................................................................................................... 25532
Australian Federal Police: Investigations—(Question No. 2904)................................................................................. 25532
Australian Customs Service: Public Awareness Campaign—(Question No. 2924)................................................................................. 25533
Environment: Renewable Natural Fibres—(Question No. 2933)................................................................................. 25535
Military Detention: Australian Citizens—(Question No. 2937)................................................................................. 25536
Australian Customs Service—(Question No. 2943)................................................................................................................... 25537
Trade: Imports—(Question No. 2944)................................................................................................................... 25538
Environment: Energy Efficiency Building Systems—(Question No. 2951)................................................................................. 25538
Environment: Australian Greenhouse Office—(Question No. 2954)................................................................................. 25539
Defence: Armoured Fighting Vehicles—(Question No. 2955)................................................................................. 25540
Australian Defence Force Parliamentary Program—(Question No. 2956)................................................................................. 25542
Agriculture: Hemp—(Question No. 2959)................................................................................................................... 25543
New Apprenticeships: Advertising Campaign—(Question No. 2970)................................................................................. 25543
Education: Higher Education—(Question No. 2971)................................................................................................................... 25544
Smart Travel Advertising Campaign—(Question No. 2979)................................................................................. 25546
Environment: Woodside Energy Ltd—(Question No. 2999)................................................................................. 25547
CONTENTS—continued

Environment Protection and Biodiversity Conservation Act 1999: Administration
and Legal Services—(Question No. 3003)............................................................. 25548
Transport: Vertical Exhaust Stacks—(Question No. 3008) .................................. 25548
Iraq—(Question No. 3009)..................................................................................... 25549
Defence: Capability and Technology Demonstrator Program—(Question No. 3010) 25551
United States: Comprehensive Nuclear Test Ban Treaty—(Question No. 3018) ....... 25554
Environment: Australian Greenhouse Office—(Question No. 3019)..................... 25554
Foreign Affairs: Israel—(Question No. 3020)....................................................... 25554
Foreign Affairs: Israel—(Question No. 3021)....................................................... 25555
Australian Broadcasting Corporation—(Question No. 3022).............................. 25555
Trade: Free Trade Agreement—(Question No. 3023) ......................................... 25556
Foreign Affairs: Nauru—(Question No. 3040)...................................................... 25556
Foreign Affairs: Papua New Guinea—(Question No. 3051)............................... 25557
brief matter indeed. On behalf of the opposition I seek leave to incorporate in *Hansard* details of the shadow ministry and other parliamentary arrangements.

Leave granted.

*The document read as follows—*

<table>
<thead>
<tr>
<th>SHADOW MINISTRY</th>
<th>2 August 2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>PORTFOLIO</td>
<td>SHADOW MINISTER</td>
</tr>
<tr>
<td>Leader</td>
<td>Mark Latham</td>
</tr>
<tr>
<td>Deputy Leader;</td>
<td>Jenny Macklin</td>
</tr>
<tr>
<td>Employment,</td>
<td></td>
</tr>
<tr>
<td>Education and</td>
<td></td>
</tr>
<tr>
<td>Training</td>
<td>Senator John Faulkner</td>
</tr>
<tr>
<td>Leader in the</td>
<td></td>
</tr>
<tr>
<td>Senate; Special</td>
<td></td>
</tr>
<tr>
<td>Minister of</td>
<td></td>
</tr>
<tr>
<td>State; Public</td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td></td>
</tr>
<tr>
<td>and Account-</td>
<td></td>
</tr>
<tr>
<td>ability</td>
<td></td>
</tr>
<tr>
<td>Deputy Leader in</td>
<td></td>
</tr>
<tr>
<td>Senate; Trade,</td>
<td>Senator Stephen Conroy</td>
</tr>
<tr>
<td>Corporate</td>
<td></td>
</tr>
<tr>
<td>Governance and</td>
<td></td>
</tr>
<tr>
<td>Financial</td>
<td></td>
</tr>
<tr>
<td>Services</td>
<td></td>
</tr>
<tr>
<td>Employment</td>
<td>Anthony Albanese</td>
</tr>
<tr>
<td>Services and</td>
<td></td>
</tr>
<tr>
<td>Training</td>
<td></td>
</tr>
<tr>
<td>Defence</td>
<td>Kim Beazley</td>
</tr>
<tr>
<td>Veterans’ Affairs;</td>
<td></td>
</tr>
<tr>
<td>Customs</td>
<td>Senator Mark Bishop</td>
</tr>
<tr>
<td>Industry and</td>
<td></td>
</tr>
<tr>
<td>Innovation;</td>
<td></td>
</tr>
<tr>
<td>Science and</td>
<td>Senator Kim Carr</td>
</tr>
<tr>
<td>Research</td>
<td></td>
</tr>
<tr>
<td>Children and</td>
<td></td>
</tr>
<tr>
<td>Youth</td>
<td>Senator Jacinta Collins</td>
</tr>
<tr>
<td>Revenue and</td>
<td></td>
</tr>
<tr>
<td>Assistant</td>
<td>David Cox</td>
</tr>
<tr>
<td>Treasurer;</td>
<td></td>
</tr>
<tr>
<td>Deputy Manager</td>
<td>Simon Crean</td>
</tr>
<tr>
<td>of Business in</td>
<td></td>
</tr>
<tr>
<td>the House</td>
<td></td>
</tr>
<tr>
<td>Ageing and</td>
<td>Annette Ellis</td>
</tr>
<tr>
<td>Seniors;</td>
<td></td>
</tr>
<tr>
<td>Disabilities</td>
<td></td>
</tr>
<tr>
<td>Workplace</td>
<td>Craig Emerson</td>
</tr>
<tr>
<td>Relations; the</td>
<td></td>
</tr>
<tr>
<td>Public Service</td>
<td></td>
</tr>
<tr>
<td>Defence</td>
<td>Senator Chris Evans</td>
</tr>
<tr>
<td>Procurement,</td>
<td></td>
</tr>
<tr>
<td>Science and</td>
<td></td>
</tr>
<tr>
<td>Personnel</td>
<td></td>
</tr>
<tr>
<td>Population,</td>
<td>Laurie Ferguson</td>
</tr>
<tr>
<td>Citizenship</td>
<td></td>
</tr>
<tr>
<td>and Multicultural Affairs</td>
<td></td>
</tr>
<tr>
<td>Urban and</td>
<td>Martin Ferguson</td>
</tr>
<tr>
<td>Regional</td>
<td></td>
</tr>
<tr>
<td>Development;</td>
<td></td>
</tr>
<tr>
<td>Transport and</td>
<td></td>
</tr>
<tr>
<td>Infrastructure</td>
<td></td>
</tr>
<tr>
<td>Mining, Energy</td>
<td>Joel Fitzgibbon</td>
</tr>
<tr>
<td>and Forestry</td>
<td></td>
</tr>
<tr>
<td>Health;</td>
<td>Julia Gillard</td>
</tr>
<tr>
<td>Manager of</td>
<td></td>
</tr>
<tr>
<td>Business in the</td>
<td></td>
</tr>
<tr>
<td>House</td>
<td></td>
</tr>
</tbody>
</table>

CHAMBER
<table>
<thead>
<tr>
<th>PORTFOLIO</th>
<th>SHADOW MINISTER</th>
<th>OTHER CHAMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consumer Affairs; Assisting the Shadow Minister for Health</td>
<td>Alan Griffin</td>
<td>Senator Michael Forshaw</td>
</tr>
<tr>
<td>Information Technology; Sport and Recreation; The Arts</td>
<td>Senator Kate Lundy</td>
<td>Lindsay Tanner</td>
</tr>
<tr>
<td>Homeland Security</td>
<td>Robert McClelland</td>
<td>Senator John Faulkner</td>
</tr>
<tr>
<td>Finance; Small Business</td>
<td>Bob McMullan</td>
<td>Senator Stephen Conroy</td>
</tr>
<tr>
<td>Housing, Urban Development and Local Government</td>
<td>Daryl Melham</td>
<td>Senator George Campbell</td>
</tr>
<tr>
<td>Reconciliation and Indigenous Affairs; Tourism, Regional Services and Territories</td>
<td>Senator Kerry O’Brien</td>
<td>Bob McMullan Daryl Melham</td>
</tr>
<tr>
<td>Agriculture and Fisheries</td>
<td>Gavan O’Connor</td>
<td>Senator Kerry O’Brien</td>
</tr>
<tr>
<td>Attorney-General; Assisting the Leader on the Status of Women</td>
<td>Nicola Roxon</td>
<td>Senator Joseph Ludwig Senator Kate Lundy</td>
</tr>
<tr>
<td>Foreign Affairs and International Security</td>
<td>Kevin Rudd</td>
<td>Senator John Faulkner</td>
</tr>
<tr>
<td>Retirement Incomes and Savings</td>
<td>Senator Nick Sherry</td>
<td>David Cox</td>
</tr>
<tr>
<td>Immigration</td>
<td>Stephen Smith</td>
<td>Senator Nick Sherry</td>
</tr>
<tr>
<td>Family and Community Services</td>
<td>Wayne Swan</td>
<td>Senator Jacinta Collins</td>
</tr>
<tr>
<td>Communications; Community Relationships</td>
<td>Lindsay Tanner</td>
<td>Senator Mark Bishop</td>
</tr>
<tr>
<td>Sustainability, the Environment and Heritage</td>
<td>Kelvin Thomson</td>
<td>Senator Kate Lundy</td>
</tr>
<tr>
<td>Parliamentary Secretaries</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parliamentary Secretary for Industry, Innovation, Science and Research</td>
<td>Senator George Campbell</td>
<td></td>
</tr>
<tr>
<td>Parliamentary Secretary to the Leader of the Opposition</td>
<td>Senator Peter Cook</td>
<td></td>
</tr>
<tr>
<td>Parliamentary Secretary for Defence</td>
<td>Graham Edwards</td>
<td></td>
</tr>
<tr>
<td>Parliamentary Secretary for Family and Community Services</td>
<td>Senator Michael Forshaw</td>
<td></td>
</tr>
<tr>
<td>Parliamentary Secretary for Employment, Education and Training</td>
<td>Kirsten Livermore</td>
<td></td>
</tr>
<tr>
<td>Parliamentary Secretary to the Attorney-General and for Homeland Security; Manager of Business in the Senate</td>
<td>Senator Joe Ludwig</td>
<td></td>
</tr>
<tr>
<td>Parliamentary Secretary to the Leader of the Opposition</td>
<td>John Murphy</td>
<td></td>
</tr>
<tr>
<td>Parliamentary Secretary for Communications</td>
<td>Michelle O’Byrne</td>
<td></td>
</tr>
<tr>
<td>Parliamentary Secretary for Agriculture and Resources</td>
<td>Sid Sidebottom</td>
<td></td>
</tr>
<tr>
<td>Parliamentary Secretary for Northern Australia and Reconciliation</td>
<td>Warren Snowdon</td>
<td></td>
</tr>
</tbody>
</table>
SHADOW MINISTRY
2 August 2004

<table>
<thead>
<tr>
<th>PORTFOLIO</th>
<th>SHADOW MINISTER</th>
<th>OTHER CHAMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parliamentary Secretary for Urban and Regional Development, Transport, Infrastructure and Tourism</td>
<td>Christian Zahra</td>
<td></td>
</tr>
<tr>
<td>Chief Opposition Whip</td>
<td>Janice Crosio</td>
<td>Senate Whip</td>
</tr>
<tr>
<td>Whip in the House of Representatives</td>
<td>Michael Danby</td>
<td>Deputy Senate Whip</td>
</tr>
<tr>
<td>Whip in the House of Representatives</td>
<td>Harry Quick</td>
<td>Deputy Senate Whip</td>
</tr>
</tbody>
</table>

COMMITTEES

Economics Legislation Committee

**Meeting**

**Senator FERRIS** (South Australia) (12.31 p.m.)—by leave—At the request of the Chair of the Economics Legislation Committee, Senator Brandis, I move:

That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 3.30 pm, to take evidence for the committee’s inquiry into the provisions of the Textile, Clothing and Footwear Strategic Investment Program Amendment (Post-2005 scheme) Bill 2004 and a related bill.

Question agreed to.

Free Trade Agreement Committee

**Membership**

**The PRESIDENT**—I have received a letter from a party leader seeking to vary the membership of a committee.

**Senator IAN CAMPBELL** (Western Australia—Minister for the Environment and Heritage) (12.32 p.m.)—by leave—I move:

That Senator Kirk replace Senator Cook on the Select Committee on the Free Trade Agreement between Australia and the United States of America for the period 3 to 9 August 2004.

Question agreed to.

US FREE TRADE AGREEMENT IMPLEMENTATION BILL 2004

US FREE TRADE AGREEMENT IMPLEMENTATION (CUSTOMS TARIFF) BILL 2004

**First Reading**

Bills received from the House of Representatives.

**Senator HILL** (South Australia—Minister for Defence) (12.33 p.m.)—I move:

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

Question agreed to.

Bills read a first time.

**Second Reading**

**Senator HILL** (South Australia—Minister for Defence) (12.33 p.m.)—I table a correction to the explanatory memorandum to the US Free Trade Agreement Implementation Bill 2004 and move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

**US FREE TRADE AGREEMENT IMPLEMENTATION BILL 2004**

I am pleased to introduce the implementing legislation for the Australia-United States Free Trade
Agreement. This FTA has been several years in the making including eleven months of face to face negotiation. The outcome is an unprecedented opportunity for Australia and Australian exporters.

The Agreement will immediately extend and intensify Australia’s trade relationship with the world’s largest and most dynamic economy and largest merchandise and services exporter and importer. From the day it enters into force it will deliver real benefits and opportunities for Australian exporters. In the longer-term, dynamic gains from the Agreement promise to yield even larger benefits to the Australian economy and to Australian families.

Independent economic analysis suggests the FTA will result in a boost to the Australian economy of over $6 billion a year one decade after coming into force and create more than 30,000 additional Australian jobs.

While there are differences of view over the ongoing dynamic effects of liberalisation and deregulation the critics in this academic debate ignore the practical evidence of the growth and dynamism of the Australian economy that has occurred with previous de-regulation and reform. And has seen an economic performance which has out-stripped the rest of the developed world for the past several years.

This legislation presents the Parliament with its opportunity to emphatically endorse this landmark agreement. Passage of this legislation through the Australian Parliament leading to the entry into force of the Agreement will see Australian industry benefiting from the immediate elimination of virtually all US tariffs on Australian industrial products. It will deliver the early removal of two thirds of all US agricultural tariffs (including lamb and horticultural products) and the elimination of a further 9 percent of agricultural tariffs within 4 years. Parliament’s green light to the legislation will deliver significantly improved access conditions for beef and the immediate doubling of Australia’s dairy exports to the US market. It will deliver the strong legal protections that will underpin services trade and Australian investment in the United States.

Of course Australia did not secure all its objectives in the Agreement. And neither did the United States. Reaching agreement with the United States Government required moderating some of our industry interests in the US market. The outcome on sugar was a particular disappointment. Similarly, United States negotiators wound back some of their ambitions in the interests of concluding the deal. This Government did not, however, compromise elements of public policy vital to the well-being of Australia and Australians. The Government preserved the critical elements of our quarantine regime, the Pharmaceutical Benefits Scheme and the right to ensure local content in Australian broadcasting and audiovisual services.

Let there be no misunderstanding on this point. The Agreement I signed in Washington on 18 May—and the legislation I am introducing today—does not, and will not have any detrimental effect on the PBS. It will not cause drug prices to rise. It will not delay the availability of generic medicines. It does not touch legislation implementing the PBS. The Pharmaceutical Benefits Advisory Committee will remain the gatekeeper to the system, the Minister for Health and Ageing will remain the only authority capable of listing a drug on the PBS, and cost effectiveness will remain the basis against which applications to list a drug will be judged.

The Government’s agreement to increased transparency and a review process is consistent with current PBS legislation. No change is required to that legislation to effect our commitment to the United States under this Agreement.

If a drug is not cost effective, no amount of transparency or review will make it cost effective and it should not, and will not, be listed. If a drug is cost effective, it will and should be listed—and increased transparency in PBS processes can only assist this. In fact, as we have seen in recent years increased transparency in the PBS benefits Australian consumers of pharmaceuticals.

The US Free Trade Agreement Implementation Bill 2004 consists of 9 schedules amending relevant Australian legislation to fulfil our obligations under the FTA. Passage of this legislation is the primary process in our domestic implementation—prompt passage will allow us to meet the target date of 1 January 2005 we have agreed with the United States for entry into force.
In detailing the changes to Australian legislation incorporated in this Bill, I want to make clear that a number of these changes are consistent with legislation that was already in the pipeline or otherwise reflecting changes already under consideration. In other areas, legislative changes proposed in this Bill reflect Australia’s own experience of policy and practice and particular Australian circumstances.

Schedule One amends the Customs Act 1901 to incorporate the rules for determining whether goods originate in the United States, and are therefore eligible for preferential duty rates, and to introduce powers to allow Customs to conduct verifications of Australian exporters to ensure that the goods they export to the United States were produced in Australia.

These new rules have been endorsed by Australian business as a cheaper and easier way to prove origin.

For a long time, stakeholders in the agricultural sector have been arguing that innovation in new chemistry and alternative technologies has been stifled by existing data protection provisions. In May 2003, the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry, Senator the Hon Judith Troeth, achieved agreement with key stakeholders, including all State and Territory Governments, on a suite of reforms. These reforms build into the Agricultural and Veterinary Chemicals Code Act 1994 mechanisms encouraging early entry of newer innovation in chemical technologies and develop a system providing additional reward to those innovators who move to support the more vulnerable users within Australia’s agricultural sector. The proposed reforms have been strongly supported and keenly anticipated by nearly all stakeholders, including manufacturers and users and all State and Territory Governments.

The obligations arising from the FTA are entirely consistent with the suite of reforms that had already been developed. Schedule Two of the Bill amends the Agricultural and Veterinary Chemicals Code Act 1994 to implement the first part of Senator Troeth’s reforms. It has not been appropriate, nor is it desirable, to inject additional measures into the AUSFTA Bill that might confuse the debate on the core rationale for its introduction. However, in recognition of the importance of these reforms to a very broad range of stakeholders, the Government remains committed to implementing the full suite of reforms in a second Bill as soon as is practicable after this Bill has been introduced.

Schedule Three amends the Australian Wine and Brandy Corporation Act 1980 to provide specific procedures for the owner of a trademark to object to the determination of an Australian geographical indication (GI) on the basis of pre-existing trademark rights and procedures for the cancellation of an Australian GI. This amendment simply codifies the existing practice of the GI Committee of the Australian Wine and Brandy Corporation and has been developed in close consultation with the Winemakers’ Federation of Australia.

Schedule Four amends the Life Insurance Act 1995 to allow foreign life insurance companies to establish branches in Australia for the purpose of carrying out life insurance business in Australia. Currently only entities incorporated in Australia are able to conduct life insurance business in Australia. For an entity to establish a branch in Australia for the purposes of carrying on life insurance business, it will need to be incorporated in a foreign country, be authorised to carry on life insurance business in that foreign country, and meet the conditions contained in the regulations to the Life Insurance Act 1995.

Schedule Five amends the Foreign Acquisitions and Takeovers Act 1975 (FATA) to implement changes to foreign investment policy agreed as an outcome of the AUSFTA. Specifically, it enables

- exemption from the Act for acquisitions of interests in financial sector companies covered by powers under the Financial Sector (Shareholdings) Act 1998;
- introduction of a screening threshold of $800 million for acquisitions of interests in Australian businesses in non-sensitive sectors;
- introduction of a screening threshold of $50 million for acquisitions of interests in Australian businesses in defined sensitive sectors and by the United States Government. The sensitive sectors include: media; telecommunications; transport; encryption, security and communications technologies; the develop-
ment, manufacture or supply of training, goods, equipment or technologies for the Australian or other armed forces, or able to be used for a military purpose; and the extraction of uranium or plutonium or the operation of nuclear facilities;

Schedule Six amends the Commonwealth Authorities and Companies Act 1997 to empower the Finance Minister to issue directions to the directors of Commonwealth authorities and wholly-owned Commonwealth companies regarding procurement. The directions may apply, adopt or incorporate some or all of the Commonwealth Procurement Guidelines, issued by the Finance Minister under the Financial Management and Accountability Regulations 1997.

Schedule Seven amends the Therapeutic Goods Act 1989, primarily to provide that an applicant seeking to include therapeutic goods in the Australian Register of Therapeutic Goods must provide one of two certificates. Either, they must certify that the applicant does not propose to market those therapeutic goods in a way or in circumstances that would involve an infringement of a patent, or they may certify that the applicant proposes to market the therapeutic good before the expiry of the patent for such goods and that the applicant has notified the patentee about its application to include goods in the Register.

These amendments carefully balance the interests of the generic and innovator pharmaceuticals industries in Australia, while ensuring that the primary responsibility for resolving patent disputes remains with the patent holder and the party challenging the validity of a patent. These amendments protect the capacity to ‘springboard’ generics onto the market—ensuring that the US FTA will not delay the entry of drugs onto the PBS.

Schedule Eight amends the Patents Act 1990 to ensure Australia complies with the obligation in AUSFTA that a patent can only be revoked on the same grounds as it could have been refused. The amendments extend the grounds on which the grant of a patent can be opposed to include an invention not being useful or having been secretly used. The amendments also remove a ground of revocation (non-compliance with a condition of a patent) which is no longer applicable to granted patents. These amendments protect the existing grounds for revocation under Australian law.

Schedule Nine introduces a range of amendments to the Copyright Act 1968 to give effect to Australia’s obligations under AUSFTA. Certain amendments are also made to allow Australia to accede to the World Intellectual Property Organisation (WIPO) Copyright Treaty 1996 (WCT) and the WIPO Performances and Phonograms Treaty 1996 (WPPT).

The amendments to the Copyright Act provide:

- New rights—both economic and moral—for performers in sound recordings;
- Extension of the term of protection for most copyright material by 20 years;
- Alignment of the term of protection of photographs with other artistic works;
- Implementation of a scheme for limitation of remedies available against Carriage Service Providers (CSPs) for copyright infringement in relation to specified activities carried out on their systems and networks, providing certain conditions are satisfied;
- Wider criminal provisions, including for copyright infringement that was undertaken for commercial advantage or profit, and significant infringement on a commercial scale;
- New provisions for the broader protection of encoded broadcasts (such as pay TV);
- Broader protection for electronic rights management information; and
- Protection against a wider range of unauthorised reproductions.

These changes are significant. But as I suggested earlier in this statement, it is important to be clear that these amendments do not represent the wholesale adoption of the US intellectual property regime. We have not stepped back from best practice elements of Australia’s copyright regime—but we have strengthened protection in certain circumstances—providing a platform for Australia to attract and incubate greater creativity and innovation.

In conclusion, I want to return to the key question at issue for the Parliament arising from the tabling of this Bill.
The key question is not the precise estimated net benefit to the Australian economy that will flow from this FTA—that is a debate for economic modellers. It is not trawling again through unsubstantiated complaints about the negative impact of the Agreement on the PBS, audio-visual industry and intellectual property users—many of which have been given uncritical air-play by the media over many months.

The Government has protected Australia’s national interest in these areas. We have retained flexibility to assure that Australian stories are seen on Australian screens now and into the future, we have protected the PBS, and we have created a strong protection regime for intellectual property in Australia which will attract and encourage creativity and innovation—and commercialisation of such innovation.

The crucial question that this Parliament does need to understand and to address squarely is what would happen if it failed to pass this legislation?

Let me make it quite clear what would happen. Delay or dismissal of this legislation will not simply defer the benefits of the Agreement. There appears to be a naïve view among some opposite that delaying passage of this legislation, or consideration of the Agreement as a whole, would afford an opportunity to review at leisure the provisions of this Agreement, and even to renegotiate aspects of it. This is a dangerous delusion that ignores the reality of the negotiating process for a treaty with any sovereign government, let alone with the United States. The United States Congress is poised to vote on this Agreement. Once that vote is taken—and we are increasingly confident that it will be a positive vote—the idea that we could re-open the text of the Agreement, particularly at this stage of the US election cycle, to secure a different outcome, is completely out of touch with reality. To delay or reject passage of this legislation would be seen by the United States Government and Congress as rejection of the only FTA text that was acceptable to the United States.

Just to be clear what that would mean for Australia and Australians, failure to pass this legislation would:

- Deny Australian farmers billions of dollars worth of additional market access opportunities. I am an optimistic proponent of the WTO Doha Round but no-one could seriously believe the FTA market access gains will be delivered by the US in the multilateral process in anything like the time frame established by the FTA.

Failure to pass this legislation would leave Australian exporters of autos, metals, minerals, seafood, paper and chemicals, to name just a few, at a competitive disadvantage against other suppliers from Canada, Mexico, Chile, Singapore and other countries which already enjoy preferential access to the US market and

Failure to pass this legislation would erode Australia’s competitive position in the US market over time as other countries, many of them competitors for Australia in the US market, negotiate FTAs with the United States that enhance their own access while ours remains static. Standing still will mean going backwards.

Failure to pass this legislation would strand Australian businesses looking to crack into the $200 billion US federal government procurement market and the additional $200 billion US state government procurement market. They would continue to face mandated discrimination, while their US counterparts face no barriers to selling to governments here.

Failure to pass this legislation would expose our exporters to the vagaries of US global safeguard action under the WTO. The Government is proud of its record in getting Australian steel excluded from US safeguard measures. But it was hard work to convince the US Government to look at the stand-alone threat from Australian imports and exercise their discretion to exclude those imports from the measures. Under the FTA, this assessment will be done as a matter of course—providing the US Administration with the analysis it needs to exclude Australian imports from the beginning.

Failure to pass this legislation would abandon binding US commitments on non-discriminatory treatment that go far beyond the US WTO commitments and provide certainty and predictability for Australian investors and services providers.
This is the most liberal agreement on services and investment the US has ever done—how could we reject it?

I would like to pay tribute the dozens of officials led by Chief Negotiator Steve Deady, officials from the Department of Foreign Affairs and Trade and many other government agencies whose professionalism, determination and skill during these negotiations have delivered real and substantial benefits for their country. I would also like to recognise the outstanding work of Australia’s Ambassador to the United States, Michael Thawley and his team who have parlayed the already strong relationship between Australia and the US to a whole new level with their work on this Agreement. Finally, I would like to thank the Australian business community for recognising early on the tremendous opportunity presented by the FTA and for their support and advice throughout the negotiations.

This is an enormous and historic opportunity to secure preferential access to the largest and most dynamic economy in the world. We owe it to future generations of Australians to approve this FTA as soon as possible.

It is overwhelmingly in the national interest and I therefore commend this Bill to the Senate.

US FREE TRADE AGREEMENT IMPLEMENTATION (CUSTOMS TARIFF) BILL 2004

The US Free Trade Agreement Implementation (Customs Tariff) Bill 2004 contains amendments to the Customs Tariff Act 1995 to implement part of the Australia-United States Free Trade Agreement by:

- providing duty-free access for certain goods and preferential rates of customs duty for other goods that are US originating goods in accordance with new Division 1C of Part VIII of the Customs Act 1901 (the Customs Act). New Division 1C is proposed to be inserted in the Customs Act by the US Free Trade Agreement Implementation Bill 2004;
- phasing the preferential rates of customs duty for certain goods to Free by 2015;
- creating a new Schedule 5 to the Tariff to accommodate those phasing rates of customs duty; and
- inserting a regulation making power in the Tariff to prescribe certain footwear that will be subject to the phasing rates of customs duty.

This Bill is cognate with the US Free Trade Agreement Implementation Bill 2004.

Senator O’BRIEN (Tasmania) (12.34 p.m.)—I rise to speak to the US Free Trade Agreement Implementation Bill 2004 and the US Free Trade Agreement Implementation (Customs Tariff) Bill 2004 only because Senator Conroy, who would normally lead for the opposition on this matter, is involved in a press conference with Mr Mark Latham. They are announcing to the media and to the Australian public Labor’s response to these bills and to the overall free trade agreement. I have had the privilege of examining the agreement as a member of the Senate select committee, which is yet to table its report to the Senate. That matter will be canvassed at another time.

Noting that the Senate has taken a decision to alter the membership of that committee at this very late stage in the process I indicate that it was rendered necessary on the basis that, if the committee needs to meet again, it needs to be fully constituted. It would have been the opposition’s wish not to have disturbed the membership of the committee—because it was not our wish to replace Senator Peter Cook as a member of the committee—but, as I think everyone in this chamber is well aware, Senator Cook underwent surgery this morning and he will be unable to take part in the activities of the committee and this chamber, certainly for the duration of the debate on this legislation and the consideration of the committee’s report, should that be required, later this week or, I expect, next week.
On behalf of Senator Conroy and I, I indicate that Senator Cook operated as chair of this committee in very difficult circumstances—he was placed under a great deal of pressure by coalition senators—and in a remarkably even-handed fashion. He was at pains to assure members of the committee that everyone would have a chance to ask their questions. That, of course, put the committee under time pressures in trying to deal with witnesses and meeting the timetable set by the committee. Senator Cook attempted to make sure that the proceedings of the committee were conducted in the fairest possible manner and in a manner conducive to getting onto the record the views of all of the witnesses, whether members of the committee found them agreeable or disagreeable.

I think that set Senator Cook apart from certain other members of the committee who thought it appropriate to effectively heckle witnesses whilst they were giving evidence, even though in some cases those witnesses had been invited by the committee to submit a point of view and to come and give evidence. I found in those difficult circumstances that Senator Cook handled himself remarkably well. I must say that I considered some of the activities in those proceedings to have been quite provocative of Senator Cook and, in the true professional manner in which we have come to expect Senator Cook to operate when holding a position of such responsibility, he acquitted himself very well.

What do we now face with this legislation? Yesterday I took part in a press conference which has been described as an unusual one. Senator Peter Cook was the disembodied voice heard through a device sitting on the table at the press conference. I am sure that he would not have wished to have participated in such a fashion. But the medical realities being what they were and Senator Peter Cook’s commitment to his task being what it was, it was appropriate that he participate and it was the only way in which he could participate and respect and cooperate with the advice he had been given. He could not travel to Canberra to participate and then return to Perth in time to be operated on this morning.

That press conference announced the position not of the Labor Party but of three Labor senators as to how they thought the parliament ought to respond to this legislation. I think it is important to recount part of what was described by me yesterday as the collective view of the committee—that is, the entering into the free trade agreement was an action which the US Trade Representative, Mr Robert Zoellick, told congress in March 2001 should be approached on a bipartisan basis within Australia. He said:

... if we approach this—

that is, the free trade agreement with Australia—

I want to make sure that it’s done in a fashion that has bipartisan support in Australia.

This government did not listen to that advice. Instead, this government acted unilaterally and pursued a free trade deal which was more to do with politics than with free trade and in what we describe as an unrealistic negotiating time frame imposed on us by the US electoral cycle—and I suspect our own. This was a deal which the Deputy Prime Minister, Mr Anderson, described as potentially being unAustralian if it did not include sugar. Yet, at the end of the day, no sugar producer will gain a benefit from this agreement because sugar has been excluded—and it was excluded in breach of that commitment by the Deputy Prime Minister. The government repeatedly said that the Pharmaceutical Benefits Scheme was ‘off the table’. But, frankly, it was on the table from day one. In the end, we were presented with a
deal which included matters relevant to the Pharmaceutical Benefits Scheme but which did not include sugar.

In asking for this legislation to be passed through the parliament and thereby onto the people of Australia, it requires us all to take this government on trust. There are some outstanding issues surrounding the agreement that are simply not addressed by this implementing legislation. Senator Cook, Senator Conroy and I have set out a number of recommendations to our colleagues in the caucus and to the parliament that seek to address these many and varied shortcomings and unknowns. We recommend that the parliament support the legislation in the context of the position which I will clarify further.

We announce quite a number of concerns that we have about the agreement. That is why we believe that it is necessary for the parliament to take steps beyond those contained in the legislation. I think I am at liberty to say that we will be supporting the legislation, but in two key areas—the Pharmaceutical Benefits Scheme and the protection of Australian media content, because these are so important to the Labor Party—we will move in this chamber relevant key legislative amendments.

Specifically, the amendments are to protect the Pharmaceutical Benefits Scheme by preventing drug companies stopping cheap generic drugs from coming onto the market through the use of what I describe as a ‘dodgy patent process’; to allay concern about any future reductions in local content for free-to-air television, pay television and radio; and to legislate the current local content standards in this process—in other words, not relying on the current process of imposition of local content standards but requiring the parliament to set those standards so that the only way that they can be reduced is by a vote of both houses of the national parliament.

Labor are committed to those amendments to the point that we will insist on them. We will not resile from those amendments in pursuit of the legislation. Those amendments should be carried—and, after all, we can see no reason why the government should not support them. Labor will say to the government that, if they seek to push the legislation through without them, we will be insisting on those amendments.

Concerning other aspects and consequences of the legislation, we think there are many things that ought be done and a Labor government will commit to doing those things. I am sure that that is what Senator Conroy is in the process of announcing to the media at the moment. Labor will enhance transparency in relation to the Pharmaceutical Benefits Scheme by requiring that all documentation submitted to the independent review mechanism established to examine unsuccessful drug listing applications on the PBS be published on the Internet within 48 hours, subject to commercial-in-confidence constraints—I am talking about real constraints, not imaginary ones.

A Labor government will require the Productivity Commission to monitor and report annually on the impact of the free trade agreement on the PBS, including the impact of the independent review mechanism. If the differential between the US and Australian drug prices is narrowing, a Labor government will change the independent review mechanism. Each acceptance by the Pharmaceutical Benefits Advisory Council and the Minister for Health and Ageing of the recommendations of the independent review shall be reported to the parliament in a ministerial statement. The terms of reference of the medicines working group will include a commitment to the principle of universal
access to affordable medicines. The medicines working group will not be charged with considering any policy issue that could be seen to undermine the principle of universal access to affordable medicines. Under Labor, the medicines working group will operate with appropriate transparency with regard to agenda items, minutes and recommendations.

Prior to entering any tender round involving blood or blood products, a Labor government would amend the Therapeutic Goods Act to ensure that any blood plasma fractionation products approved for use in Australia must be manufactured in accordance with Australia’s policy of self-sufficiency using Australian blood and in accordance with currently established good manufacturing practice which requires dedicated processing facilities. Labor will ensure transparency in the plasma fractionation agreement currently being negotiated with CSL, the review of this agreement required by the FTA by 2007 and any subsequent tender process for blood plasma products.

Labor will ensure that the free trade agreement does not dilute the capacity of the government to regulate for local content on future media. Labor will legislate to ensure that the FTA definition includes but is not limited to future media already identified. Labor will establish an inquiry to examine further options for effective government regulation of local content on future media mechanisms. Labor will also announce a policy package to encourage investment in Australia’s film and television industry before the next election.

Concerning copyright and intellectual property, Labor will require the Attorney-General to report annually to parliament on the impact of changes to the Copyright Act 1968 on universities, libraries, educational and public research institutions, particularly with regard to any increased costs that they might bear. To ensure there remains a fair balance between copyright owners and users, Labor will examine options for broadening the fair dealing and copyright usage provisions of the Copyright Act.

To ensure there remains a fair balance between innovation and consumers and owners of copyright in relation to technological protection measures, Labor will ensure it is permissible to sell, purchase and use legally manufactured video, DVD and related software items, including components equipment and hardware, regardless of place of purchase. Labor will set up a commission of inquiry to look at the impact of the FTA on Australian manufacturing, particularly automotive components and the textiles, clothing and footwear industry. We will be announcing terms of reference for such an inquiry.

In relation to agriculture, Labor will utilise the annual ministerial meeting arrangements which are established under the free trade agreement to seek for Australia a most favoured nation provision from the US—meaning that, if the US gives a better deal to someone else, we should have access to the same terms. Labor will closely monitor the government’s sugar compensation package to ensure that it achieves significant reform in the cane farming and milling sectors because, if nothing else comes from the free trade agreement, something must come for the sugar districts—other than a one-off package to buy votes, which is what the government is involved in at the moment.

Concerning quarantine, Labor will require that both qualitative and quantitative science based risk assessment processes are used in developing import risk assessments and, importantly, in enshrining the Import risk analysis process handbook in regulations, requiring the consent of both houses before that process could be varied—in other words,
that no process of the FTA could be imported into our current import risk assessment process without the support of both houses of Parliament.

Future trade agreements under Labor will operate under a quite different environment. Prior to entering into free trade agreement negotiations, a Labor government—and indeed future governments, if Labor were to implement these procedures—will table in both houses of Parliament a document setting out its priorities and objectives. This will include an assessment of the costs and benefits of any proposals that may be negotiated. The assessment will also consider the economic, regional, social, cultural, regulatory and environmental impacts which are expected to arise. Once the negotiation is completed, a Labor government will table in the Parliament the proposed treaty, together with any implementing legislation.

That is a comprehensive response from Labor to this agreement. We say that the legislation ought to pass, but we say it is critically important that those amendments which I have indicated that we will insist upon be part of the passage. The government, through its bureaucracy, has repeatedly assured the committee and the public that there will be no impact on the Pharmaceutical Benefits Scheme from this agreement. The minister has tried to defend his pretty shabby negotiating process—and I absolve the negotiating team of responsibility in this regard, because this was, in our view, a politically managed process—but the fact is that more could have been done in relation to the Pharmaceutical Benefits Scheme. Nevertheless, the government says that the scheme is not affected or jeopardised by the arrangements it has put in place. If the government is happy with the agreement as it stands, what stands in the way of the government supporting Labor’s amendment to make sure that nothing it has done can ever come back and bite this nation on the backside? Frankly, there is a lot of concern about the Pharmaceutical Benefits Scheme. Mr Mark Latham said some time ago that the Pharmaceutical Benefits Scheme was a deal breaker as far as the Labor Party were concerned, if it was found that there was a negative effect on the PBS.

We are moving amendments—and, in this regard, an amendment—to ensure that that there is not a hidden substantial cost of hundreds of millions of dollars to the taxpayer arising from this agreement. That amendment will be entirely consistent with the agreement and, if the government is sincere in its desire to maintain the PBS, it will support Labor’s amendments. Equally, in relation to local content, if the government says there is no reason to reduce the current standards, we ask: what is wrong with legislating them and what is wrong with putting the power in the hands of the Parliament to determine if they are ever to be reduced? Under this agreement, the ratchet clause means that, once reduced, they can never be returned to their current level. What Labor are saying is: protect the current levels. (Time expired)

Senator RIDGEWAY (New South Wales) (12.54 p.m.)—I rise to speak on the US Free Trade Agreement Implementation Bill 2004 and the US Free Trade Agreement Implementation (Customs Tariff) Bill 2004 on behalf of the Australian Democrats. I have to say right from the very start that this is indeed a very sad day for Australia. It is a great shame that we are debating these bills at all, because the FTA is a disaster for Australia. It is very, very disappointing that we have arrived at this point today. The Democrats feel very strongly about this issue and firmly believe that the free trade agreement should never have been signed and certainly should not be supported, particularly when you consider the details of the agreement itself. All along we have been questioning the government’s rhetoric about the deal, knowing that
they have been so desperate to cash in on their support for the war in Iraq that they would accept anything America offered, even if it caused harm to Australia. It has been more about political expediency than what is in the best interests of Australia as a nation.

What is particularly galling, though, is the decision that has now been made by the Labor Party in opposition to support the deal, because all along I think that the ALP have taken a very reasoned approach to the issue—wanting to analyse the terms of the deal, scrutinise the detail and then make their decision based on the merits of the argument about whether or not this is in the best interests of the country. They have done all of that. They have read the same text that we have. They have sat on the same inquiries. They have heard the same evidence from the various witnesses that have come before us at more than a dozen hearings held across the country. They know that this is a substandard deal. How they could support this is beyond me. Even from their own statements—when they talk about the agreement ‘on balance’—if the deal is so good, why would they qualify it not just once, not twice, but 43 times? Did it ever occur to the ALP that the 43 arguments that have been presented are 43 reasons why the free trade agreement is flawed and it ought not to be supported in the first instance?

I want to put on the record that the Australian Democrats support fair trade that is in the national interest. In our opinion, the free trade agreement that the government have negotiated with the United States could never, ever be described as achieving this. Keen to try to cash in on their support for the Bush administration’s policies in other areas, the Howard government have accepted a substandard deal that will do more harm than good to Australia’s future. I want to make a statement that I have already made on many occasions about this issue. That statement is about the question of what the national interest is, because I think in many respects it is much more than just looking at the basic economic bottom line. It includes looking at social outcomes, labour standards, the preservation and improvement of our environment and our national cultural identity. All of these factors have to be taken into consideration in any trade decisions, so it is critical that the terms of the agreement do not affect our ability to regulate freely in the national interest in the future. What we have done is effectively sign away our domestic capacity and our sovereignty to regulate on these issues. It is no surprise that the Labor Party qualify it 43 times, because they know that they have to try to regulate before the agreement comes into existence on 1 January next year. How far it goes depends on their capacity to keep in line with the terms and conditions of the agreement itself.

We supported the establishment of the select committee that looked at the free trade agreement. Given that the government has the power to enter into this agreement without the involvement of the parliament in any way whatsoever, it was extremely important that the Senate, as the house of review, was given the opportunity to carefully scrutinise and analyse the terms of the deal to determine whether or not it really was in Australia’s interest. I think the inquiry has been extensive in conducting its analysis of that particular question. From the various views that were put forward on this agreement, I do not think anyone could say that, on balance, the evidence would justify the need to support what we are debating here today. I want to pause for a moment and thank the committee secretariat staff, who are to be commended for their incredible work and diligence throughout this process.

The government has based most of its sales pitch relating to the FTA on the assumption that it will bring significant eco-
nomic benefit to Australia. While the Democrats believe that wide-ranging trade agreements of this nature should be assessed according to a broader set of criteria than just mere economics, it is also useful to look at the vastly divergent views about whether the government’s loudly proclaimed benefit is ever likely to eventuate. We recognise that economic modelling in and of itself is an inexact science and that a range of different assumptions can be used to produce remarkably different results. We also believe that the government has deliberately misled the Australian people with respect to the benefit of the deal, and it has done so according to results from its own economic modelling study. Why is it that the government did not engage the Productivity Commission in undertaking a national interest assessment? That is a legitimate question that all Australians should ask and deserve to have an answer to.

The government, of course, commissioned the Centre for International Economics to model the impact of the FTA—the same organisation that predicted the FTA would be worth $4 billion if it got rid of all trade restrictions between the two nations. This time, the CIE told the government exactly what it wanted to hear and in fact decided that even though the deal left many trade barriers in place the projected benefits of the deal had ballooned out to $6 billion a year. What an extraordinary statement: a $4 billion benefit to the country with no trade barriers but a $6 billion benefit with trade barriers remaining in place. I do not know how they arrived at that sort of conclusion, but it is the sort of argument the government has been running out there to say that this is a great windfall for the country.

The CIE report has been criticised for using grossly overstated estimates and unrealistic assumptions. Dr Philippa Dee of the ANU was commissioned by the Senate select committee to conduct alternative economic modelling of her own. She came up with the far more realistic figure of $53 million a year. As Dr Dee herself describes:

This is a tiny harvest from a major political and bureaucratic endeavour.

Dr Dee’s report also demonstrated how this agreement sets a precedent in a couple of significant ways. I think that this debate is worthy of noting what these issues are. First, Australia has accepted this agreement, even though it did not contain any access to the US sugar market, but rejected the EU-US proposal on agriculture in Cancun in Mexico last year, which, while not ideal, could have provided greater benefits for Australian farmers, because at least proposals back in Cancun in Mexico last year started to address the fundamental problem of a free trade agreement with the United States—that is, the question of US domestic agricultural subsidies.

This FTA sets precedents with respect to tailoring rules of origin based on tariff classification. In the past, all rules of origin were based on a relatively simple rule for regional value content of goods. The tailor-made rules that we have come up with have been criticised as being the result of protectionist lobbying by producer interests, and Australia can now rightly be said to be condoning such an approach right across the world. The fact that we have accepted such wide-ranging safeguard measures, especially for beef and textiles, is a step backward from the WTO practice. Of course, our extensive intellectual property commitments will also set a precedent for Australia’s approach to IP regulation in the future.

One of the key examples made by Dr Dee about the overinflated assumptions used by CIE in their analysis related to the government procurement provisions of the agreement. The benefit to be gained from these
types of opportunities depends on whether Australian businesses are able to take advantage of them. The CIE study considers that Australia might be able to achieve 30 per cent as much market penetration as Canada. However, Dr Dee also argues that this is doubtful given that Canada is a much bigger country and it is much closer to the United States than Australia, particularly given that 90 per cent of the Canadian population live within 160 kilometres of the US border, which stretches for over 6,400 kilometres. It highlights the point that the costs or the windfalls that the government so loudly proclaims diminish the further away you are from the marketplace, and Australia is down here in the Southern Hemisphere.

Geography and economy size play a significant role in trade. Trade volumes tend to increase with the size of the importing and exporting countries, and they decrease with the distance between them. Another point that needs to be made here in comparison is that the Canadian economy is almost 70 per cent larger than the Australian economy, and the Australian economy is almost 30 times further away from the United States. Therefore, I think it is more realistic to assume that Australia’s trade with the US in government procurement could be expected to be four per cent as large as that of Canada and no more. Dr Dee’s revised projections of the benefit, the $53 million likely to be achieved through this deal, reflect adjustments taking into account the rules of origin, trade diversion and the additional costs that were never factored into the CIE report, such as royalty payments resulting from the extension of the copyright term, the cost of administering the agreement and the long-term cost of the sugar package, which was excluded in this particular instance. In the Democrats’ view the Dr Dee report demonstrates that the government’s rhetoric about the overwhelming economic benefit of the deal cannot be taken that seriously.

In many respects the economic benefit is not the only thing that the government have lied to the Australian people about. They have repeatedly assured the Australian people that the important social policies that they themselves put on the table to be sold away have been protected. This is simply not the case when you look at the details of the agreement. The fact is that America now has a role in determining Australian policy. Even if we accept the government’s assertions that they will resist any undue pressure for policy to be changed, the fact that another nation has a voice, a right to be heard, on issues that should be determined by Australians alone is simply unacceptable. Let us look at some of the ways in which our sovereignty has been compromised. My colleagues, in joining in this debate later, will also elaborate on these issues, but I want to touch on some of them very briefly.

I think the most significant goes to the Pharmaceutical Benefits Scheme, because this is one that the Labor Party have hung their hat on all the way through. Perhaps the most controversial aspect of this deal has been the fact that it will affect the way in which the Pharmaceutical Benefits Scheme operates in this country. It is, I think, world’s best practice and the United States would not want this system to be replicated in other countries across the world. Why? Because it effectively excludes many of the multinational pharmaceutical companies that operate out of the United States. This agreement sets a precedent in yet another way: it is the first trade agreement anywhere in the world that interferes with a nation’s health system. It is a matter of national shame that we have gone down this path by allowing a trade agreement of this sort to set a precedent and allowing one country to interfere in the social policies of another nation.
The Democrats believe that the Pharmaceutical Benefits Scheme should never have been included in the agreement at all. Good faith notwithstanding, it is unacceptable that US pharmaceutical companies should have a voice in Australia’s health policy making processes. Given the fact that no real detail has been provided about how the new working group and the review mechanism will operate, it is unacceptable that the parliament should be asked to endorse the deal without receiving those answers. How can we take their assurances seriously? First, there was the lie about whether or not it would be included in the first place. Then they secretly sold it away, then they tried to fob us off with empty promises and then they provided no details as to how it would work in practice. And the Labor Party, which knows all of this, has decided on balance to support it, although qualifying it 43 times.

The issue of quarantine under this agreement also gives rise to significant concern. The signing of the free trade agreement is bad news for Australian farmers, who want to see Australia’s rigorous, science based quarantine system protected. The agreement will, in effect, increase the pressure on Biosecurity Australia to water down Australia’s tough stance against possible plant and animal diseases by allowing US trade officials to have a say in the import risk assessment processes.

The committee report outlined the concerns that have been raised about the new consultative committee on SPS issues that has been agreed through the FTA, especially pertaining to the apparently different interpretations of what the role of the committee will be according to the United States Trade Representative and DFAT-published material and statements. They do not say the same things. In some instances, they contradict each other. While the government maintains that there is no evidence to suggest that this deal will make Australia’s quarantine system vulnerable to US pressure, concerns have been raised about the mere existence of a forum that will be used by the US to try and advance its trading interests at the expense of Australian environmental protection. We believe that the whole approach of making quarantine decisions on any criteria other than the best available science is unacceptable and grants a voice to US trade interests, again, against the interests of developing Australian environmental policy.

Later in the debate, I want to talk about the issue of intellectual property, but it is important to note that this trade agreement, unlike others, goes a lot further than just dealing with the question of trade between nations; it goes to the question of providing an entire chapter on intellectual property. This is significant in this agreement because it either pre-empts or directly contradicts the current Australian debate about appropriate reform to our copyright law. Some of the changes to the law in this bill go even further than the free trade agreement itself and further than current US copyright law. This government is changing Australian law through a trade agreement, which is completely unacceptable in terms of what those outcomes are going to be.

I have mentioned time and time again the question of the extension of copyright by an additional 20 years, because Australia, being a large importer of copyright material, will have to pay the cost of those additional 20 years of being able to access information that otherwise would have been freely available in the public domain after 50 years. The community consequences of the trade arrangement may essentially mean that our schools, libraries and all of those institutions involved in education and accessing information will have to pay copyright over an additional 20 years. That was never taken into account in the government’s own analysis by
the Centre for International Economics. Over the long term, it compounds the problem as far as social and education policy goes in terms of our young people and certainly our institutions of higher learning being able to access the information, which was always thought to be free in the public domain once it got there. Overall, when you couple all of this with the long-term damage that is being done to Australia’s sovereignty and the ability of future Australian governments to set quotas for content levels in media or invest in the domestic film industry, the damage that has been done as a result of this deal will never end. We cannot go back once we put it in train.

I want to finish by saying that, whilst we regard the deal as riddled with contradictions and devils in the detail, in the committee stage of this debate I do not believe anyone should take the government’s rhetoric seriously. I think the ALP needed to show some nerve here at this crucial time and, quite frankly, they have let the country down. We will do all that we can to ensure that the impact of the FTA is limited as much as possible and that future generations do not pay the price of the major parties’ desperation and political expediency in an election year. It should have been a decision based on what is in Australia’s national interest, not putting the interests of American companies before the Australian people and certainly before this country. That is the only thing that should have been answered in this agreement, and that is what should have been stood up for.

Senator KEMP (Victoria—Minister for the Arts and Sport) (1.14 p.m.)—I too wish to speak in the debate on the US Free Trade Agreement Implementation Bill 2004 and the US Free Trade Agreement Implementation (Customs Tariff) Bill 2004. I make the point, as I am required to do, that I am speaking as an individual senator and not as a minister. I understand that my speaking as a minister could lead to views that this contribution would close the debate on these bills.

Having clarified my position, let me say that I listened carefully to the first two speakers in the debate, Senator O’Brien and Senator Ridgeway. Senator Ridgeway, I have to say that I am sorry that you have decided to adopt such an extremist position and to put such extremist views which are so poorly based. This is a government that rigorously pursues the national interest of this country. This government does not sign any treaty that in any way compromises the national interest of this country. I was interested to hear the Centre Left complain about this issue. I have now been in this chamber for over 14 years and I have seen Labor governments sign treaty after treaty which impinged on the sovereignty of this nation, and there was nary a word, Senator Ridgeway, from the party you belong to. Happily, this government put in the process by which treaties can be more rigorously assessed.

Senator O’Brien, gosh, what a mess the Labor Party have got themselves into. What an absolutely hopeless mess. The Labor Party laboured mightily for five months and could not make up their minds. They had the left, the right, the centre right and the centre nothings—all of them—having a view on this free trade agreement. After all this effort, after all this division, what have they produced? I will tell you what they have produced: severe question marks over the leadership of Mark Latham. That is what they have produced. Mr Latham, the leader of the Labor Party, was meant to give the Labor Party a new look. What we have seen over the last five months is vacillation and an incapacity to make a decision on an issue which is of fundamental importance to Australia, and I think that is the conclusion the Australian community are reaching. Yes, when you are in government you occasion-
ally have to make tough decisions. John Howard, our Prime Minister, has a wonderful record of being able to take tough decisions and stick with them. Mr Latham, the new boy on the block, has made an absolute botch of this process.

I do not want to be entirely critical of the Labor Party because I think we should give some credit to Senator Conroy in this area. Senator Conroy was one of the famous ‘roosters’, so named by Mr Latham because of his support for Mr Beazley. This rooster is entitled to crow. He has made sure that, in the end, Mr Mark Latham—as we all predicted he would from day one—supported the free trade agreement. Senator Conroy made the case for that. I certainly do not agree with everything Senator Conroy says, but I will say this: Senator Conroy is a strong supporter of the free trade agreement. He was faced by the Left of his party—by Senator O’Brien and others—and in the end Senator Conroy, the famous rooster, carried the day. I think we have to acknowledge that.

Where has this debate led? It has led to the Labor Party going around playing to different constituencies. The shadow business ministers have been saying to business groups: ‘Don’t worry about what the Left are saying. The Labor Party will support the free trade agreement.’ That is what they said privately. That led to the other shadow ministers going around to other groups—and Senator Lundy is one who immediately springs to mind—and saying, ‘Don’t worry, the Labor Party will never sign the free trade agreement.’ Senator O’Brien can correct me if I am wrong but I remember that Senator Lundy said that the Labor Party would not sign the free trade agreement if there was not a cultural carve-out. That was Senator Lundy on the record. Senator Lundy went around month after month pretending to her constituencies in the cultural area that the Labor Party would not sign this free trade agreement. I had a debate a couple of weeks ago with Senator Lundy, and she got up and ran the old Labor Party lines that it was going to do immense damage. It was absolute nonsense, but she ran those arguments. I got up and said, ‘Senator Lundy, I’ve heard you, but the truth of the matter is that the Labor Party will be supporting this agreement.’

The Labor Party has been caught out. The Labor Party has shown a dreadful lack of capacity to govern itself. The Labor Party has shown a lack of capacity to reach tough decisions. I do not think they are tough decisions. For heaven’s sake, an agreement which will provide such an important boost to the Australian economy—that is, $6 billion a year when it fully comes into play—is hardly not in the interests of the Australian economy.

Senator O’Brien—You will support our amendments, will you?

Senator Kemp—Don’t you try to interject, Senator O’Brien. You are now supporting the free trade agreement. You were running lines for five months that you were not going to support it. Now I am agreeing with you and you are agreeing me that you should support the free trade agreement, and basically the Labor Party has made a complete goose of itself. The public out there will say, ‘Fortunately, it has been dragged kicking and screaming to finally supporting the free trade agreement, which is a good thing.’ The public will like that. But then the public will ask: ‘Why did we go through this for five months? Why was Mr Latham unable to reach a clear decision on this issue? Why were Labor shadow ministers going around pretending to groups that they would never sign the free trade agreement? Why? Why? Why?’ The reason is that the Labor Party is incapable of really pursuing the national interest, is hopelessly divided and finally had to listen to Senator Conroy—and I have
given all credit to him for finally bringing a
touch of commonsense to the Labor Party.
How Senator Conroy will be dealt with in
Victoria, I do not know. History will show
that Senator Kim Carr and the Left run Vic-
toria. There is no doubt in my mind that
Senator Conroy will be targeted for what he
has done, and we can all make a judgment on
that.

The fact of the matter is that the free trade
agreement is profoundly in Australia’s na-
tional interest. That is why the Liberal-
National Party coalition has strongly sup-
ported it, that is why farming interests sup-
port it, that is why manufacturing interests sup-
port and—Senator O’Brien, guess what?—that is why all the Labor premiers
support it too. All the Labor premiers support
this agreement. I refer you to the recent re-
marks of Premier Beattie in an article urging
the Labor Party to get on with it, as he
would. Why wouldn’t he be frustrated after
five long months of the Labor Party finding
it difficult to make up its mind? I think the
public will draw its conclusions. The public
will decide that this party, poorly led as it is,
was unable to deal with an issue of national
importance in a sensible fashion.

Let me now make some remarks on the
cultural sector. This is an area that has been
the subject of some debate, which has been
referred to by a number of speakers. Let me
make this clear: the government has retained
the necessary flexibility to support the cul-
tural sector and to regulate audiovisual me-
dia to meet our cultural policy objectives
now and into the future. It is unfortunate that
recent reporting in the media has been fu-
elled by misinformation, coming largely
from the Labor Party. It has been caught out.
Having fuelled the misinformation, the La-
bor Party now has to explain why it has sud-
denly done one of the world’s great backflips
and is now supporting the free trade agree-
ment.

In the time available I would like to dispel
some of the misconceptions that may still
exist. First, I would like to emphasise that, as
part of the negotiating process, the govern-
ment undertook full consultation with repre-
sentatives of the cultural sector, including
members of the film and television industry.
I believe we kept the sector informed of out-
comes as the negotiations progressed. This
was part of our commitment to keep the
process open.

In terms of the impact of the agreement on
the cultural sector, the government has fully
retained the capacity to support its national
institutions and agencies. This means, re-
gardless of what Senator Lundy may have
been saying in the past, that the ABC, SBS
and cultural institutions such as the National
Library and the National Museum of Austra-
lia can continue to operate as they always
have. Further, any government support for
the cultural sector, such as grants and subsi-
dies, is untouched by the agreement. This
applies to federal, state and local level sup-
port. It also includes, let me stress, govern-
ment support through the taxation system.
There is nothing in the agreement that pre-
vents the government from introducing new
tax incentives or grants programs in the fu-
ture.

Let me now turn more specifically to film,
broadcasting and audiovisual media. There
has been no effect on the government’s abil-
ity to maintain the Australian Film Commis-
sion, to provide support to the local film in-
dustry; or the Film Finance Corporation, to
invest in films made for and by Austra-
lians—quite contrary to the impression that
is being created. Tax incentives that encour-
ge local film production have been pre-
served. The agreement is quite clear that
funding from bodies like the Film Finance
Corporation can continue to be restricted to
Australians and does not have to be extended
to US interests.
There are a number of other issues that I would like to raise here today in the brief time available. I will now turn to the area of subscription TV. I make the point again that we negotiated an outcome that retains Australia’s ability to adjust our local content requirements on subscription TV to respond to future market developments. In particular, we retain the scope to double the existing 10 per cent expenditure requirement for drama channels on subscription television. The free trade agreement provides us with sufficient scope to further increase that 10 per cent expenditure requirement if we decide that is required.

We have also allowed for the option to impose further expenditure requirements of up to 10 per cent on four additional program formats on subscription TV: arts, children’s programming, documentaries and educational programming. This was another area where we considered it important to build in additional flexibility to respond to possible developments in the subscription TV area. The agreement explicitly allows for maintaining local content requirements in key program formats.

I would like now to address the issue of new media. Clearly, with the continuing advances in technology, the government needs to ensure that it will maintain the capacity to take action as new services are developed. This has been achieved by the agreement. The relevant term used in the agreement is ‘interactive audio and/or video services’. I have read in the newspapers of concerns that some believe this term is too broad. However, that is exactly the approach we decided to take. No-one can predict developments in this area. The term is a general concept and avoids constraining the capacity of governments in the future. In this way, the agreement will be able to apply to new types of interactive platforms that are yet to emerge.

There is another point that has caused misunderstanding, fuelled by misinformation coming from the Labor Party. There continue to be erroneous claims that the US government will have a veto on future government regulation. This is incorrect. While decisions about new measures must be made through a transparent process, I say again that there is no veto power for the US.

I believe I have made the case that the government has kept its commitment to the cultural sector—indeed, to the Australian people. Australians will continue to see and hear their voices and view their stories on television and on cinema screens. The Australian audiovisual market is already a very open one. I believe Australians will benefit profoundly from the free trade agreement. That is why this government is supporting it. I believe it is strongly in the national interest of this country.

I would also like to put on the record that Senator Cook, who chaired the inquiry into the free trade agreement, is not with us and is not well. Senator Cook and I, as many in this chamber will know, have had many robust debates—some very robust, I might say. But we all wish Senator Cook well and we all hope that he has a speedy recovery. For the time being we will certainly miss his presence in the chamber.

I see that Senator Conroy has come into the chamber. I know Senator Conroy was having a press conference. He may have missed the tribute that I paid to him as one of the three roosters. I did say, Senator Conroy, that you are entitled to crow. This is a rooster that is entitled to crow because of the work that he has done. I make the point that I do not agree with many of the things that Senator Conroy said, but the fundamental bottom line that I do agree with is that Senator Conroy supports the free trade agreement. He supported it from day one. He did not need
five months to make up his mind on this deal, despite some viewing for the public as he considered some issues. Senator Conroy has been a strong supporter of the free trade agreement. He has been able, with the assistance of some colleagues, to bring the Labor Party with him. We congratulate him on that. We just hope that Senator Carr will not stitch him up in Victoria as a result of this. Senator Conroy’s preselection may be threatened.

Senator Conroy—Live in hope.

Senator KEMP—Senator Conroy, we would prefer to see you in the chamber, because as strange as this may seem—

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Senator Kemp, please direct your remarks through the chair.

Senator KEMP—Thank you, Mr Acting Deputy President. As strange as this may seem, from time to time Senator Conroy makes a little bit of sense. That is a rare commodity on the Labor Party side, Mr Acting Deputy President Marshall. I know you are a strong supporter of the free trade agreement.

The ACTING DEPUTY PRESIDENT—You are not seeking—

Senator KEMP—I am sorry; I thought you were a strong supporter of the free trade agreement. This is a historic day. I believe the Labor Party decision, as announced today, shows that the government was on the right track—as we knew from day one. We congratulate Mark Vaile, the Prime Minister and those ministers who played a key role in bringing this important agreement forward. We now have access to the largest economy in the world, an economy that has shown astonishing growth capacities over the last decade. There are not only clearly direct benefits but also benefits that will flow from greater investment in this economy. There are benefits that will flow directly to sectors that are not immediately involved because it will create an even more prosperous Australian economy, an economy that is more dynamic and, as a result, an economy which is more prosperous.

All sectors will benefit from that, particularly the sector that I have a particular interest in, and that is the cultural sector. This is an important agreement for Australia. I believe that the cultural sector will benefit from this agreement. I believe that the misinformation that has been fed to this sector, particularly through the Labor Party spokesperson, Senator Lundy, has not only made it difficult for many people to understand precisely what this agreement delivers but also, I believe, damaged the Labor Party with the views she has put forward.

In conclusion, I am a strong supporter of the free trade agreement. This is indeed a historic day in this parliament. I reject the sorts of comments that Senator Ridgeway has made. I believe they are extreme. They are not based on fact, typically. They are designed to scare people where there is no basis for that. Australians can now look back on another major decision that this government has been involved in, a decision made in the national interest of Australia, a decision which will benefit Australians, industry, the agricultural sector and indeed all sectors of the Australian economy.

Senator CONROY (Victoria) (1.32 p.m.)—We are debating today the legislation implementing the Australia-US free trade agreement negotiated by the government, the US Free Trade Agreement Implementation Bill 2004 and the US Free Trade Agreement Implementation (Customs Tariff) Bill 2004. When the government first indicated its interest in pursuing an FTA with the USA it made many promises to the Australian public. The government said that it would pursue a deal in the national interest—Australia’s national interest, that is—in the interests of
CHAMBER

all Australians: families, workers, farmers, business and the community at large. Great claims were made about how much this deal would deliver to Australia, particularly how much it would deliver to Australian farmers—Australian farmers confronted by a distorted and corrupt international trading system, Australian farmers that asked for no more than a level playing field. Farmers are not after financial assistance or subsidies, just the opportunity to compete on equal terms in the international market. Minister Vaile promised so much in terms of improved access to the US market. On 23 January this year Mr Vaile said:

We’ve sought to do a comprehensive deal across all sectors, including agriculture, including sugar, and we’ve said that sugar must be part of the deal and we’re not conceding that.

The Deputy Prime Minister, John Anderson, said it would be un-Australian not to include sugar in the FTA. As we know, that is exactly what happened. Despite the great claims, despite the boasts, this package did not deliver in so many of the respects we were promised. There is no improved access for sugar in the package. Beef gets an increase in its export quota to the US of 70,000 tonnes but it takes 18 years to get there. Dairy gets a tripling of its quota to the US but Australian exports will continue to be constrained by tariff rate quotas.

Reflecting concerns about the FTA, Labor established a Senate committee to examine this deal in great detail. With over 500 submissions and many expert witnesses, the Senate inquiry enabled many issues of concern to be thoroughly examined and in many cases allayed. Yesterday, Labor senators on the committee reported their recommendations on what they believed should be in the agreement. But I want to come to some of the criticisms that John Howard and the parrots on the other side have been making day in and day out for the last few months: Mark Latham should show some leadership; he should stop dithering; he should make a decision; he should have made it five months ago.

Senator Kemp—Yes, that’s right.

Senator CONROY—The peanut gallery is still with us. I am glad to report, Senator Kemp, that the natural order has been restored. Collingwood is above Carlton on the AFL ladder. I would have thought it is unparliamentary to interject from the advisers box, where you are sitting, so I will not respond to your remarks anymore, Senator Kemp.

The Prime Minister has continually tried to play politics with this issue. George Bush, the President of the United States, has not signed the deal yet. That may come as a surprise to everyone in Australia because, from the way John Howard is pretending, it is a signed, sealed and delivered deal over in the US. George Bush, the President of the United States, has yet to sign this deal. The US Congress voted on this only three to four weeks ago. The implementation date is 1 January next year. Expert evidence from the departmental officials who negotiated this deal—some of them are in the chamber today—was quite clear: there was absolutely no imperative for this to be signed or rushed. We could wait until 31 December to vote this bill into legislation and make a decision to support it.

That was the evidence of the experts from the department, yet we have had the Prime Minister parroting on saying that this is a farce, this is stupid and the Senate inquiry is a waste of time. I am here to tell those on the other side of the chamber that that is dead wrong. The Senate inquiry process has been invaluable in getting to the heart of the facts ahead of the myths. Strip away the government’s hype and examine the facts—and that is what we did. We have all heard about the $7 billion claim. Remember that it started off
at $4 billion, then the author of the $4 billion claim said: ‘Once the deal is signed, you can’t take any notice of the $4 billion claim. I didn’t model the agreement; I just modelled free trade.’ He modelled free trade the first time and got $4 billion. Then he got a paid contract from the government, went away and modelled the deal—which did not deliver free trade—and got $7 billion. It is truly remarkable. Not even Treasury officials were prepared to argue in support of the heroic assumptions the government’s modeller made to generate the $7 billion. So we have to strip away the hype.

We are indebted to Ross Garnaut, who, in the Senate inquiry—he is one of the country’s leading trade economists and is internationally recognised as one of the world’s leading trade economists—said, ‘This government study fails the laugh test.’ We are indebted to him. The government’s dodgy claim of how many benefits there were has failed the laugh test and it has now moved into the political lexicon. What did the Senate inquiry do? The Senate Select Committee on the Free Trade Agreement between Australia and the United States of America commissioned its own report, its own economic study. It commissioned it using one of Australia’s premier modellers of trade agreements, someone with eminent qualifications, who has worked at the Productivity Commission—the body that should have been empowered to examine this deal—and who currently works at the ANU. Her name is Philippa Dee. She made some far more realistic assessments of what was in this deal. She came up with a figure that showed a small, modest net benefit. When we stripped away the hype, stripped away the ‘once in a lifetime opportunity’—which is an absolute load of rubbish—we got a sensible view that allowed the members of the Senate committee to make a sensible, informed decision about this agreement, with none of the government’s hype. The government’s own Treasury officials were too embarrassed to support Andy Stoeckel’s assumptions.

This argument about dithering should be seen for what it is—it is politicking by the Prime Minister to put his political interests ahead of Australia’s national interests. If Mark Latham is a ditherer, George Bush must be a hell of a ditherer, because he has not signed the agreement yet. So let us put that matter to bed. The President of the United States is a massive ditherer.

What did Labor senators recommend should be included in the report and what do the Labor caucus endorse today? We have had two areas of concern. One we described as a deal breaker in the past: the PBS. The other concern has always been high on our list: local content. We want to address these issues in the Senate. We are offering an opportunity for this government to get its FTA up. It can probably have its FTA inside one week from today, depending on how long the debate takes. It can certainly have it before the end of next week. John Howard can get the FTA through. All he has to do is support Labor’s two amendments.

These two amendments are to the TGA and the broadcasting act. They go to the heart of Labor’s concerns. Labor’s concerns are about ensuring that the PBS is not undermined by the free trade agreement. The amendment is designed to ensure that Australian voices and Australian faces will continue to be seen and heard on future media platforms, free-to-air and pay TV and whatever evolves in the future. Labor are addressing those concerns through these amendments. Let us make this clear now: these amendments are consistent with the spirit and the intent of the free trade deal. They do not contravene the free trade agreement: you can have these amendments and you can have the FTA. That is what is on offer today.
Mark Latham has put that offer on the table to John Howard. He said, ‘Mr Howard, if you’re truly concerned and you truly want this FTA, here are a couple of amendments that you can have and you’ll get your FTA by the end of the week.’ These amendments are consistent with the FTA text and will ensure that the PBS and local content are protected.

Labor will also introduce a comprehensive package to address many of the other concerns raised about the FTA. Labor assess that the deal is in the national interest, but we believe we can improve the quality of the implementing legislation. That goes to the heart of our desire to improve, enhance and protect the PBS and Australian voices through local content. The comprehensive package has to address other concerns. I want to go through our two amendments in detail so that the chamber, Senator Kemp and the government are fully aware of the opportunity that is on offer today. Our amendments are to protect the PBS by preventing and penalising drug companies that try to stop cheaper generic drugs coming onto the market by lodging dodgy patent claims. The validity of these claims would be determined by a court, not by the TGA or the government.

What we have seen in the US is pharmaceutical companies setting out to frustrate the flow of generic drugs. Once a patent runs out, a generic drug replaces it. In the US—and this will sound quite incredible if you have been unaware of these things—the day before a patent is due to run out the patent holder, the drug company, will apply for a new patent on the basis that they want to change the marketing package. They might change it from a red pill to a blue pill and they will say, ‘We want a new patent for 20-odd years for the blue pill instead of the red pill.’ Because of the processes in the US particularly, the generic drug companies are forced to take these hugely wealthy drug companies to court. Ultimately, the court rules in favour of the generic company and says, ‘This is a spurious claim. This is a claim that is not fair dinkum. It is the same chemical compound in the drug even though it is in a different coloured capsule,’ or it may be a dissolvable tablet rather than a ‘take with water’ hard pill. Those are the sorts of games played in the US.

The government has said that it does not want evergreening, which is its colloquial name, to take place. It does not believe there is anything in the FTA that will increase the possibility of evergreening taking place. So the Labor Party say to the government: join with us. Let us make sure that those incredibly wealthy American drug companies, which champion George Bush’s position, do not engage in that practice in this country. Let us move an amendment to the enabling legislation, similar to the amendment that this government is proposing to put in place, that says that, if a generic drug company files an incorrect or dodgy application and gets it wrong, the TGA are entitled to fine that generic drug company. Labor say that we should add to this protection because it is important that patents are protected. This is not a debate about trying to undermine a patent; it is important that patents are protected. But if it is okay to fine a generic company for filing a false document let us make it that we can fine a drug company that puts in a bodgie patent claim that is not about the science or the chemical product but about its commercial interests. It is about wanting to play the system. It is about wanting to use the courts to drag things out for a year or a year and a half to slow down the introduction of a generic drug.

Why is that important? There are five major drugs currently listed on the PBS that are due to expire next year. If those drug companies were able to delay that expiry by even
18 months by fooling around with evergreening, it could see a $1.2 billion increase in the cost of the PBS to Australian taxpayers. That is why a couple of hundred thousand dollars in legal costs is worth while and that is why these companies play these games in the US. I genuinely do not believe the government want this to happen. Here is an opportunity for them to say, ‘We don’t want it to happen and we’re going to work with Labor in Australians’ national interest to protect the PBS and to protect Australian taxpayers so that this bodgie practice can’t commence in Australia.’ This is not in breach of the FTA deal. This is complementary and worth while. I invite Senator Kemp to take it to the Prime Minister. Say that you have listened to Senator Conroy and you think he has some worthwhile ideas—I have got you on the record on that one, Senator Kemp. Tell him, ‘Here is another worthwhile idea from Senator Conroy.’ The good news, Senator Kemp, is that I have two good ideas today.

Senator Kemp—A Labor record!

Senator CONROY—I have to confess that I was not alone in thinking up this next idea. Surprisingly enough, I had a few parliamentary colleagues who supported me on this next idea, which deals with local content. The issue here is whether we want Australian voices on television. This is a government that successfully fought the ambition of the US to try to reduce our local content. The government said, ‘No, we’re going to keep the 55 per cent.’ They did agree to something known as the ratchet clause—in other words, if our local content ever falls below 55 per cent, we are never allowed to put it up again. I genuinely do not believe the government would ever want that to be the case, so Labor are saying, ‘Why are we leaving the decision about local content in the hands of the Australian Broadcasting Authority?’ They can just make an edict and we will have a new level of content, and if they ever decide to lower it we can never put it back up. I do not believe the government want this.

Labor’s suggested amendment is that we should take the opportunity with this enabling legislation to put in place a strong guarantee of future local content. Let us amend the broadcasting act. Let us take the ABA out of the equation in the determination of local content and let us make it a vote of the parliament. Let us pass some legislation that will say that local content will remain at 55 per cent and that if any government in the future wants to reduce the number of Australian voices on television or wants to reduce Australian content it will have to be brought to the House of Representatives and it will be have to be brought to the Senate. That is the second amendment, consistent with the FTA, protecting Australia’s interests and ensuring there are Australian voices long term on free-to-air television.

But, as I said, I cannot claim complete credit for that idea, because I had the support of other parliamentary colleagues. Some of those parliamentary colleagues are from the other side of the chamber. The Joint Standing Committee on Treaties, which examined this issue, unanimously supported this idea. That is right: half-a-dozen government members and senators agreed to and supported this provision being put in place. I cannot claim all the credit, because half-a-dozen members of the government believed in this amendment and thought it was a good idea too. I say again, Senator Kemp, that you can go to the Prime Minister and say, ‘It’s not just Senator Conroy’s good idea. This includes some of our own backbenchers. Andrew Southcott and other members of JSCOT signed off on this.’ I think Senator Marshall might have been on that committee. Senator Marshall and half-a-dozen members of the government on that committee signed off on this idea. It is consistent. Nobody said it was
inconsistent two months ago when JSCOT produced its report. No-one said that this would destroy or undermine the FTA or that you could not have the FTA. There they are: two amendments consistent with support for the FTA but protecting and enhancing Australian local content and protecting and enhancing Australia’s PBS. Senator Kemp, that is the offer today to the Prime Minister of Australia: you can have the FTA inside seven days and probably by the end of next week—maybe earlier if the Senate gets through its business. Two sensible, reasonable, commonsense amendments, and the FTA is through.

Senator FERRIS (South Australia) (1.52 p.m.)—I have very good news for Senator Conroy. He will be very interested to hear that the President of the United States, George Bush, is due to sign the free trade agreement bill at 9.30 tomorrow, Washington time. Senator Conroy will be very pleased to know that the concerns he raised in his speech in relation to President Bush will be allayed tomorrow.

It is with a great sense of optimism that I rise to speak on the US Free Trade Agreement Implementation Bill 2004 and the US Free Trade Agreement Implementation (Customs Tariff) Bill 2004 that will bring into effect the free trade agreement between Australia and the United States of America, of which I was a member, carried out a thorough, exhaustive and transparent examination of the agreement. It was held concurrently with another thorough, exhaustive and transparent inquiry by the Joint Standing Committee on Treaties, chaired by my South Australian colleague the member for Boothby. So I can state at the outset that anyone who continues to suggest that there has not been a proper parliamentary scrutiny of this agreement is, frankly, deluding themselves. At this point can I say how much senators on this side wish the chair of the select committee, Senator Peter Cook, well for the serious surgery he is undergoing right at this time.

As a strong advocate for Australian agriculture, I can tell the Senate that the free trade agreement gives Australia’s primary producers a significant boost in the US market. Two-thirds of all agricultural tariffs, including on lamb, on sheepmeat, on wine, on a range of horticultural products and on seafood will be eliminated immediately, and a further nine per cent will be cut to zero within four years. Witness after witness at our select committee outlined these benefits and the positive message conveyed to primary industries. The Australian Dairy Industry Council told our committee:
The long-term prosperity of the Australian dairy industry is linked to export markets and international market access.

The new access offers Australian manufacturers a unique opportunity to grow demand for dairy in the United States, with innovative customer tailored products, before our competitors can secure increased access via either regional agreements or multilaterally through the WTO. They went on to say:

This will directly feed into greater exports, given the mature domestic market and sustainable downstream job creation in rural and regional communities where the dairy industry operates.

That is where new jobs are desperately needed. The Australian Seafood Council agreed. Their analysis that was presented to our committee of inquiry showed that 48 American tariffs plus some other rates of duty expressed in cents per kilo are all abolished from 1 January next year under this agreement. They disappear from day one. Horticulture Australia had the same story; they also told the committee that, as it stands at the moment, 98 per cent of Australian fresh exports into the United States face tariffs but that, under the agreement struck so far, 99 per cent would be tariff free immediately and the remaining tariffs would be eliminated over a transition period. That does go out, in some cases, to 18 years but it is conceded that it is a significant plus for the industry.

The Tuna Boat Owners Association told the committee the same thing. They said they needed volume to survive. They have no substantial tariff protection for products coming into Australia and therefore they need global volume to survive. The United States and Europe have always been shut to the Australian tuna industry because of a 35 per cent tariff into the United States and a 25 per cent tariff into the European Union. So this will be the first significant opportunity the Australian tuna industry and seafood industry—industries so important to the South Australian economy—will have to get into the United States. As they told the committee, they did not expect such a positive outcome so early. One of the topics that were raised with us was the multilateral versus bilateral philosophical approach to trade. It was discussed extensively in the committee because, of course, Senator Peter Cook, the chair of the committee, is an avowed multilateralist. The committee was very interested to address this matter. When I continue my remarks, I will outline the issue.

Debate interrupted.

MINISTERIAL ARRANGEMENTS

Senator HILL (South Australia—Minister for Defence) (2.00 p.m.)—by leave—On 14 July 2004 the Prime Minister announced a number of changes to the ministry. The swearing in took place on 18 July. I take this opportunity to congratulate Senator Ian Campbell and Senator Coonan on their elevation. For the information of honourable senators I table an updated list of the full ministry. Senators may wish to note a number of minor changes to representational arrangements, with Senator Coonan to represent the Minister for Revenue and Assistant Treasurer. In addition, I advise the Senate that Senator Campbell will answer questions related to the Corporate Law Economic Reform Program. As well as tabling the updated list of the third Howard ministry, I seek leave to incorporate it in Hansard.

Leave granted.

The document read as follows—
<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
<th>Other Chamber</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Commonwealth Government</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>THIRD HOWARD MINISTRY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>3 August 2004</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Title</strong></td>
<td><strong>Minister</strong></td>
<td><strong>Other Chamber</strong></td>
</tr>
<tr>
<td><strong>Prime Minister</strong></td>
<td>The Hon John Howard MP</td>
<td>Senator the Hon Robert Hill</td>
</tr>
<tr>
<td>Prime Minister</td>
<td>The Hon Gary Hardgrave MP</td>
<td></td>
</tr>
<tr>
<td>Minister Assisting the Prime</td>
<td>The Hon Jackie Kelly MP</td>
<td></td>
</tr>
<tr>
<td>Minister Parliamentary Secretary to the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prime Minister</td>
<td></td>
<td></td>
</tr>
<tr>
<td>**Minister for Transport and Regional</td>
<td>The Hon John Anderson MP</td>
<td>Senator the Hon Ian Campbell</td>
</tr>
<tr>
<td>Services**</td>
<td>The Hon Jim Lloyd MP</td>
<td>Senator the Hon Ian Campbell</td>
</tr>
<tr>
<td><em>(Deputy Prime Minister)</em></td>
<td>The Hon De-Anne Kelly MP</td>
<td></td>
</tr>
<tr>
<td>Minister for Local Government,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Territories and Roads Parliamentary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Secretary</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Treasurer</strong></td>
<td>The Hon Peter Costello MP</td>
<td>Senator the Hon Nick Minchin</td>
</tr>
<tr>
<td>Minister for Revenue and Assista</td>
<td>The Hon Mal Brough MP</td>
<td>Senator the Hon Helen Coonan</td>
</tr>
<tr>
<td>nt Treasurer</td>
<td>The Hon Ross Cameron MP</td>
<td></td>
</tr>
<tr>
<td>Parliamentary Secretary</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Minister for Trade</strong></td>
<td>The Hon Mark Vaile MP</td>
<td>Senator the Hon Robert Hill</td>
</tr>
<tr>
<td><strong>Minister for Foreign Affairs</strong></td>
<td>The Hon Alexander Downer MP</td>
<td>Senator the Hon Robert Hill</td>
</tr>
<tr>
<td>Parliamentary Secretary (Trade)</td>
<td>The Hon De-Anne Kelly MP</td>
<td></td>
</tr>
<tr>
<td>Parliamentary Secretary (Foreign Affairs)</td>
<td>The Hon Bruce Billson MP</td>
<td></td>
</tr>
<tr>
<td><strong>Minister for Defence</strong></td>
<td>Senator the Hon Robert Hill</td>
<td>The Hon Alexander Downer MP</td>
</tr>
<tr>
<td><em>(Leader of the Government in the Senate)</em></td>
<td></td>
<td>Senator the Hon Robert Hill</td>
</tr>
<tr>
<td>Minister for Veterans’ Affairs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minister Assisting the Minister for</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Defence Secretary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parliamentary Secretary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>*<em>Minister for Finance and Administration</em></td>
<td>Senator the Hon Nick Minchin</td>
<td>The Hon Peter Costello MP</td>
</tr>
<tr>
<td>*(Deputy Leader of the Government in the</td>
<td>Senator the Hon Eric Abetz</td>
<td>The Hon Tony Abbott MP</td>
</tr>
<tr>
<td>Senate)*</td>
<td>The Hon Peter Slipper MP</td>
<td></td>
</tr>
<tr>
<td><strong>Minister for Health and Ageing</strong></td>
<td>The Hon Tony Abbott MP</td>
<td>Senator the Kay Patterson</td>
</tr>
<tr>
<td><em>(Leader of the House)</em></td>
<td>The Hon Julie Bishop MP</td>
<td>Senator the Kay Patterson</td>
</tr>
<tr>
<td>Minister for Ageing</td>
<td>The Hon Trish Worth MP</td>
<td></td>
</tr>
<tr>
<td>Parliamentary Secretary</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Attorney-General</strong></td>
<td>The Hon Philip Ruddock MP</td>
<td>Senator the Hon Chris Ellison</td>
</tr>
<tr>
<td>Minister for Justice and Customs</td>
<td>The Hon Chris Ellison</td>
<td>The Hon Philip Ruddock MP</td>
</tr>
<tr>
<td><strong>Minister for the Environment and Heritage</strong></td>
<td>The Hon Ian Campbell</td>
<td>The Hon Warren Truss MP</td>
</tr>
<tr>
<td>*(Manager of Government Business in the</td>
<td>The Hon Dr Sharman Stone MP</td>
<td></td>
</tr>
<tr>
<td>Senate)*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parliamentary Secretary</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CHAMBER
### QUESTIONS WITHOUT NOTICE

**Telstra: Line Rental Charges**

**Senator MACKAY** (2.01 p.m.)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. Can the minister confirm that, under the Howard government’s price control arrangements, Telstra’s standard line rental charges have risen from $11.65 per month in January 2000 to between $26.95
and $29.95 per month today? That is almost triple, Minister. How can the minister justify these massive increases under the Howard government’s price control arrangements, when even Telstra admits that this financial year it stands to make $180 million from the latest increases alone?

Senator COONAN—Thank you, Senator Mackay, for the question. It is going to be nice to have a whole new range of people asking questions, much as I enjoyed Senator Conroy and—

Senator Sherry—You are still representing the Assistant Treasurer, I note. Don’t worry, we won’t forget you.

Senator COONAN—Thank you. Senator Mackay raised an issue about Telstra’s line rental increases. Telstra’s ability to raise line rentals is constrained by the price control arrangements that are imposed upon Telstra. The government imposes retail price controls on Telstra to drive efficiency improvements and to lower overall prices for consumers in markets where competition is not yet fully developed. Within these constraints, Telstra, like any other company, may vary its prices as it considers appropriate. Telstra’s compliance with the price controls is assessed annually by the ACCC. A breach of the price controls is a breach of Telstra’s licence condition, and Telstra can be penalised with a $10 million fine.

The government has accepted the ACCC’s and the Productivity Commission’s advice that gradually increasing the line rental charges to reflect the costs of providing telephone lines is in the long-term interests of consumers. Labor, of course, dismisses this argument—and I expect Senator Mackay does—thereby showing little regard for the views of independent experts. The government is very conscious of the need to protect low-income consumers from what you might call the shocks of line rental increases. To protect low-income consumers, the government has imposed a licence condition on Telstra that requires it to offer an annual $170 million package of assistance measures for low-income consumers. The package of measures is assessed by the Low Income Measures Assessment Committee, made up of representatives from peak bodies.

Looking to the future, the government has directed the ACCC to review the existing price control arrangements, and the scope for further line rental increases will be considered as part of this review. The Low Income Measures Assessment Committee’s assessment of the low-income protection arrangement was that Telstra has responded genuinely and comprehensively to the licence requirement to provide a program to assist low-income Australians to access telecommunications services.

It is interesting to note that this is an area—one of the few, I think, since I have been looking at what the opposition has been saying about telecommunications policy—where Labor has said it would freeze line rental increases and continue to call for price decreases. It is obviously simplistic to force Telstra to lower prices, and it would probably have fairly adverse consequences. Telstra accepts the impact on its revenue and profitability will be passed through to shareholders in the form of lower dividends. The other possibility is that Telstra will look to make up the revenue shortfall by increasing prices for other services, thereby affecting consumers. The point about this policy on line rentals is that it delivers an appropriate outcome for consumers and particularly for low-income consumers.

Senator MACKAY—Mr President, I ask a supplementary question. The minister talks about the shocks of line rental increases, but tripling them in four years is a major shock to consumers. Is the minister aware of Prime
Minister Howard’s statement on the Neil Mitchell program on 30 April that Telstra’s massive line rental increases were a matter for Telstra? John Howard said: ... I can’t control the micro-economic policy decisions of the company ...

On the contrary, isn’t it a fact that the Howard government initiated, negotiated and implemented the very price controls in 2002 which have allowed Telstra to massively increase its phone line rental fees? Minister, why did the Prime Minister attempt to deceive Australians in his statement of 30 April? Will the minister now correct the record for the Prime Minister?

Senator COONAN—I thought that I had outlined in fairly serious detail, in an attempt to answer Senator Mackay’s question, the policy and that the price controls do allow a regime to be delivered that takes into account the needs of consumers, particularly low-income consumers. It is perfectly true—and I agree with the Prime Minister—that the government is not there to micro manage Telstra. The government is there to ensure that there is a regulatory regime that delivers for consumers proper outcomes and that will allow Telstra to operate within a commercial framework in such a way that it is not so constrained that it cannot actually operate. Obviously there is a balance to be struck and that has in fact been done with the benefits for consumers.

Howard Government: Economic Policy

Senator CHAPMAN (2:07 p.m.)—My question is directed to the Leader of the Government in the Senate, Senator Hill. Will the minister update the Senate on how the Howard government’s responsible management of the Australian economy is providing significant benefits to Australian workers and their families?

Senator HILL—I thank Senator Chapman for his important question. Senator Chapman has always been a strong advocate for small business in particular, which is very relevant to this question. The Australian economy continues to go from strength to strength under the responsible management of the Howard government. The Howard government has made the tough but necessary decisions to keep the budget in surplus. We have paid off more than $70 billion of Labor’s debt legacy, which means that we have been able to invest in important areas such as education, health and defence. We have provided good news for Australian workers and their families.

Australia’s unemployment rate is down to 5.6 per cent. Unemployment under this government has now been below six per cent for 10 consecutive months—an achievement that has occurred only one other time in the last 25 years. The Howard government has created more than 96,000 full-time jobs over the last six months alone. Compare that with Labor’s 53,000 full-time jobs during its last six years of office. We have created more than 1.3 million jobs since coming to office. Again, contrast that with Labor’s high of one million unemployed. More Australians are now in work than ever before. We are not resting on our achievements to date. We are committed to providing more jobs for Australians who want to work. We are committed to driving down unemployment even further. That is why this government continues to manage the budget responsibly. That is why it has kept a lid on interest rates and inflation. That is why it is pursuing better outcomes for Australian exporters. Greater access to the growing markets of the world means more exports for Australia and more jobs for Australian workers. It is a pretty simple equation.

The government have gone out and fought for a better deal for Australian exporters. We have secured free trade agreements with Singapore and Thailand. We have established a
trade and economic framework with China—the fastest growing market in our region—and we have won a free trade agreement with the United States, the world’s largest and most dynamic economy. This agreement will deliver billions of dollars a year to our economy, with an estimated 30,000 new jobs. It is a good deal for Australian exporters; it is a good deal for Australian workers and their families. Some have chosen to play the politics of fear with this agreement for nothing more than short-term political gain. The government are committed to real benefits for Australia into the future. That is why we won this agreement, that is why we have stood by this agreement and that is why we are pushing ahead with this agreement. It is time for those opposite to do the right thing by Australian exporters and Australian workers and get behind this free trade agreement rather than yet again muddying the waters.

Senator COONAN—Talking about parroting lines, I am surprised that Senator Lundy is at all interested in what jobs might be created if there was divestiture of Foxtel when she has openly opposed the free trade agreement—a position that would destroy thousands of jobs for Australians, and many of them to do with the information economy that she espouses. On the issue of the potential divestiture of Foxtel, my view is that at this stage it is difficult to see that there is any compelling case that would warrant Telstra divesting itself of its interest in Foxtel. However, it is true to say that there are many people around who do advocate structural separation, vertical separation, spin-offs from Telstra and hollowing out of Telstra. None of that really addresses what kind of industry you would have if you actually did that.

So far as I have been able to tell, there is no cost-benefit analysis that indicates that there would be any net benefit if Telstra were required to divest itself of its interest in Foxtel. From the government’s perspective, you would have to ask yourself: what would the industry look like if Foxtel were divested? Who would buy it? Would you have any increase in competition? Would it look any different to the way it does now? Would you simply be setting yourself up for a situation where once again Telstra might enter the
market and build another network? What would happen to Optus? It seems to me that there are a number of issues that have not been thought out. The ACCC referred to the advisability of looking at whether there would be any benefit but, as I understand it, there certainly was not any conclusion that the ACCC had come to a view that this should happen.

On the other hand, the government has always appreciated the costs and risks associated with any kind of vertical separation of Telstra or the spin-off of Foxtel. In fact, the government’s position is supported by an OECD report, which I am sure Senator Lundy has read, which found that the benefits are likely to be limited and outweighed by the costs. Obviously, before you consider something as drastic as requiring a divestiture of a business you need to know what impact it is going to have on consumers, the cost to industry and whether or not you are going to end up with a more competitive environment. I understand that the Labor Party is really the only party to have flirted seriously with this idea in recent times when it was included in their ‘Reforming Telstra’ paper, which I have read. As we all remember, it was one of the great policy backflips that characterise the Labor Party. Labor was forced to change its position and concede that in fact it was a flawed policy idea in the long run. The long and short of this issue to do with Foxtel is that it is a leap in the dark. No-one knows whether or not that would benefit the industry and I am very surprised that Senator Lundy would espouse it.

Senator LUNDY—Mr President, I ask a supplementary question. Speaking of flirting with ideas and policy backflips, I also refer to the minister’s further comments in the Age this morning regarding structurally separating Telstra. Can the minister confirm that the government is now considering splitting Telstra into wholesale and retail companies? If so, for the benefit of all Australians, will the minister outline the full details of this policy prior to the election?

Senator COONAN—Obviously, the government is not in the business of regulating the structure of industries. The government is in the business of regulating the industry so that there can be appropriate access to other players. Indeed, that falls to me as part of my responsibilities in this portfolio and Senator Minchin has a different position, which means that the Labor Party should be agreeing to sell the whole of Telstra and not be worrying about slicing and dicing Telstra so that it is of not much advantage or value to anyone.

Trade: Policy

Senator BRANDIS (2.17 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 how the policies of the Howard government are winning greater access to world markets for our farmers? Is the minister aware of any alternative policy approaches?

Senator IAN MACDONALD—I thank Senator Brandis for that question. In passing, I congratulate him on the work he has done on the Select Committee on the Free Trade Agreement between Australia and the United States of America. Having been able to convince the Labor Party to see sense on that agreement is a great achievement.

The Howard government has negotiated this free trade agreement with the United States and that will mean big dollars and a huge boost for our primary industries. The agreement offers enormous opportunities for closer integration with the world’s greatest and largest economy. Indeed, CIE says that primary production will benefit by upwards of $600 million annually. Two-thirds of all agricultural tariffs will go immediately.
Lamb, sheepmeat and horticultural products tariffs will be eliminated straightaway. A further nine per cent of tariffs will be cut to zero within four years. The beef quota, currently 378,000 tonnes, will be substantially increased by something like 19 per cent over 18 years. Our exports of dairy, currently worth about $40 million, will increase to around $55 million. For the wool industry, there will be zero tariff for greasy wool immediately. There will be immediate tariff treatment for horticultural products—oranges, mangoes. The citrus industry will be saving nearly $700,000 alone in duties. Senator Brandis would be very familiar with the citrus industry, having visited Emerald during the break, looking at the difficult citrus canker problem up there.

Australia will have immediate access to the US market for up to 4,000 tonnes of avocados. We will get immediate zero tariffs for wheat and cereal flour—and so the statistics go on. Seafood, which relates to my portfolio responsibilities, currently worth around $140 million, will enter the market absolutely tariff free from day one. The immediate removal of the 35 per cent tariff on canned tuna will provide duty-free access to the $650 million US market. That could be worth something like $20 million to the tuna farmers in South Australia. Indeed, the CEO of the Tuna Boat Owners Association of South Australia, Mr Brian Jefferies, was quoted as saying that this is an opportunity that comes along probably once in a lifetime. Tuna boat owners are absolutely delighted with the free trade agreement.

I am asked whether I am aware of alternative policies. I know that all of the Labor premiers in Australia support the free trade agreement. I am still not quite sure what the Labor Party understand about the free trade agreement. I heard Senator Sue Mackay this morning say that she was totally opposed to it. I do not know where the Labor Party are. Apparently they have agreed to it subject to conditions, but who knows where they are?

It is such a good deal for Australia. It would have seemed a first-rate opportunity for the Labor Party to get on board and support something that will mean big money for Australian primary producers. I am delighted that the Howard government has been able to initiate this. I urge the Labor Party to get on board unconditionally.

**Telstra: Services**

**Senator STEPHENS** (2.21 p.m.)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. Does the minister agree with the recent comments by the former regional telecommunications inquiry chief, Dick Estens, that aspects of Telstra’s regional services were ‘a schemozzle’? Does the minister also support another of Mr Estens’s recent statements that getting telecommunications lines services working properly in Dubbo was ‘very frustrating’? Minister, how can Telstra’s regional services be judged as being up to scratch when the government’s own inquiry chief states that Telstra’s regional services are a schemozzle? Why won’t you abandon once and for all the government’s policy to flog off Telstra?

**Senator COONAN**—Thank you to Senator Stephens for her question. I must say I am very pleased to be able to talk about the things that this government has done for rural and regional Australia, which largely follow the recommendations of the Estens inquiry and which also relate to this government providing an information campaign in relation to what it has done. I am the first to concede that any plans to sell the rest of Tel-
to be perfectly clear about my former answer—should be done in one lot. It must, of course, provide value for shareholders, and to get the value up is obviously going to be quite an issue. The government obviously needs to be sure that services for rural and regional Australia are in fact up to speed. Lastly, of course, it needs to get enabling legislation through the Senate.

I do not underestimate any of those barriers to the sale of Telstra, but what I do think it is really important to understand is that many of the initiatives that this government has been taking have been fairly and squarely addressed at following the regional telecommunications inquiry—the Estens review—and dealing with the issues that have been identified in that inquiry, and they will continue to do so. It is obviously clear as well that, in relation to the roll-out of broadband, for instance, a lot of the technology that has been delivered to rural and regional Australia and the take-up of broadband technology have the opportunity to address some of those issues for rural and regional Australia and to address some of the issues that were identified in the original report. As Senator Stephens would be well aware, this government has undertaken many initiatives to implement the Estens report and will continue to monitor the effectiveness of those initiatives. But I am not going to stand in the Senate and I am not going to say anything publicly about the sale of Telstra that is not going to address those services. I think they are critically important for rural and regional Australia, and they are an absolute precondition to the sale proceeding.

Senator COONAN—What I said in my previous answer—and I will repeat it for Senator Stephens—is that I am very engaged and exercised in making sure that whatever initiatives have been implemented in rural and regional Australia will provide adequate telecommunications to the bush. Of course, we will continue to monitor that situation but, if you actually look at what the government has done, as I said a little earlier, the roll-out of broadband has really been quite extraordinary. Our other broadband initiatives include our Advanced Networks Program and support for eight major health education broadband projects funded through the National Communications Fund. This means a lot to rural and regional Australia because it means, for instance, that an area health service over scattered populations can actually save on travel time for meetings and can save even on fleet costs because people are not travelling around. There are many issues that are going to make it very important for rural and regional Australia. (Time expired)

Trade: Free Trade Agreement

Senator RIDGEWAY (2.27 p.m.)—My question is to Senator Hill, the Minister representing the Minister for Trade. Minister, why is the Pharmaceutical Benefits Scheme included in the free trade agreement with the United States when the government assured us it would not be on the table? Can the minister provide an ironclad guarantee that the changes to the PBS agreed under the US free trade agreement will not lead to higher medicine prices being paid by Australian taxpayers? Will the Minister for Trade resign if the prices do increase?

Senator HILL—The PBS is very important to the government, as it is to all Austra-
lians. We said from the outset that there were certain areas that we would need to protect if we were to achieve the outcome of a free trade agreement with the United States. We of course wanted that objective because it opens up markets, it facilitates economic growth and it thus contributes to the creation of more Australian jobs, which we on this side of the chamber think is very important. We are very proud of our record in that regard. But we did say that there were a number of areas where we have to safeguard Australian interests for very important reasons. One was the PBS, in terms of the security that it provides to Australians on health matters. Another was the area of quarantine. For obvious reasons, it is very important that we protect Australia’s quarantine system. A third reason, which I thought was very eloquently restated by my colleague Senator Kemp earlier today, was to look after Australian interests in broadcasting—the so-called cultural environment. So, yes, we did negotiate an agreement that did not threaten the PBS system, and we are quite confident of that outcome. I restated it in my second reading speech today in the chamber. Through the long and arduous considerations of these matters by two committees—the Joint Standing Committee on Treaties and the Senate committee—we remain as confident as ever that we have been able to properly protect the PBS system and Australian interests.

In relation to Minister Vaile, all I would want to say is that I think he has done an outstanding job in negotiating this agreement—an agreement that can contribute to significant economic growth in this country, an agreement that can continue the path of even lower unemployment in this country. I think that he is someone who ought to be congratulated by all sides in this chamber.

Senator RIDGEWAY—Mr President, I ask a supplementary question. I thank the minister for his answer. He did not answer the question in relation to the prices of medicines increasing. I wonder whether the minister is aware that Catholic Health Australia says that the FTA principles are too heavily weighted towards the objectives of manufacturers, with scant attention to the needs of consumers and Australia’s general health benefits. Is he also aware that the Public Health Association says the FTA will undoubtedly undermine the effectiveness of the PBS and potentially lead to two to three times more for the price of medications? Further, is he aware that the New South Wales government has asked for the PBS to be removed entirely from the free trade agreement? Minister, how is it that so many well-informed Australians have got it so wrong, when the government seems to be saying otherwise?

Senator HILL—In negotiating the agreement, it is clear that we did not get everything we want—you never do within a negotiation. What we got is an outcome that gives an opportunity for significant economic growth, that gives Australian business the incentive to grow into the largest economy in the world. We achieved it with a number of safeguards that we believe were in the interests of our country. One of those safeguards was protecting the PBS. We believe that we have achieved that goal. We have seen nothing through the parliamentary process that would suggest otherwise. Whilst I do not want to question the bona fides of the interest groups to which the honourable senator refers, it is possible for others to have differing opinions, but in this instance the government is very confident of its position.

**Health: Immunisation**

Senator MOORE (2.32 p.m.)—My question is to Senator Patterson, the Minister representing the Minister for Health and Ageing. Can the minister confirm that Australia is now the only developed country which still
purchases the older childhood vaccines which do not contain the injectable polio vaccine? Is the minister aware that the use of combination vaccines containing injectable polio is not just best medical practice but reduces the number of vaccinations that babies need and will save an estimated $7.8 million annually in vaccine administration costs? Will the minister explain to the Senate and to Australian families why the Howard government is refusing to provide injectable polio vaccine to Australia’s children, as recommended by the Australian Technical Advisory Group on Immunisation, the National Health and Medical Research Council and the World Health Organisation?

Senator PATTERSON—I would have thought that nobody on the other side would be game enough to get up and ask a question about immunisation. With Labor’s record on immunisation, Labor has not a leg to stand on. When we came into government, 53 per cent of our children were being vaccinated, down around the levels of developing countries in Asia. We had children dying of measles; we had children dying of whooping cough; we had children dying of preventable diseases. What we did, through very clever policy, was to in fact encourage parents. Those who chose not to have their children vaccinated were still required to go to their general practitioner to actually have it explained to them why it is not good for them not to be vaccinated and why it is not good for the community for the children not to be vaccinated. We increased that vaccination to 93 per cent. So to come in here and talk to us about vaccinating children is absolute, pure hypocrisy. When ATAGI gave us the recommendations for vaccination, the one that was at the top of the list was to vaccinate older people for pneumococcal.

Senator O’Brien—So you ignored that one. You ignored the others, did you?

Senator PATTERSON—Unlike Labor, who had a policy and had to backflip because they could not afford it on a range of issues—for example, after-hours services near hospitals; they backflipped on it when they suddenly realised they could not afford it—what we are doing is ensuring that we can actually manage a vaccination campaign. We now have rolled out vaccinating children against meningococcal, and we continue to do that now in the catch-up program. We are ensuring, unlike Labor, that children have a vaccination rate which is second to none in the world. Labor were running their vaccination rates at 53 per cent.

Senator MOORE—Mr President, I ask a supplementary question. Can the minister explain to the Senate why Minister Abbott has required the Australian Technical Advisory Group on Immunisation to reconsider their recommendations that all Australian babies should receive the injected form of the polio vaccine? Why is the minister for health trying to save money at the expense of the long-term health of our children?

Senator PATTERSON—As I have said, Labor had an appalling record on vaccination. With regard to the vaccination of children using oral vaccine versus injectable vaccine for polio, the adverse events have been very low—almost, I think, negligible. What we have to do—and Labor have to understand this if they are ever to have their hands on the levers of government—is make decisions, like the ones we have to make to actually put vaccinations onto the PBS, like the ones we have to make to ensure which group of people we will vaccinate and which vaccines are the most cost effective. They are the issues. Mr Abbott has said he has written to ATAGI asking them to review the most recent evidence about varicella vaccine—and they have mentioned that in their question—and about IPV and to update their advice about the benefits and costs of introducing
them to the National Immunisation Program funded by the government. (Time expired)

Trade: Free Trade Agreement

Senator HARRIS (2.36 p.m.)—My question is to Senator Hill, the Minister representing the Minister for Trade. Senator Hill, Minister Vaile wrote to Ambassador Zoellick in an exchange of letters. The letter asked for confirmation that the governments share understanding on some issues. In that, paragraph 4 says:

Australia shall provide opportunities to apply for an adjustment to the price of a pharmaceutical under the PBS.

Senator Hill, how does your government reconcile this commitment to the US with its public statement that the free trade agreement will not impact on pharmaceuticals?

Senator HILL—The simple answer is that the particular paragraph of the letter to which the honourable senator refers simply confirms what the situation is today. The letter is part of an exchange of letters between Minister Vaile and Ambassador Zoellick and it refers to the operation of our PBS system. We indicate certain things for the United States side to enhance transparency and meaningful consultation and accountability in the process for selecting, listing and pricing the pharmaceuticals, which we believe to be a reasonable request from the United States side. As the honourable senator knows, because he is referring to this letter, it goes through the listing process, the role of the Pharmaceutical Benefits Advisory Committee, an appeal process where a particular item is not listed and various steps that are being taken to ensure that the process is more expeditious. Then we get to paragraph 4, to which the honourable senator referred, which said that in effect an applicant still has got the right to apply for a price adjustment. My understanding is that an applicant has got the right to apply for a price adjustment today, and I say that this does no more than simply affirm what the existing situation is and therefore does not threaten PBS prices as a result of the free trade agreement. I will ask Minister Vaile to confirm my understanding but I am quite confident that what I have said is the case.

Senator HARRIS—Mr President, I ask a supplementary question. The free trade agreement also provides for an aggrieved party, as you have mentioned, to apply to a dispute panel. With the Pharmaceutical Benefits Scheme or with pharmaceuticals in general, this panel would be made up of a representative from Australia, a representative from the aggrieved party—that would be a pharmaceutical company—and a third person, a representative from the WTO, so a three-man panel would be making the decision. Senator Hill, is it correct that your government has agreed to accept a process where the decision of that panel has no right of appeal?

Senator HILL—I think two separate issues are being confused: one is in relation to the issue of pricing, in which case the existing mechanisms are not changed, as I understand it, and the other is a new appeal mechanism where an application has not resulted in a PBAC, which is the existing body, recommendation to a list. So, yes, there is an appeal mechanism to demonstrate good faith in relation to listing but not in relation to price. Therefore, I think if the bottom line of what the senator is putting is a concern about prices under the PBS then his concerns in this instance are without merit. I will ask Mr Vaile to confirm that but, again, I am reasonably confident that that is the case. (Time expired)

Taxation: Family Payments

Senator JACINTA COLLINS (2.41 p.m.)—My question is to Senator Patterson as the Minister for Family and Community
Services. Can the minister confirm that the government will not require families who have been wrongly double paid its June one-off $600 family payment or indeed separated families who have received too much of the payment to pay this money back? Minister, isn’t this a blatant double standard, given that in the last 12 months you have slugged 15,000 pensioners with debts totalling nearly $40 million?

Senator PATTERSON—Every time somebody on the other side asks me a question about the family tax benefit it gives me the opportunity to tell people that as a result of the management of this economy we were able to give families a social dividend of $600 per child—those people who were entitled to family tax benefit A. I can also say that we increased the family tax benefit by $600 last financial year and this financial year and that Labor have failed to guarantee to those families that the $600 will exist longer than this financial year. We saw Mr Latham saying before the budget that in budget week we would see their family policy and we would see their tax policy. We waited for the rest of May, we waited for the rest of June, we waited for the rest of July and now we are into August and we are still waiting to see Labor’s tax policy and family policy.

We gave two million families $600 per child—that is, 3.5 million children. There were 2,000-odd families—I think it was just over 2,000—who qualified because they had changed from a lump sum payment to a fortnightly payment, and not only that but they had changed from one person receiving the benefit to the other. Under the legislation, they were entitled to that. We have written to those families and indicated that if they believe—

Senator Jacinta Collins interjecting—

The PRESIDENT—Order! You have asked your question. Let the minister answer.

Senator PATTERSON—they have received more than they are entitled to they can repay that amount. Let me just say that when Labor were in government and people had an overpayment of family assistance they actually forgave 10 per cent of any overpayments, which amounted to millions of dollars and families receiving a payment to which they were not entitled. We would have preferred that every family had only got one payment per child but when you give out two million payments—and it is a very small number of people; 2,000 families received a payment in respect of the same child—it is a very small issue in the large, overall roll-out of two million families receiving a very significant benefit. We are running this economy; we are not running it at $10 billion worth of debt as you did in your last year of government. We had a surplus and, instead of borrowing from the next generation, we are actually supporting families to support the next generation.

Senator JACINTA COLLINS—Mr President, I ask a supplementary question. I would ask the minister to actually address my question rather than give her diatribe about what this government has done in this area, but let me ask a further question. Can the minister confirm how many separated parents who have less than 100 per cent of the care of their children have been paid the full $600? Can the minister also confirm what the additional cost of paying these parents’ ex-partners or their children’s foster or other carers will be when they are paid their proper entitlement?

Senator PATTERSON—as I said, we rolled out payments to two million families through a system that is not used to giving a one-off payment and we gave them $600 per child in respect of 3.5 million children. The
number of families that received a double payment was miniscule compared with the overall payout. What Labor need to do is tell families what they are going to do about the $600 increase in family tax benefit. Mr Latham has said that he cannot guarantee that families will not be worse off under him. He was given two opportunities on the 7.30 Report to say that families would not be worse off under Labor. Mr McMullan said he could not guarantee the $600 increase in family tax benefit per child beyond this financial year.

Trade: Free Trade Agreement

Senator FERRIS (2.46 p.m.)—My question is to the Minister for the Arts and Sport, Senator Kemp. Will the minister inform the Senate of the government’s efforts to secure the benefits of free trade while ensuring the protection of Australia’s vital cultural interests, including the very important audiovisual sector?

Senator KEMP—Thank you, Senator Ferris, for that very important question. Today is a historic day. It is the day the Labor Party has decided to do one of the greatest backflips since Federation and support the free trade agreement. The question as to why the Labor Party could not make up its mind five months ago has been asked. The short answer to that is that it has a leader called Mark Latham who cannot tackle the hard issues, to be quite frank. This was a difficult issue for the Labor Party and it is one on which the Labor Party has allowed a debate to run for a very long period of time. In my portfolio responsibilities I have had to listen to Senator Lundy debate this issue at Senate estimates and on radio and TV, and Senator Lundy has always made the point that the Labor Party would not be signing the free trade agreement unless there was a cultural carve-out.

Senator Lundy—Tell me this: are you going to support our amendment?

Senator KEMP—If I am wrong, Senator Lundy, you can correct me, but the truth is that you opposed the free trade agreement. We debated this issue in front of the cultural sector last Monday and you were very opposed to the free trade agreement. I made a prediction at that debate—and Senator Ridgeway was there, and he can confirm it. I said, ‘Senator Lundy, you have attacked the free trade agreement tonight, but let me tell you that you will be walking into this parliament and voting for it.’ That is precisely what has happened.

What I think was disturbing about this debate was the misinformation that was conveyed to the cultural sector. This government, as always, protects the national interest. This government is one that has an acute sense of the national interest. This government said from day one that it would protect Australia’s cultural objectives in the free trade agreement. I am pleased to report to you, Mr President, that that is exactly what the government has done. I can assure Senator Lundy that the government has kept its commitment to the cultural sector and has retained the capacity to support the sector, to regulate audiovisual media and to meet our cultural objectives now and in the future. Importantly, the government’s capacity to provide grants and subsidies, including tax incentives, and to support cultural institutions and agencies—including, for example, the ABC and SBS—remains unaffected.

In audiovisual services the government have negotiated an agreement with the US that retains existing regulations for local content, including on advertising. We have the ability to introduce local content requirements on possible digital multichannelling on free-to-air commercial television. We have the ability—and this has not come
through in any of Senator Lundy’s statements—to double the current 10 per cent expenditure requirement on drama channels for subscription television. We have the ability to impose expenditure requirements of up to 10 per cent on four additional program formats on subscription television—that is, on arts programming, children’s programming, documentaries and educational programming. The agreement preserves our ability to direct money into new production activity. We have the ability to introduce local content requirements on new media—and this was one of the major demands of the cultural sector—and interactive radio or video services. The agreement can apply to new types of interactive platforms that have yet to be conceived. Most importantly, the decisions on these matters will be made by Australians. The US does not have the power of veto. (Time expired)

Health: Immunisation

Senator FORSHA W (2.51 p.m.)—My question is directed to Senator Patterson, the Minister representing the Minister for Health and Ageing. Is the minister aware of a recent study published in the prestigious Paediatric Infectious Disease Journal that shows that vaccinating infants against chickenpox definitely leads to a substantial fall in mortality and a reduction in severe complications?

Government senators interjecting—

Senator FORSHA W—If you are interested in the health of children, you might listen. Can the minister then explain why the Howard government has consistently refused to fund the recommendation of the Australian Technical Advisory Group on Immunisation and the National Health and Medical Research Council that all Australian babies be vaccinated against chickenpox?

Senator PATTERSON—I do not why he would come up for a second bash—but they do. I remind the Australian public that when Labor was in government 53 per cent of children were vaccinated with vaccines on the schedule. We had children dying of measles, we had children dying of whooping cough and we had vaccinations running at Third World levels. The honourable senator gives the example of one study. I have been reading about this, and Mr Abbott has been advised by the Chief Medical Officer that there are some concerns about vaccinating children against varicella. One of the concerns is that it is possible, when you vaccinate a population of children against varicella, that the likelihood of chickenpox and shingles in adults increases. There is some evidence to that effect. It is the case that varicella and shingles in adults is much more serious. The Chief Medical Officer has advised Mr Abbott that there are concerns about this and that it is a more serious disease in adults than it is in children. Mr Abbott is seeking further advice from the Chief Medical Officer and from ATAGI on this issue.

Labor needs to go back and look at its own record of 53 per cent of children being vaccinated with the vaccines on the schedule. You have no leg to stand on. You have an appalling record of vaccination of children, and I do not know why you would get up and ask questions about it.

Senator FORSHA W—Mr President, I ask a supplementary question. The reason I get up and ask questions about it is to try to get an answer out of you, Minister, as to why it is that a recommendation of the Technical Advisory Group on Immunisation and a recommendation of the National Health and Medical Research Council that all Australian babies should be vaccinated against chickenpox has not been accepted. You referred to the Chief Medical Officer. Why is it that the minister has gone back and asked the Technical Advisory Group on Immunisation—an expert group—and the National Health and
Medical Research Council to review their recommendations that all Australian babies should be vaccinated against chickenpox when the evidentiary base has not changed? Isn’t it the case that what the government is really trying to do here is save money in this program at the expense of the health of those children?

Senator PATTERSON—Obviously, the senator did not listen to the answer that I gave to the first question. The minister has written to ATAGI to ask it to review the recommendation. He asked the Chief Medical Officer for further advice on some of the conflicting information about the value of vaccinating children against varicella and, later down the track, the possibility of having adults who contract varicella or get shingles, which is much more serious in adults than in children. I will ask the minister whether he has any more information and I will bring it to the Senate as soon as possible if he has.

Trade: Free Trade Agreement

Senator CHERRY (2.55 p.m.)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. The Broadcasting Services Act includes in its objectives the promotion of ‘the role of broadcasting services in developing and reflecting a sense of Australian identity, character and cultural diversity’. Why then has the government undermined this act by giving the United States government a direct, formal say in the setting of local content rules for new media, which shall be ‘non-discriminatory and no more burdensome than necessary’? Why has the government agreed that if, under pressure from media companies, the government reduces the level of local content on Australian television, no future government will be allowed to increase it again? Why has it agreed to extend the 55 per cent local content standard only to the second of any new free-to-air multichannels, even before the government has concluded its own multichannelling review? Why undermine the fundamental objective of our Broadcasting Services Act for no new reciprocal benefit for our film and television industries?

Senator COONAN—I thank Senator Cherry for the question. There has been a lot of misinformation in the debate that has surrounded the content rules to do with the FTA, and I think it is important to separate fact from fiction. Perhaps the biggest victim of the misinformation campaign has been the debate about what the government has done to protect local content and Australia’s cultural objectives. We do need to be very clear, as Senator Kemp outlined in great detail, that what we have done in this free trade agreement gives future Australian governments vast scope to preserve and to promote Australia’s cultural identity and local content.

With respect to local content we have done two things. We have completely retained the current local content requirements that exist to make sure that Australians can hear Australian voices and stories—that is, 55 per cent of programming and 80 per cent of commercials on free-to-air television—and we have secured for Australia the capacity to impose new local content requirements in the future, should it be necessary. It is very difficult to predict the future but it is important that we at least preserve the ability to deal with it as may be necessary. It is precisely because the future is unclear—particularly subject to reviews that are being conducted, as Senator Cherry mentions—that the government has negotiated an agreement that gives it the flexibility that it needs to introduce new rules for new forms of media.

To maximise this flexibility we have deliberately not sought to be constrained from defining matters such as new media in the agreement. In practice, we could impose a 55
per cent local content requirement on up to three channels per provider if we move to a multichannel environment. This gives us the capacity to triple the amount of local content available on free-to-air television. If it is considered necessary, we can also double the expenditure requirement for local content on pay TV.

Looking to the future, we can impose measures on new interactive platforms to make sure that Australian consumers can get appropriate access to Australian content. Rather than spelling doom and gloom and the end of Australian film and TV as we know it, this government supports these industries and supports our culture. The agreement allows the government to require more Australian content to be made available than we already enjoy. That has been a deliberate policy approach that the government has espoused in relation to content.

Obviously, I can see from Senator Cherry’s question that he is still lukewarm, as indeed are the Labor Party, on embracing the free trade agreement. After five months of dithering and sitting on the fence by the Labor Party, they have now said that they want to espouse the local content requirements currently in legislation. That does not really do much to improve what we already have but we will look very carefully at the proposal. Of course, the Labor Party put in place these requirements in 1992 and there can be little doubt, in response to Senator Cherry’s question, that the government has properly cared for and had regard to local content, and will continue to do so.

Senator CHERRY—Mr President, I ask a supplementary question. I am pleased to hear that the minister is at least prepared to look carefully at any proposals to ensure local content stays. Can she at least assure the Senate on one item: has the government retained the flexibility to modify subquotas within the local content standard for television? Can she assure the Senate that in that regard this government has not tied the hands of any future, more responsible and pro-Australian government to require more Australian drama, children’s or documentary programming on television? Can she also assure the Senate that we will not be subjected to any more real fictions like the DFAT CIE modelling report?

Senator COONAN—I find it very difficult to conceive of a more pro-Australian or more responsible government than the Howard government in the way it has negotiated the free trade agreement in the interests of all Australians. We have called it for Australia and we have always looked after Australia’s interests. With regard to Senator Cherry’s supplementary question, of course we will look at what the Labor Party says but any changes should go in regulations for the precise reason that the subquotas are changed quite regularly by the ABA. It would be sheer madness to put them in legislation.

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

FREE TRADE AGREEMENT COMMITTEE: INTERIM REPORT

The PRESIDENT (3.01 p.m.)—I wish to make a statement regarding unparliamentary language and matters raised by Senator Cook. In the debate on the interim report of the Select Committee on the Free Trade Agreement between Australia and the United States on 24 June 2004, Senator Cook, the chairman of the committee, referred to remarks included in the government senators’ minority report which he said would be unparliamentary if made during the proceedings of the committee, and asked me to look at the matter.

The section in the minority report to which Senator Cook referred claimed that
the chairman’s draft report was prepared with no consultation whatever with government senators and the possibility of the committee seeking to come to a consensus view was therefore foreclosed. The minority report claimed that the circulation of the chairman’s draft was ‘obviously calculated to prevent careful analysis or criticism’ and that this was ‘consistent with the evident tactic of the chairman in persistently refusing to give government senators equal opportunity to question witnesses.’

If these statements were made about a senator in the Senate, it is doubtful that I or any other occupant of the chair would rule them to be unparliamentary. Although they cast serious reflections on the conduct of the chair, they would appear to fall into a category of allegations which are commonly made and refuted in debate rather than offensive words under standing order 193.

There is, however, a potential problem with the inclusion of unparliamentary expressions in committee reports. This was the subject of a statement I made on 11 November 2002. It is the responsibility of members of committees and, to the extent that they can influence committee deliberations, committee staff to ensure that unparliamentary language is not included in reports. Other than repeat this injunction, there would appear to be little that I can do to avoid the problem. Once a report is presented the offending words cannot effectively be withdrawn, but the Senate could censure them.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS
Telstra: Services

Senator MACKAY (Tasmania) (3.04 p.m.)—I move:

That the Senate take note of the answers given by the Minister for Communications, Information Technology and the Arts (Senator Coonan) to questions without notice asked by Senators Mackay, Lundy and Stephens today relating to the provision of services by Telstra.

Today the opposition asked a number of questions in relation to the gamut of telecommunications in Australia, hoping for a different response from the government and from a new and, hopefully, more proactive minister. We appear to be sadly disappointed with respect to that. I know that Senator Coonan is new to the portfolio; it is something that some of us have tracked for probably too many years, I would say. The reality with respect to line rentals in particular, which relates to the question I asked, is that since March 2000 line rentals have tripled under this government. The minister says, ‘Okay, that’s fine; we have put appropriate mechanisms in place to assist low-income people.’ That is simply not the case.

It is not good enough for the Prime Minister, John Howard, to say, ‘I can’t control the microeconomic policy decisions of the company.’ That is a total cop-out on the face of it. To compound that absolute cop-out, the reality is that the government initiated, negotiated with the assistance of the Democrats and implemented the very changes that have allowed Telstra to triple line rentals in the last four years. In fact, Telstra admitted at the last round of estimates hearings that the latest increase alone will reap them $180 million. This is the same outfit that, when asked questions by me and others with respect to credit card fees and why they were charging people for paying their Telstra bills by credit card, effectively said, ‘Because we can.’ It is that level of corporate arrogance that I was hoping the new minister would give some indication that the government was prepared to tackle. But if you are the government of the day, you simply cannot say, ‘It’s nothing to do with us,’ which is what the Prime Minister has said. If you are the government of the day, you simply cannot say, ‘We can’t control the microeconomic policy decisions
of the company.’ If you are the Prime Minister of the day and you cannot control what is happening in a company of which the people of Australia are the majority shareholder, how on earth can you purport to manage the country? That is the reality.

The cost of line rentals has in fact tripled. The reality is, again, that there has been very slow progress at the other end of the spectrum with respect to assisting people on low incomes. The minister herself made comments with respect to the ‘shock’. She used that term when she said, ‘There are processes in place to absorb the shocks of line rental increases’—out of the mouths of babes and government ministers. To the average Australian a tripling of the cost of line rentals is a shock, which is why Labor have said—and we are unabashed about this—we will freeze line rental increases. Telstra were not particularly thrilled about that when they heard that statement at estimates or wherever. We say: ‘Too bad for them.’ We are not elected as individuals and, if we are elected at the next election, we are not elected to represent Telstra. We are elected to represent the people of Australia and that is what Labor will do: we will freeze line rentals. We do not believe that a tripling of line rentals over a very short period is good enough. We know that Australian consumers do not believe it is good enough either.

The other thing of interest I noticed today, with respect to the comments of the new minister, is that she bluntly admitted there was a difference of position between herself and Senator Minchin. There is a difference of position between a lot of people and Senator Minchin. What is the minister’s position? In the time she has been minister, 10 days into the new job, she has gone from announcing that she would continue the previous minister’s policy and the government’s policy of legislating to sell Telstra before the election to saying that she would legislate to sell Telstra after the election. Then today in the papers we read that she is proposing to split Telstra up—the very thing that Richard Alston vowed and declared he would never, ever do.

In terms of where this government’s policy is, we have Senator Minchin saying, ‘Sell at all costs, we don’t care about consumers.’ We have Senator Coonan, who is not sufficiently across the matter, saying three different things in the first 10 days into the new job. The only party that is consistent is the Labor Party. We will not sell the remainder of Telstra; we will keep it in the hands of the shareholders of Australia. The way to keep Telstra in public hands is to vote Labor at the next election.

Senator EGGLESTON (Western Australia) (3.09 p.m.)—I rise to speak on the motion to take note of the responses given by Senator Coonan to questions asked of her today. Senator Mackay of course is taking the fixed Labor Party view about Telstra—that is, in order to provide a reasonable level of telephone services and other communication services to the Australian community the government must own that service. Of course, that is absolute nonsense. You do not need to own a service to regulate a service and that is the government’s position. We believe, quite emphatically and without any doubt whatsoever, that the basket of regulatory regime factors surrounding Telstra is such that the public of Australia is guaranteed an excellent telephone service, regardless of who owns Telstra.

It is a shame, I think, for the people of Australia that Senator Mackay, and other members of the ALP, are so ideologically committed to the socialist concept of state ownership and thereby the people of Australia are suffering. I am bound to call the attention of the Senate—since Senator Mackay talked about higher line charges—to what the
practical impact has been of the government deregulating the telecommunication service. The government deregulated the telecommunication services and, as a result, we now have over 100 telecommunications companies in Australia providing services to the Australian people. The most important outcome of that competition has been a dramatic drop in the cost of telephone charges. The Australian people have benefited enormously from deregulation of the telecommunications system brought in by the Howard government. It would be a genuine tragedy no less for the people of Australia if we were to go back to the regime which existed under the Labor government, where there was a single provider and no competition whatsoever. That meant poor service, slow action in putting on new services, slow action in undertaking repairs and that technological innovation and variety in those kinds of services was never implemented in Australia, whereas it was in other countries.

For many reasons, the ideological position that we on this side of the house have adopted—that is, a belief in the benefit of competition and that it is good for the customer—has been more than adequately proven, proven in spades in fact, by the experience we have had in the telecommunications industry. As I said, there are over 100 telcos these days, prices have dropped and Australians around this country, not only in the big cities but also in rural areas, have access to the most sophisticated telecommunications in the world.

The fact that we held a Senate inquiry last year into the sale of Telstra seems to have escaped Senator Mackay’s mind, even though she participated in that inquiry. We found during the inquiry that people around Australia, and in rural areas in particular, were quite happy with their basic telephone service and they wanted more sophisticated services. They did not want just a basic telephone service anymore; they wanted access to broadband, fast fax and the Internet. Again, competition will bring those services. It is the competition to Telstra, from Optus in particular—who are offering very sophisticated communication services via satellite—which has no doubt led Telstra to introduce the concept of Telstra Country Wide, which has had a very dramatic effect on improving services in country areas and which has brought a great benefit overall to the people of rural Australia. Again, I state that were we locked into the socialist policies of the ALP and a single telecommunications provider in this country, the people of Australia would be much worse off than they have been under the competitive regime introduced to the telecommunications industry by the Howard government.

Senator STEPHENS (New South Wales) (3.14 p.m.)—I too rise to speak on this motion to take note of the responses given by Senator Coonan to questions asked of her today. I would like to focus my attention on her responses to my questions about regional services and the comments made by the government’s appointee as the chair of the regional telecommunications inquiry in 2002, Mr Dick Estens, who only a week ago made the statement that many telecommunications services in the bush remain a shemozzle. This was a bit of plain speaking about what is actually happening in rural Australia in telecommunications services. In a media report, Mr Estens was cited as saying that he was having difficulties in getting those telephone lines connected in Dubbo. For those people who are not from New South Wales, Dubbo is a major regional hub and a centre that would be expected to have reasonable telecommunications services. The fact that Mr Estens was having difficulty in getting those telephone lines connected is an indication of just how difficult it is in the bush to
have some kind of equity of access to telecommunications services.

But we still hear stories, even in the media this week, that the minister will consider quite soon another attempt to sell off Telstra, despite the government’s expert saying that regional telecommunications are not up to scratch. Of course, there is also the obvious absence of any comment or defence of that position by any Nationals representatives in this place. We are also very aware that the two internal documents leaked by Labor earlier this year show that fixed line and mobile networks are going backwards after years of Telstra staff and investment cutbacks. So we have a situation in all of regional Australia where the Telstra network is an unreliable mix of the technology superhighway and what I would describe as bush tracks or gravel tracks. The minister needs to get her head around what the facilities are for regional telecommunications. We have a motley collection of old, copper-wire technology. We have a series of quite soggy cables and underpowered exchanges which, as soon as there is any rain, are flooded and the services become unworkable. We have overlooked lines, we have temporary patches where pair gains are being connected and used as some kind of second-rate service delivery. We have a guarantee from Telstra of an Internet connection speed of 19.2 kilobits per second, which in many areas of regional Australia is a complete joke. Even where I live, only 15 kilometres out of Goulburn, the Internet connection speed on a good day is sometimes only 14 kilobits per second, which means it can take hours to download a simple virus protection program, for example.

So regional telecommunications services are still a joke for many people. The minister talked today about the move to use telecommunications services to deliver services for health and education. I have to say to the minister that she needs to take a bit of a reality check on how effective that can be when we do not have access to those kinds of services in many of our communities. We have a big push to take on satellite connections but, even so, we have the situation that Mr Estens commented on, which is that the combination of service providers and the deregulation of service providers mean that it can take weeks to get a technician to come to either install or repair any of those kinds of services. So regional Australia has been seriously let down by The Nationals and by the Liberal Party regional representation in this place. As Senator Mackay said, Labor are committed to ensuring that we maintain Telstra in public ownership for all Australians.

Senator SANTORO (Queensland) (3.19 p.m.)—The contributions of senators opposite has given us a fairly clear indication today of just how the Labor Party would operate should they be given a chance to govern, which I suspect they will not be given for quite a long time.

Senator Mackay interjecting—

Senator SANTORO—To use Senator Mackay’s words, what they are interested in is microeconomic management. Unlike you, Senator Mackay, through you, Mr Deputy President, this government has confidence in the boards that it appoints, it has confidence in the management that those boards oversee and it goes about the business of government by not interfering. We do not interfere, we do not intervene and we do not go about the business of distorting the good work that government appointed boards do. If we are not confident in them we will replace the chairman or replace the personnel and we will move on with business. Telstra goes about servicing the legitimate telecommunications needs of Australians, particularly in rural and regional Australia, and it earns dividends for the government—dividends
that the Labor Party would like to get their hands on to squander. What we have done in government, for example, is reduce the huge amount of debt that the Labor Party, the now discredited Hawke-Keating government, left behind for us to clean up.

We unashamedly support competition and we unashamedly support the operation of the market, but we also acknowledge that the competitor market does have some limitations. To overcome the limitations of the market the Howard government is supporting competitive outcomes with regulated consumer safeguards and targeted government funding. In a speech to a CEDA conference in May, the former minister said that the government believed this would achieve the best outcomes not only for the industry but also for all Australians. It is perfectly plain, and it should be to those opposite, that the Howard government is not going to divert from this basic policy framework.

The Australian telecommunications market has dramatically changed since it was opened up in 1997, and we heard that throughout the recent inquiry. A study conducted by the Allen Consulting Group on behalf of the Australian Government Communications Authority found that ‘competition resulted in consumer benefits of between $330 and $1,028 per household in 2002-02’. There you have real and sustainable consumer benefits. The consultants also found that the introduction of competition accounted for increased small business profits of $1.7 billion. Presumably senators opposite would want those particular benefits to remain with small businesses. The study found that that had resulted in 54,000 additional jobs and $12 billion worth of growth in the Australian economy. Again, these are very real and quantifiable benefits that we do not hear senators opposite acknowledge.

Only this month the government announced that telecommunications consumers will have stronger representation as a result of grants totalling $700,000 to 28 consumer organisations. The grants will ensure that the needs and interests of consumers are represented in the development of telecommunications industry codes and practices. A new feature of the grants for 2004-05 is the allocation of sitting fees to all members of the Australian Communications Industry Forum Consumer Advisory Council and the ACIF Disability Advisory Board. This funding means that consumer bodies who want to participate in the self-regulatory process in telecommunications have sufficient and appropriate financial support. Funds are also to be allocated for the representation of consumers in regional areas and consumers with disabilities. The peak representative organisations for residential and small business consumers, the Consumers Telecommunications Network, and small enterprise telecommunications centres will also receive funding. This will help them to employ staff with expertise and experience in telecommunications and representation for the long-term benefit of consumers. Organisations representing consumers with disabilities, including the Telecommunications and Disability Consumers Representation, Australian Association of the Deaf, Deafness Forum Australia and Women with Disabilities Australia, have also been allocated funds.

Under the Telecommunications Act 1997 the Howard government has allocated $4.6 million to consumer bodies for representation since 1998. What these particular figures and the government initiatives clearly show is that the Howard government is very committed to taking on the concerns of consumers and of the organisations that represent consumers, particularly those organisations that represent consumers with disabilities and those who may be disadvantaged by the
tyranny of distance as a result of the size of our country. What really worries me during these debates is that you hear senators opposite and opposition members in the other place simply refusing to acknowledge the great benefit that has resulted from the deregulation of the telecommunications market as well as the great work that Telstra does. We are not into microeconomic management of the way Telstra goes about its business; we are all about delivering real benefits. (Time expired)

Senator BUCKLAND (South Australia) (3.24 p.m.)—I too rise to speak on the answers given by Senator Coonan to questions today. One thing that really does stand out about the difference between Labor and the government in relation to Telstra is that Labor will absolutely never sell Telstra. We will keep Telstra as a majority public owned company delivering decent services to all Australians—not the services that are provided by this government through Telstra. Labor is committed to serving the outback and to serving people in remote and isolated areas on the same basis that it serves city dwellers. We believe that Telstra should go back to the real basics—providing jobs and services to all Australians—not the services that are provided by this government through Telstra. Labor is committed to serving the outback and to serving people in remote and isolated areas on the same basis that it serves city dwellers. We believe that Telstra should go back to the real basics—providing jobs and services to all Australians. I was interested in Senator Coonan’s comment that Telstra was protecting charges for the long-term benefit of all consumers. There was a $180 million profit from the last increase alone, yet not all consumers have easy or good access to Telstra services. We talk about travel and we talk about mobile phone linkages between major centres. I can tell you that there is not clear access for mobile phones between Adelaide and Whyalla, Adelaide and Port Augusta, Whyalla and Port Augusta and Whyalla and Port Lincoln. Certainly, on the west coast, when you leave the confines of Port Augusta you cannot pick up a mobile phone signal again until you get to Ceduna, some 400-plus kilometres away.

The same goes for the south-east of the state. If you go off the main highway you lose phone contact for many hours at a time. If you go north towards Alice Springs, Coober Pedy, Marla or Glendambo, you will get coverage between Port Augusta and Coober Pedy for 25 kilometres, if you are lucky, as you go past Woomera. That is the total service that you have for your mobile phone. Then you talk to the people who live in those remote outback areas, to the graziers in the areas of Oodnadatta, William Creek, Marla, Maree and the station country. They have difficulty getting landline access to their Internet services. In fact, in some locations they can wait two hours for simple emails to open—two hours to open an email because the service is so poor.

I am interested too in the attitude of The Nationals, particularly the Queensland Nationals. I thought at one stage that they were going to go to the wire on this and that it could have caused a bit of a revolt within the coalition. They were going to stick by Telstra forever and a day. But of course they say one thing in Queensland and another here. John Anderson stated at the Queensland Nationals conference on the weekend that he opposed the sale of Telstra until regional services were up to scratch. But the Deputy Prime Minister has voted twice in this parliament to sell Telstra, with no strings attached. John Anderson says one thing in Queensland but he comes to Canberra and he has a totally different attitude. But that is not all. The Nationals really do not know where they are going with this. They know that if Telstra is privatised services will get worse and prices will rise. Telstra will leave town faster than the banks, and The Nationals know it. But they are too afraid when they come to Canberra to say anything to their coalition partners. They just sit back, get their tummies rubbed, and all is good. (Time expired)

Question agreed to.
Trade: Free Trade Agreement

Senator RIDGEWAY (New South Wales) (3.29 p.m.)—I move:

That the Senate take note of the answer given by the Minister for Defence (Senator Hill) to a question without notice asked by Senator Ridgeway today relating to the Australia-United States free trade agreement and the Pharmaceutical Benefits Scheme.

I thought it extraordinary that the minister could not give an ironclad guarantee that the price of medicines in this country would not go up as a result of the free trade agreement with the United States, particularly given the government’s words when this process began some 5½ months ago. Time and time again we heard from senior ministers—the government repeatedly stated it—that the Pharmaceutical Benefits Scheme was off the table. Now we have an agreement that includes the Pharmaceutical Benefits Scheme, with no exemption provisions and certainly no ironclad guarantee that the prices will not increase. As far as social policy in this country is concerned, the government has betrayed the national interest by giving in to pressure from the Bush administration and from multinational corporations to allow the PBS, which is world’s best practice, to be put into the free trade agreement and to be put at risk by companies seeking reviews and including their drugs on the list in what would appear to be a very secret way.

One of the things that needs to be highlighted, particularly with respect to the process of the Senate Select Committee on the Free Trade Agreement between Australia and the United States of America, is the unwillingness of the Minister for Health and Ageing, Mr Abbott, to provide any advice or information to the committee about how the new working group and review mechanism will operate. Mr Abbott was so contemptible of the Senate that, in his own words, he would not ‘bow in worship’ to a Senate committee. The Senate has been asked to carry out its job of scrutinising, analysing and reviewing government policy, but the government have not been independent in this process. They did not ask the Productivity Commission to conduct a national interest assessment. They went out the first time and got a consultant who told them what they wanted to hear. The second time, the consultant told them even better things than the first time around. So the community is justified in having concerns about the effects of the free trade agreement in the short, medium and long term. When you look at the way that the government have handled this issue and how they have withheld information about the working group and the review mechanism, Australians are right to ask how the agreement will work and whether or not it will push up the price of medicines in this country.

The Democrats note that the announcement is the latest secret and is a part of the clandestine way in which the FTA process is set to push up medicine costs, particularly for the sick and low-income earners in this country. But let us be clear about it: it is going to affect all Australians. The review decisions for the listing of drugs on the PBS will be conducted behind closed doors by a government appointed expert, and this process will be subject to whatever pressure the pharmaceutical industry may wish to apply. We do not believe for one moment that this is a transparent system that will deal with the widely held concerns that have been expressed during the Senate select committee hearings across the country and as part of general debate out there in the broader community. It is extremely likely that, if more expensive drugs are listed on the PBS as a result of this secret review process, the cost of the scheme to Australian taxpayers will rise. At some stage in the future, presuming that the United States would not want to see
world’s best practice replicated in other countries, I imagine they would oppose it at every stance.

An apparent conflict of interest also needs to be put on the record. The chief trade negotiator and the deputy chief trade negotiator from the United States, who sealed the trade deal with Australia, have both accepted plum jobs with multinational pharmaceutical companies representing medical companies in the United States. Both of them have gone on to great jobs as a result of the work that they have done on the free trade agreement. If nothing else, I think some answers are required from the Australian government about how this was allowed to transpire in the first place. One has to ask whether they were not only working in the fair interest of the United States but also being fair-minded and objective in the way that they dealt with Australia as a trading partner. It seems to me that it has come down to thinking about jobs that they may inherit as a result of being involved in this process. *(Time expired)*

**CONDOLENCES**

**Jenkins, Hon. Dr Henry Alfred, AM**

The PRESIDENT (3.34 p.m.)—It is with deep regret that I inform the Senate of the death on 27 July 2004 of former Speaker of the House of Representatives the Hon. Dr Henry Alfred Jenkins. I was honoured to represent the Senate at the state funeral on Monday, along with the Speaker.

Senator HILL (South Australia—Leader of the Government in the Senate) (3.35 p.m.)—by leave—I move:

That the Senate records its deep regret at the death, on 27 July 2004, of the Honourable Dr Henry Alfred Jenkins, former Speaker of the House of Representatives and member for Scullin, and places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.

Harry Jenkins, as he was known, was born on 24 September 1925 in Caulfield, Victoria. He was educated at Ivanhoe Church of England Grammar School, going on to study medicine at the University of Melbourne. Dr Jenkins worked as a general medical practitioner until 1961, when he entered Victorian state parliament as a member of the Legislative Assembly for the seat of Reservoir, holding the seat until his resignation in 1969. He also served two terms on the Victorian State Executive of the ALP from 1958 to 1961 and from 1964 to 1968.

Dr Jenkins entered federal parliament in 1969 after successfully standing as the ALP candidate for the electorate of Scullin, holding the seat until his resignation in 1985. In May 1983 Dr Jenkins was elected as Speaker of the House of Representatives, a position he held until his retirement. Dr Jenkins once said that a sense of humour, tolerance and a good knowledge of standing orders were necessary attributes for a Speaker to retain the respect and control of both sides of the parliament. He had those attributes.

During his time in parliament, Dr Jenkins was a member of the House of Representatives standing committees on standing orders and privileges, on the environment and conservation, on expenditure and on the Library, the House of Representatives Select Committee on Wildlife Conservation, the Joint Statutory Committee on Broadcasting of Parliamentary Proceedings and the joint standing committees on the parliamentary committee system and the new Parliament House. He travelled overseas with several parliamentary delegations to conferences in Europe, North America and the Asia-Pacific region.

A major innovation during Dr Jenkins’s term as Speaker was reviewing the rules
governing the televising and broadcasting of parliament, allowing the film library to build up, the televising of budgets and responses accessed by news services. Dr Jenkins said that he would like to see ‘a unit which continuously televised both houses with various media outlets able to use what they wanted, when they wanted’.

After leaving politics, Dr Jenkins was appointed Ambassador to Spain where he served until 1998. In the 1991 Australia Day honours list, Dr Jenkins was appointed as a member of the Order of Australia for services to the Australian parliament and to the community. As a former Speaker of the House of Representatives, he was a recipient of the recent Centenary Medal.

On behalf of the government, I extend to his wife, Wendy, and to his children, Harry—the current member for Scullin and Second Deputy Speaker—Tim, Mark and Jane and to other family members and friends our most sincere sympathy in their bereavement.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (3.38 p.m.)—On behalf of the opposition, I support this condolence motion on the death of the former Speaker of the House of Representatives and member for Scullin, Harry Jenkins. Harry Jenkins’s career spanned some of Labor’s most tumultuous times. He joined the Labor Party in Victoria in 1955 at the time of the split, which certainly showed he had bottle. From 1958 to 1961 and from 1964 to 1968, he was a member of the Victorian central executive of the ALP—a ringside seat to that state party’s self-destructive internal conflicts and external feuds. In 1961 he became the member for Reservoir in the Victorian Legislative Assembly, gaining a parliamentary as well as a machinery perspective on Victorian Labor’s troubles.

He became Labor’s spokesman on health, but his leadership ambitions foundered on the rock of the parliamentary party’s deep hostility to the state central executive. Harry contested the leadership against Clyde Hold- ing in May 1967, but lost by what the Age newspaper reported as a clear majority. A central executive loyalist, Harry had no chance of overcoming the Victorian state parliamentary party’s prejudices against him. As Gough Whitlam was struggling to reform the Victorian branch to restore its ability to compete electorally and contribute positively to Labor’s federal fortunes, Harry Jenkins made the move to the federal parliament. He became the member for Scullin as part of Whitlam’s class of 1969. Then, three years later, he was part of the first federal Labor government for 23 years.

Such a rapid change in political fortunes—from the dispiriting vista of a divided and electorally incompetent state party to the excitement of a new era in federal politics—few politicians experience. But Harry’s roller-coaster ride was not over. In 1975 the government of which he was a part was dismissed—an event which Harry described as ‘the most disgusting and shocking thing he’d ever seen in politics’—in my view, a very fair and sound judgment. After 1975 two more dispiriting electoral defeats followed, until Labor’s 1983 election victory when Harry became the first Speaker of the House of Representatives in the Hawke government.

As we have heard, Harry Jenkins was born in 1925 and grew up knowing first-hand the hardships that could confront workers and their families. His father, a storeman and packer, was on ‘rationed work’ during the Depression and, in their Melbourne neighbourhood, having one week’s work in two made him one of the lucky few. Harry got his first part-time job aged 11 and worked his way through secondary school
and a science and then a medical degree at Melbourne University. He married his life-long partner, Hazel Winter, always known as Wendy, in 1951. His political views were shaped by his own early experience, but he did not become politically active until his thirties.

In 1961 he won the seat of Reservoir for Labor in the Victorian parliament and, suitably for a doctor, eventually became the state opposition spokesman on health. Like many of us, Harry was drawn to the Australian Labor Party by his belief in fairness and decency. The promise of hope and opportunity—hope and opportunity for all—that has drawn Australians to Labor for the past century was a promise Harry fervently believed in.

He made his greatest contribution to the federal parliamentary Labor Party and to the federal parliament in the last years of his career. He became caucus secretary in January 1976, and he was a very good one. His minutes were extensive and accurate. And this is a classic case of an MP’s interests and community involvement fitting him to the role he played in caucus and in parliament because the great involvement Harry had in the Lions Club had given him years of experience in taking minutes and chairing meetings—skills he applied first as caucus secretary, then when he became chair of caucus in 1981, and then as Speaker of House of Representatives in 1983.

As Speaker, Harry Jenkins was fair and balanced. He gave notice when he assumed the office that, while a Labor man, he was not a government stooge. He told the House and the government, ‘The answers by ministers should not be totally irrelevant to the questions or be ministerial statements.’

As Speaker, Harry defended the dignity of the House where he felt it was genuinely under threat—cracking down on unparliamentary language and inappropriate clothing—but he was always aware of the need for parliament to be accessible as well as orderly. He discarded the old-fashioned wig and gown garb of the Speaker and he did not insist that MPs wear ties. Harry also saw the need for parliament to embrace new ways of reaching its constituents. His time as Speaker saw the rules governing the televising of parliament relax considerably, and he looked forward to the days of continual broadcasting of both the House of Representatives and the Senate—I am not sure that he spoke of the likely ratings of those broadcasts.

Harry was famously even tempered. He was willing to take action to suspend unruly MPs and once suspended the unruly Alan Cadman, as well as Wilson Tuckey and then Deputy Leader of the Opposition John Howard, all in one day. But on the whole, Harry did not throw his weight around. During one stormy sitting then Prime Minister Hawke tried to have action taken against opposition leader Andrew Peacock, pointing out to Harry that Peacock’s comments had reflected badly on the Speaker. ‘My skin is thick enough to cop that,’ Harry retorted.

That was not the only occasion on which Bob Hawke tried to direct Harry’s rulings. On one occasion Harry found it necessary to remind Ralph Willis to make his answer relevant to the question he had been asked. ‘That’s exactly what he’s doing!’ snapped Hawke. He was no more successful in steering the Speaker than before. ‘I’m quite capable of understanding plain English!’ retorted the Speaker.

Of course that was not the only occasion on which Harry clashed with Bob Hawke. After the 1975 election, in which Labor did so very badly, there was some movement to prompt Hawke to come into the federal parliament, which of course would have required a newly elected or re-elected sitting
member to resign from politics. The story goes that the future Prime Minister first approached Harry, already suffering the early effects of the motor neurone disease which took his life, and proposed that Harry retire to give Hawke the safe Labor seat of Scullin. In no uncertain terms, Harry refused. He told journalists that while he certainly thought Hawke would have ‘something to offer’ if elected, ‘a Labor leader is not selected from outside the caucus and that’s that’. Harry did not retire until 1986, and then it was his son, Harry Jenkins, who succeeded him in the seat of Scullin. Bob Hawke, of course, some years after Harry had refused to make way for him, became the member for Wills.

Harry’s long career in the ALP, in state and federal parliaments, as Ambassador to Spain and in community work—which he listed as one of his two recreations for Who’s Who—was supported by the devotion of his wife, Wendy, to whom he was in turn deeply devoted. Wendy was extremely active politically, and served her time on the Victorian state executive. For 53 years, Wendy and Harry were a team in all aspects of their lives. Today, our thoughts and sympathies are with Wendy in her grief and also with Wendy and Harry’s children, Tim, Mark, Jane and our colleague in the House of Representatives, Harry Jenkins. Knowing the younger Harry Jenkins as we do, a Labor colleague in the lower house, this loss is more personally felt for many of us on this side of politics.

In his final speech to the House of Representatives, Harry quoted the words of Jim Scullin, the Labor Prime Minister whose name is given to the federal seat that Harry held and his son holds today:

Justice and humanity demand interference whenever the weak are being crushed by the strong.

Harry chose to end his parliamentary career with that statement of the ideals he had aspired to as a boy and young man and as a loyal member of the Australian Labor Party and a respected member of state and federal parliaments. In his long career, those ideals were most completely expressed in his dedication to the institutions of parliamentary democracy. Harry had great faith in the capacity of democratic institutions: in their capacity to bring about change, to deliver justice and to protect the vulnerable in our society. This was the foundation of his defence of those institutions, of his determined but never unreasonable commitment to the effective operation of parliament. And he served our parliament and our democracy well.

Senator BOSWELL (Queensland—Leader of The Nationals in the Senate) (3.51 p.m.)—I join in supporting the condolence motion moved by the Leader of the Government in the Senate, Senator Hill, and supported by the Labor Party. I remember Dr Harry Jenkins when I first came into parliament. He was the Speaker and, although we did not have a lot to do with each other, I met him on a number of occasions. He was a man who obviously put a lot into the ALP, not only in his role as the Speaker but also in the Victorian Legislative Assembly from 1961 to 1969. He had a long haul in federal parliament and was the 18th Speaker of the House of Representatives. He is said by his friends and colleagues in the ALP to have had a great sense of humour and dignity. He was firm as a Speaker. Any position he held, he held well and he was respected by all. He also was the Australian Ambassador to Spain from 1986 to 1988. He leaves behind a wife and family. I wish them well in their grief. I acknowledge a stalwart of the Labor Party who gave most of his life to that cause.

Question agreed to, honourable senators standing in their places.
Simon, Mr Barry Douglas

The PRESIDENT (3.53 p.m.)—It is with deep regret that I inform the Senate of the death, on 7 July 2004, of Barry Douglas Simon, a former member of the House of Representatives for the division of McMillan, Victoria, from 1975 to 1980.

PETITIONS

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

**East Timor: Oil and Gas Fields**

To the Honourable The President and Members of the Senate assembled in Parliament:

We the undersigned appeal to the Australian Government regarding its conduct of negotiations with the Government of Timor Leste on the maritime boundary between the two countries and sharing of the Timor Sea oil and gas revenue.

We pray the Senate ensures the Australian Government:

- negotiates a fair and equitable maritime boundary with Timor Leste according to current international law and the provisions of the UN Convention on the Law of the Sea (UNCLOS);
- responds to Timor Leste’s request for more regular meetings to settle the maritime boundary dispute between the two countries within a more reasonable timeframe;
- returns Australia to the jurisdiction of the International Court of Justice and UNCLOS for adjudication of maritime boundary;
- commits to hold intrust (escrow) revenues received from the disputed areas immediately outside the Joint Petroleum Development Area (RDA) of the 20 May 2002 Timor Sea Treaty for further apportionment between Australia and Timor Leste after the maritime boundary dispute between the two countries has been settled.

by The President (from 11 citizens).

**Education: Funding**

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

This petition of certain citizens of Australia draws to the attention of the Senate:

For over 150 years our country has been served by a comprehensive and inclusive system of public education. Public education has contributed to successful lives and democratic social development in an Australia which is highly skilled and economically strong. It has built our national identity and democratic traditions and given the capacity for active citizenship to the Australian people.

All of this has been possible only because the system has enjoyed public confidence and public investment.

At this time both are under threat. Public confidence has been undermined by divisive attacks and public investment has been distorted by an unfair system of federal funding which favours an already well-off minority to the detriment of those in genuine need.

We therefore call on all Senators to condemn these unjust attacks, and to:

- accept national responsibility to provide priority in funding to public schools to enable them to continue to provide high quality education to all, regardless of wealth, location, ethnicity, religion or special needs; and,
- replace the current unfair SES funding model with a new Commonwealth and State system which provides enhanced educational resources to schools allocated on the basis of educational need and which ends public funding to wealthy schools which are already well resourced.

by The President (from 32 citizens).

**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 Howard Government’s proposed changes to Medicare are fundamentally unfair, and reveal a philosophy of user-pays.

Your Petitioners request that the Senate amend any Medicare bills to preserve fair and equitable access to doctors’ services.

by Senator Allison (from 41 citizens).
Child Abuse
To the Honourable Members of the Senate in the Parliament assembled.

The Petition of the undersigned draws attention to the damaging long-term effects to Australian society caused by the sexual assault and abuse of children and the concealment of these crimes within churches, government bodies and other institutions.

Your petitioners ask the Senate, in Parliament to call on the Federal Government to initiate a Royal Commission into the sexual assault and abuse of children in Australia and the ongoing cover-ups of these matters.

by Senator Bartlett (from 26 citizens).

Indigenous Affairs: Government Policy
To the Honourable President and members of the Senate in parliament assembled.

The petition of the undersigned shows:

That the current intention of the Government to abolish the rights of Aboriginal and Torres Strait Islander people to exercise their right of self-determination and self-management, will severely disadvantage Aboriginal and Torres Strait Islander people.

Your petitioners request that the Senate:

1. oppose any legislation for the abolition of ATSIC unless and until an alternative elected representative structure, developed and approved by Aboriginal and Torres Strait Islander peoples is put in place and which would, at the same time assume the function of ATSIC.

2. oppose any move to appoint an advisory committee as contrary to the rights of Aboriginal and Torres Strait Islander people to elect their own representatives.

3. oppose any move to diminish, dismantle, destroy and/or erode the principles of self-determination and self-management since any such action would turn back the clock on hard won rights of Aboriginal and Torres Strait Islander people.

4. strongly defend these rights of self-determination and self-management of Aboriginal and Torres Strait Islander people previously supported by the Australian Parliament.

5. oppose any move to main-stream services for Aboriginal and Torres Strait Islander people as this too would severely disadvantage Aboriginal and Torres Strait Islander people.

by Senator Bartlett (from 74 citizens)
by Senator O’Brien (from 20 citizens)
by Senator Patterson (from 47 citizens)
by Senator Ridgeway (from 36 citizens)
by Senator Troeth (from 12 citizens).

Military Detention: Australian Citizens
To the Honourable the President and Members of the Senate in Parliament assembled: The Petition of the undersigned shows:

• that the treatment of Mamdouh Habib is contrary to longstanding international conventions on the treatment of prisoners

Your petitioners ask that the Senate should:

• ensure that Australian citizen, Mamdouh Habib’s legal and humanitarian rights are acknowledged, especially following the United States Supreme Court decision that all prisoners have immediate access to their families and lawyers

• immediately send an official deputation to George W. Bush asking that Mamdouh Habib be returned to Australia

• ensure that if Mamdouh Habib is charged with a crime he has a civil trial in Australia

by Senator Nettle (from 15 citizens).

Petitions received.

NOTICES
Presentation

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

That the following orders operate as temporary orders until the conclusion of the 2004 sittings:

(1) If a division is called for on Thursday after 4.30 pm, the matter before the Senate shall be adjourned until the next day of sitting at a time fixed by the Senate.
(2) If objection is made to a motion being taken as a formal motion, a proposal to suspend standing orders to allow the motion to be moved shall not be received by the President and put to the Senate unless 5 senators, including the mover of the motion, rise in their places to indicate support for the suspension motion.

Senators O’Brien and Jacinta Collins to move on the next day of sitting:

That the Senate—

(a) notes that:
(i) 4 August is National Aboriginal and Islander Children’s Day,
(ii) the National Aboriginal and Islander Children’s Day is an initiative of the Secretariat of National Aboriginal and Islander Child Care,
(iii) National Aboriginal and Islander Children’s Day draws attention to the needs of Aboriginal and Torres Strait Islander children,
(iv) the theme of National Aboriginal and Islander Children’s Day 2004 is ‘One Childhood—One Chance’, and
(v) Aboriginal and Torres Strait Islander children are less likely than other Australian children to have access to early childhood programs and services; and
(b) urges the Government to ensure that all Australian children have equitable access to early childhood programs and services.

Senator Brandis to move on the next day of sitting:

That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 9 August 2004, from 3.30 pm, to take evidence for the committee’s inquiry into the Superannuation Industry (Supervision) Amendment Regulations 2004 (No. 2) [Statutory Rules No. 84].

Senator Hutchins 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 Thursday, 5 August 2004, from 9.30 am to 11.30 am, to take evidence for the committee’s inquiry into the performance of government agencies in the assessment and dissemination of security threats in South East Asia in the period 11 September 2001 to 12 October 2002.

Senator Hutchins 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 Thursday, 5 August 2004, from 4 pm, to take evidence for the committee’s inquiry into the effectiveness of the Australian military justice system.

Senator Hutchins to move on the next day of sitting:

That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on the performance of government agencies in the assessment and dissemination of security threats in South East Asia in the period 11 September 2001 to 12 October 2002 be extended to 12 August 2004.

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 competition in broadband services be extended to 12 August 2004.

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 competition in broadband services be extended to 12 August 2004.

Senator Bartlett 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 Thursday, 5 August 2004, from 4.30 pm, to take evidence for the committee’s inquiry into the effectiveness of the Australian military justice system.

Senator Bartlett 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 competition in broadband services be extended to 12 August 2004.

Senator Bartlett 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 competition in broadband services be extended to 12 August 2004.

Senator Cherry to move on the next day of sitting:

That the Environment, Communications, Information Technology and the Arts References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 5 August 2004, from 4.30 pm, to take evidence for the committee’s inquiry into budgetary and environmental implications of the Government’s Energy White Paper.

Senator Bartlett to move on the next day of sitting:

That the Senate—

(a) notes that 4 July to 11 July 2004 was NAIDOC (National Aboriginal and Islander Day Observance Committee) Week
and that this year’s theme was, ‘Self-Determination—Our Community—Our Future—Our Responsibility’;

(b) acknowledges that services to Indigenous people are most effective when controlled and run by Indigenous people and that the Government’s proposed abolition of the Aboriginal and Torres Strait Islander Commission and mainstreaming of Indigenous services will further obstruct Indigenous peoples’ access to basic rights such as health, education, employment, housing and justice;

(c) recognises the significance of NAIDOC Week in celebrating Indigenous culture and the individual achievements of Indigenous people throughout the country;

(d) congratulates the 2004 National NAIDOC award winners including:

Person of the Year: Aden Ridgeway
Apprentice of the Year: Fourmile Jnr
Scholar of the Year: Kaye Price
Female Elder of the Year: Merlene Mead
Male Elder of the Year: Steve Mam
Youth of the Year: Michael Hayden
Sportsperson of the Year: Adam Goodes
Artist of the Year: Jirra Lulla Harvey;

(e) calls on the Government to ensure that NAIDOC funding is not affected by the mainstreaming of Indigenous services and programs.

Senator Brown to move on 10 August 2004:

That the Senate calls on the Government to legislate for fixed 3-year parliamentary terms to commence after the next federal election.

Senator Brown to move on the next day of sitting:

That there be laid on the table by the Minister for Defence, no later than 4 pm on Thursday, 5 August 2004, the Memorandum of Understanding between the Governments of Australia and the United States of America, signed in Washington in July 2004, concerning the program of cooperation on missile defence.

Senator Brown to move on the next day of sitting:

That the Senate calls on the Australian Government to pay the remaining debt owed to Australia’s wheat farmers resulting from sales of wheat to Iraq between 1987 and 1990.

Senator Nettle to move on the next day of sitting:


Senator Nettle to move on the next day of sitting:

That the Senate—

(a) notes:

(i) the decision by the University of Sydney to close its nursing faculty and its Orange campus,

(ii) that there is currently a shortage of nurses in New South Wales and Australia-wide,

(iii) that in the Bachelor of Nursing (Indigenous Australian Health), which makes an invaluable contribution to improving Indigenous health, outcomes have not been picked up by another university and may be lost as a result of this closure, and

(iv) that there is no indication that the jobs lost through this closure at the University of Sydney will be picked up by other universities; and

(b) urges the Government to:

(i) reverse its decision to allow the University of Sydney to close the nursing
faculty and sever ties with the Orange campus,

(ii) ensure that the Bachelor of Nursing (Indigenous Australian Health) continued to be available to public nursing students, and

(iii) address the shortage of nurses by significantly increasing direct public funding to public universities to:

(A) enable an expansion of the number of nursing places available, and

(B) offer more opportunities for professional development for the existing nursing workforce.

LEAVE OF ABSENCE

Senator MACKAY (Tasmania) (3.57 p.m.)—by leave—I move:

That leave of absence be granted to Senator Cook for the period 3 August to 12 August 2004, on account of ill health.

Question agreed to.

Senator FERRIS (South Australia) (3.58 p.m.)—by leave—At the request of Senator Murphy, I move:

That leave of absence be granted to Senator Murphy for the period 3 August to 6 August 2004, for health reasons.

Question agreed to.

COMMITTEES

Economics Legislation Committee

Extension of Time

Senator FERRIS (South Australia) (3.58 p.m.)—by leave—At the request of the Chair of the Economics Legislation Committee, Senator Brandis, I move:

That the time for the presentation of the report of the committee on the Superannuation Industry (Supervision) Amendment Regulations 2004 (No. 2) [Statutory Rules 2004 No. 84] be extended to 12 August 2004.

Question agreed to.

NOTICES

Postponement

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Tierney for today, proposing the reference of a matter to the Employment, Workplace Relations and Education References Committee, postponed till the first sitting day in 2005.

General business notice of motion no. 927 standing in the name of Senator Stott Despoja for today, relating to human rights in Colombia, postponed till 4 August 2004.

General business notice of motion no. 935 standing in the name of Senator Allison for today, relating to the proposed missile defence agreement, postponed till 4 August 2004.

DOCUMENTS

Tabling

The DEPUTY PRESIDENT—Pursuant to standing orders 38 and 166, I present documents listed on today’s Order of Business at item 15 which were presented to the President, the Deputy President and Temporary Chairmen of Committees since the Senate last sat. In accordance with the terms of the standing orders, the publication of the documents was authorised. I present the report of the 35th Conference of the Australian and Pacific Presiding Officers and Clerks, which was held in Melbourne between 3 and 10 July 2004. I also present various responses to resolutions of the Senate, as listed at item 16(b) on today’s Order of Business. I also present documents listed at item 16(c) on today’s Order of Business. In accordance with the usual practice and with the concurrence of the Senate, I ask that government responses be incorporated in Hansard.

The list read as follows—
(a) Committee reports
Joint Standing Committee on Foreign Affairs, Defence and Trade—Report—Watching Brief on the War on Terrorism (received on 29 June 2004)
Legal and Constitutional Legislation Committee—Report, together with the Hansard record of proceedings and documents presented to the committee, on the provisions of the Civil Aviation Amendment (Relationship with Anti-discrimination Legislation) Bill 2004 (received on 30 June 2004)
Parliamentary Joint Committee on Corporations and Financial Services—Report, together with the Hansard record of proceedings and documents presented to the committee, entitled Corporate Insolvency Laws: a Stocktake (received on 30 June 2004)
Joint Standing Committee on Foreign Affairs, Defence and Trade—Report, together with the Hansard record of proceedings, entitled Australia’s engagement with the World Trade Organisation (received on 2 July 2004)
Joint Standing Committee on the National Capital and External Territories—Report—Inquiry into the role of the National Capital Authority: a national capital, a place to live (received on 2 July 2004)
Joint Standing Committee on the National Capital and External Territories—Report—Review of the annual reports of the Department of Transport and Regional Services and the Department of the Environment and Heritage in relation to Norfolk Island (received on 2 July 2004)
Legal and Constitutional Legislation Committee—Report, together with the Hansard record of proceedings and documents presented to the committee, on the provisions of the Telecommunications (Interception) Amendment (Stored Communications) Bill 2004 (received on 22 July 2004)
Employment, Workplace Relations and Education References Committee—Interim report—Inquiry into the Office of the Chief Scientist (received on 30 July 2004)
Legal and Constitutional Legislation Committee—Report, together with the Hansard record of proceedings and documents presented to the committee, on the provisions of the Family Law Amendment Bill 2004 (received on 30 July 2004)

(b) Government responses to parliamentary committee reports
Joint Committee of Public Accounts and Audit—395th report—Inquiry into the draft Financial Framework Legislation Amendment Bill (received on 26 June 2004)
Environnent, Communications, Information Technology and the Arts References Committee—Report—Libraries in the online environment (received on 2 July 2004)
Foreign Affairs, Defence and Trade References Committee—Report—Examination of the Government’s foreign and trade policy strategy: The (not quite) White Paper (received on 20 July 2004)

(c) Government documents
Research Involving Human Embryos Act 2002—NHMRC Licensing Committee—Report for the period 1 October 2003 to 31 March 2004 (received on 30 June 2004)
Transnational Terrorism: The threat to Australia (received on 16 July 2004)
Review of the operation of the Interactive Gambling Act 2001 (received on 16 July 2004)
“Flood report”—Inquiry into Australian intelligence services (received on 22 July 2004)
“Anderson report”—Doping allegations within the AIS track sprint cycling program (received on 29 July 2004)
Annual report of the Advisory Panel on the Marketing in Australia of Infant Formula: July 2002 to June 2003 (received on 30 July 2004)

(d) Reports of the Auditor-General
No. 56 of 2003-04—Management of the processing of asylum seekers—Corrigenda (received on 30 June 2004)
No. 58 of 2003-04—Financial Statement Audit—Control structures as part of the audit of financial statements of major Australian government enti-
ties for the year ending 30 June 2004 (received on 30 June 2004)
No. 59 of 2003-04—Performance Audit—Defence’s Project Bushranger: Acquisition of Infantry Mobility Vehicles (received on 30 June 2004)
No. 1 of 2004-05—Performance Audit—Sale and Leaseback of the Australian Defence College Weston Creek: Department of Defence (received on 8 July 2004)
Report no. 2 of 2004-05—Performance Audit—Onshore Compliance—Visa overstayers and non-citizens working illegally: Department of Immigration and Multicultural and Indigenous Affairs (received on 15 July 2004)
(e) Statement of compliance with Senate orders
Sale of Comland Limited (pursuant to order of the Senate agreed to on 16 June 2004) (received on 1 July 2004)
(f) Responses to resolutions of the Senate:
Health—Midwife services—Letter to the President of the Senate from the Chief Minister (Clare Martin), Northern Territory Government responding to the resolution of the Senate of 17 June 2004, dated 25 June 2004.
(g) Other documents:
Business of the Senate—1 January to 30 June 2004.
Ordered that the reports of the Legal and Constitutional Legislation Committee, and the Parliamentary Joint Committee on Corporations and Financial Services and Work of Committees be printed.
The government responses read as follows—
Government Response to the recommendations and conclusions in the report
Recommendation 1
The proposed amendments to subsection 20(1) of the Financial Management and Accountability Act 1997 (FMA Act) contained in the draft Financial Framework Legislation Amendment Bill should include the following:
• A determination of the Minister for Finance and Administration (Finance Minister) establishing a Special Account should include a reference to amounts that are allowed or required to be debited from a Special Account and this reference should be linked to the reference to the purposes of the Special Account.
• A determination of the Finance Minister may specify that amounts debited from a Special Account may be or must be otherwise than for the making of real or notional payments.
Agree
The recommendation clarifies the amendment in the draft Financial Framework Legislation Amendment Bill (FFLA Bill) covering the information requirements of a determination of the Finance Minister that establishes a Special Account.
The Office of Parliamentary Counsel will be instructed to amend the FFLA Bill to reflect the recommendation.
Recommendation 2
The draft Financial Framework Legislation Amendment Bill should include amendments to
the FMA Act and all other relevant Acts to replace references to ‘Special Account’ with references to ‘Designated Purpose Account’.

**Do not agree**

A proposed name change is not supported. The Government sees it as important to maintain stability and avoid frequent changes to the financial framework that do not significantly contribute to improving the financial framework.

While the Government supports clarifying the role and operation of Special Accounts, a change of name from ‘Special Account’ to ‘Designated Purpose Account’ would not necessarily contribute to this outcome.

Special Accounts originated from Trust Accounts under the Audit Act 1901, that were converted into components of legislative funds in 1998 and then converted to Special Accounts on 1 July 1999. Further change may add unnecessarily to the complexity of this important part of the financial framework.

The Government has agreed to greater disclosure about Special Accounts in the Budget papers and in Departmental financial statements. In addition, the Department of Finance and Administration produced, in October 2003, ‘Guidelines for the Management of Special Accounts’ to assist interested parties in understanding the role and function of Special Accounts.

**Recommendation 3**

The annual Appropriation Acts should not authorise the crediting of appropriated amounts (that is, amounts included in annual Appropriation Acts) to a Special Account if the Act or the Finance Minister’s determination that establishes the Special Account does not specifically provide for appropriated amounts to be credited to the Special Account.

**Agree in principle**

Recommendation 3 follows from the Committee’s observation, in paragraph 4.64 of the report, that this anomaly should be addressed. The Government considers that the anomaly can be satisfactorily addressed by making changes to clarify the situation.

It would be appropriate to clarify this situation by including Notes in the FMA Act providing links to the authority which Parliament would normally provide in the Appropriation Acts. The FMA Act already contains provisions dealing with amounts credited to, and debited from Special Accounts, in particular:

- Subsections 20(4) and 21(1) of the FMA Act provide standing appropriations for expenditure of the balance of a Special Account on the purposes of the Account (covering those established by determinations of the Finance Minister and those established by Acts, respectively), and
- Subsection 21(1) is followed by a Note that states: ‘an Act that establishes a Special Account will identify the amounts that are to be credited to the Special Account’.

Accordingly, the Government considers that the most appropriate way to clarify the arrangements is for the Office of Parliamentary Counsel to be instructed to include, in the FFLA Bill, Notes attached to sections 20 and 21 of the FMA Act to provide cross-references to the authority provided by the annual Appropriation Acts for crediting appropriated amounts to Special Accounts.

**Recommendation 4**

The Financial Framework Legislation Amendment Bill should include an amendment to establish the Aboriginal Advancement Account under section 38 of the Aboriginal Land (Lake Condah and Framlingham Forest) Act 1987. The Condah Land Account and the Framlingham Forest Account should be subsumed into the Aboriginal Advancement Account.

**Agree**

The recommendation will align the Act with the financial framework for establishing Special Accounts, recognised in the FMA Act, and rationalise the number of Special Accounts.

The Office of Parliamentary Counsel will be instructed to include in the FFLA Bill an amend-
ment to the Act so that the Act establishes the Aboriginal Advancement Account. Finance will work with the Department of Immigration and Multicultural and Indigenous Affairs to subsume the Lake Condah and Framingham Forest Accounts into the Aboriginal Advancement Account.

**Recommendation 5**
The Government should introduce the Financial Framework Legislation Amendment Bill into Parliament as soon as is feasible.

**Agree**
Finance is working closely with the Office of Parliamentary Counsel and the Department of the Prime Minister and Cabinet to achieve introduction of the FFLA Bill in Parliament as soon as is feasible.

**The Committee’s conclusions and comments**
In its report the Committee made a number of conclusions and comments which did not lead to recommendations. Comments on these conclusions and comments are made below.

**The Committee’s interest in the financial management and accountability legislation**
The FFLA Bill contains amendments to many Acts that are part of, or affect, the financial framework of the Australian Government, including the FMA Act. The Government recognises the Committee’s long term interest in the financial management and accountability legislation through the reports it has produced on this subject, including the following reports:


**Constitutionality of Special Accounts**
In paragraph 4.11 of the report the Committee notes that while some have raised doubts about the constitutionality of Special Accounts established by the Finance Minister, the Committee accepted the view of the Australian Government Solicitor that a court would find them constitutionally valid.

The Committee’s conclusion supports the status of Special Accounts established by the Finance Minister. The authority provided in section 20 of the FMA Act for the Finance Minister to establish Special Accounts provides a useful vehicle for the delivery of some programs. To require all Special Accounts to be established and varied only by legislation would have an adverse impact on the efficient and effective delivery of some programs.

**Parliamentary scrutiny of Special Accounts established by the Finance Minister**
Parliamentary scrutiny of Special Accounts being established or varied by the Finance Minister is provided through the disallowance process established by section 22 of the FMA Act. To assist Parliament’s consideration of a determination of the Finance Minister during the disallowance period, the Department of Finance and Administration will enhance the determination documentation by including more details about the Special Account in the explanatory statement. This initiative was foreshadowed in Finance’s second submission to the inquiry (dated 23 May 2003).

**Processes for establishing Special Accounts**
The Government supports the conclusion, in paragraph 4.75 of the report, that establishing a Special Account by one process, for example by a determination of the Finance Minister, should not be altered by the other process—in this example, by legislation. Accordingly, Finance will in future advise against provisions in Bills and draft determinations that would lead to this outcome.

**Acts that have established Special Accounts since the Special Accounts framework was established on 1 July 1999**
The Government agrees with the Committee’s conclusion, in paragraph 4.69 of the report, that there is merit in ensuring complete alignment of references in Acts that have established Special Accounts, since the Special Account framework was introduced on 1 July 1999, with the references contained in the FFLA Bill.

Finance is working closely with the Department of Family and Community Services and the Department of Employment and Workplace Relations on proposed amendments to the Child Support (Registration and Collection) Act 1988 and the Safety, Rehabilitation and Compensation Act 1988, respectively. These amendments, which were supported by the Committee in paragraphs 5.22 and 5.34 respectively of the report, will support the efficient and effective delivery of the programmes established by these Acts.

Retrospectivity issues

The Government supports the Committee’s conclusion, at paragraph 5.17 of the report, that the Bill does not provide for any retrospective effect. Finance will continue to work closely with the Office of Parliamentary Counsel and the Australian Government Solicitor to ensure that the Bill is not retrospective either in any specific instances or generally as a result of the amendments.

Keeping the Committee informed of further changes to the FFLA Bill

Further changes to the FFLA Bill will be required before it is ready for introduction in Parliament. Many of these changes will follow from the Government’s acceptance of the Committee’s recommendations and conclusions.

The Government is committed to notifying the Committee of all changes made to the Bill, following the Committee’s inquiry, and before it is introduced in Parliament.

Reporting on Special Accounts

The Committee’s intention, expressed in paragraph 4.57 of the report, to keep a watching brief on improved reporting on Special Accounts introduced from 2003-04 is noted. The Government will work with the Committee to address any outstanding issues that the Committee identifies in its review.

Reporting on the Consolidated Revenue Fund (CRF)

In paragraph 6.23 of the report the Committee expressed concern that the CRF was reported in audited aggregate financial statements but was not now so reported and commented that this change represented a substantial diminution in transparency.

The 2003-04 Budget papers contained the following information on the CRF:

- In Statement 10 of Budget Paper No.1 (page 10-7), Note 2A contains a discussion of the connection between the CRF and the cash balance reflected in the statement of financial position for the Commonwealth general government sector. The note also records the estimated and projected balance of the CRF for the period 2002-03 to 2006-07.
- In Budget Paper No. 4 the Introduction section contains a discussion of the connection between the Constitution, legislation that appropriates the CRF, and reporting on the allocation of resources to Government outcomes by agencies contained in annual appropriation bills, Portfolio Budget Statements and agency annual reports.

Finance is examining ways of obtaining additional information from Agencies about cash on hand to complement information available on the official public account and disclosing information on the CRF in the Consolidated Financial Statements for the Commonwealth.

Auditing the final budget outcome

The Committee’s view that the final budget outcome should be audited is noted. The Government’s response to JCPAA report 388, “Review of the Accrual Budget Documentation” did not agree with the recommendation that the final budget outcome be audited by the Australian National Audit Office.

In its response the Government made the following points:

- The Government notes that the Final Budget Outcome must be published by 30 September, in accordance with the Charter of Budget Honesty Act 1998. Under present arrangements this deadline is met with little time to
spare. Therefore, the introduction of a complete audit process would compromise this legislative requirement. As the individual agency accounts that are consolidated into the FBO are audited, there is already an implicit audit process undertaken.

- The Consolidated Financial Statements (CFS) for the Commonwealth are already audited by the Australian National Audit Office. Under the Financial Management and Accountability Act 1997 the CFS must be tabled within five months of the end of the financial year. Given that audit of the CFS already provides assurance on aggregate financial statements, the Government does not consider it necessary to add another layer of checking for the FBO with associated consequences for what is already a tight FBO timetable.

Australian Government Response to Senate Committee Inquiry into Libraries in the Online Environment

Introduction

While the Inquiry covered a wide range of matters relating to libraries and online services, the main focus of the report was on the needs of public libraries and their users, role of the National Library of Australia (NLA) in online information and service delivery to Australians and the potential for the Australian Government to support that role.

Overall, the Australian Government considers that the principles this Inquiry promotes are being pursued, particularly matters relating to national information strategies. While the Australian Government does not have direct responsibility for public libraries, through a number of mechanisms, including support for the National Library of Australia (NLA), the Department of Communications, Information Technology and the Arts (DCITA), the Australian Government Information Management Office (AGIMO), and support of the Cultural Ministers Council (CMC), the Australian Government collaborates with relevant State and Territory and peak library groups on issues affecting the sector and especially encourages cross-sectoral approaches to effect solutions. Since the Committee’s report was tabled some functions formerly managed by the National Office for the Information Economy (NOIE) are being undertaken by AGIMO, while others are now administered by DCITA. These changes are reflected in the Australian Government response.

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Response</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 The Committee recommends that the National Library of Australia receive additional funding to provide improved access to Kinetica for all Australian libraries and end users.</td>
<td>Noted. The recently announced redevelopment of the Kinetica service will provide improved access for all Australian libraries. The operational and cost implications for providing direct public access is a longer term issue that will be better understood following the completion of the Kinetica redevelopment and relevant reviews underway.</td>
<td>Kinetica currently services the majority of libraries throughout Australia and there is limited scope to increase the number of libraries accessing the service. However, a significant redevelopment of Kinetica to improve access quality for library users is being proposed by the NLA and was announced on 3 December 2003. This redevelopment process is consistent with longer-term objectives of improving end-user access to databases of electronic and print resources generally. While the redevelopment of Kinetica will provide improved access through a simple, easy to use search interface and other enhancements, many small and medium sized libraries will not be able to afford to provide access directly to their users as Kinetica will still operate on a cost recovery model. Kinetica charges will remain competitive compared to overseas alternatives such as OCLC.</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Response</td>
<td>Comments</td>
</tr>
<tr>
<td>----------------</td>
<td>----------</td>
<td>----------</td>
</tr>
<tr>
<td>2 The Committee recommends that whenever the Australian Government advertises its electronic services, it adds a statement to the effect that further information can be obtained from the local public library.</td>
<td>Not agreed.</td>
<td>There are practical issues in including a reference to public libraries in Australian Government advertisements which refer to electronic services. The Government generally includes a call to action in all advertising. This may be to telephone a call centre and/or visit a web site. In the case of television and radio advertisements there is a critical time element which limits the amount of voice-over time available to make announcements, sometimes as short as fifteen seconds. To add a line referring to the availability of electronic services through a public library could unduly curtail the amount of time available for the core message to be delivered and this could negatively impact on the effectiveness of the communication task.</td>
</tr>
<tr>
<td>3 The Committee recommends: (a) the continuation of the Department of Communications, Information Technology and the Arts Community Heritage Grants digitisation program; and (b) the addition of a new National Heritage Grants program for peak cultural institutions to assist in the digitisation of their collections.</td>
<td>3a) Agreed. The Community Heritage Grants program is a successful initiative that will be continued. Digitisation is only one of the key activities encouraged in the community organisations targeted by the program. 3b) Noted. The issues raised are being addressed in the context of the portfolio Digitisation Strategy in progress.</td>
<td>3a) The Community Heritage Grants program objective is to broadly assist community organisations preserve locally owned documentary heritage materials, small amounts of financial support are provided for digitisation activities, in addition to a range of other collection preservation support mechanisms including significance assessment and preservation planning. A diverse range of community organisations benefit from the program, from genealogical and historic societies to local archives, galleries, libraries and museums. Representatives from community organisations awarded grants also participate in a two-day practical preservation workshop where they receive training and advice to apply to their own collections. The 2003 grants mark a decade of helping Australian community organisations preserve cultural heritage collections (through the current program and its predecessor programs). In 2003 a record number of grants (50) and funding ($219,000) were approved. The program, currently administered by the NLA, has five Australian Government funding partners. In addition to the NLA, National Archives of Australia (NAA) and the DCITA, two recent additional funding part-</td>
</tr>
</tbody>
</table>
The Committee recommends that the Australian Research Information Infrastructure Committee consider the question of the availability online of Australian postgraduate theses as a matter of priority.

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Response</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Agreed.</td>
<td>As part of overall improvements to Australia’s Research Information Infrastructure Framework, the Minister for Education, Science and Training, Dr Brendan Nelson recently agreed to provide funding of $540,000 to the University of New South Wales to lead a project titled Australian Digital Theses Program Expansion and Re-development (ADT). ADT will redevelop the existing central metadata repository of the Australian Digital Theses Program (ADT) increasing its coverage and utility to the national and international research community. The repository’s content will expand to include metadata about all Australian higher degree theses. The ADT project is a very important part of the wider national Systematic Information Infrastructure projects which have been announced by Dr Nelson and are overseen by the Australian Research Information Infrastructure Committee (ARIIC). Other projects that will also underpin Australia’s Research Information Infrastructure Framework are: Meta Access Management System Projects (MAMS): MAMS will provide an essential “middleware” component to increase the efficiency and effectiveness of Australia’s higher education research information infrastructure. It will develop a new conceptual architecture capable of supporting multiple, independent models, and which is implemented locally within organisations, with the...</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Response</td>
<td>Comments</td>
</tr>
<tr>
<td>----------------</td>
<td>----------</td>
<td>----------</td>
</tr>
<tr>
<td>Towards an Australian Partnership for Sustainable Repositories (APSR): APSR will have an overall focus on the critical issues of the access, continuity and sustainability of digital collections. It will also build on a base of demonstrators for digital continuity and sustainability, embedded in developmental repository facilities within partner institutions. The Australian Research Repositories Online to the World (ARROW): ARROW will identify and test a software solution or solutions to support best practice institutional digital repositories comprising e-prints, digital theses and electronic publishing. It will develop a repository and associated metadata to support independent scholars (those not associated with institutions).</td>
<td>Noted pending further consideration.</td>
<td>The Australian Government through, DCITA’s Networking the Nation Secretariat, provided $1.5 million in each of 1998-99 and 1999-2000 for AccessAbility grants to support innovative projects that help people with disabilities gain improved access to online information and communications services. In May 2002 all funded projects were completed and the program was finalised. The Australian Government is further investigating the matter of e-accessibility in discussions between DCITA and the Office of Disability. The Office of Disability aims to ensure that society is inclusive of people with disabilities, their families and carers. The Office provides a direct link between the disability community and government, working towards improving access and encouraging the involvement of people with disabilities as members of the community. This is achieved through developing policies that respond to people with disabilities needs and their capacities for participation. These include managing disability and carer specific income support and compensation provisions; raising the awareness of Australian Government organisations and businesses about making their services, facilities and employment opportunities accessible; and working with the State and Territory governments to fund support services.</td>
</tr>
</tbody>
</table>
The Committee recommends:

(a) that the Cultural Ministers’ Council appoint a standing libraries working group to provide regular reports on library and information matters which need to be addressed as a priority;
(b) that the proposed Cultural Ministers’ Council standing libraries working group develop, in consultation with other interested parties, a national information policy; and
(c) that NOIE be required to consult with the appropriate national library representatives on all matters of substance affecting the library community and the online provision of services.

6a) Noted.
6b) Noted.
6c) Agreed in principle.

6a) This matter will be raised with the Cultural Ministers Council. On 19 February 2004 Cultural Ministers Council agreed to establish the Collections Council of Australia to provide high level strategic advice to Governments on the priority issues facing archives, galleries, libraries and museums in Australia. Any proposal for the Cultural Ministers Council to establish a Libraries Working Group will need to be considered against the new role envisaged for the Collections Council.

6b) This matter will be raised with the Cultural Ministers Council.

6c) AGIMO and DCITA will continue to consult with the library community, through the National Library of Australia and appropriate library sector organisations, on matters of substance affecting the library community.

The Committee recommends:

(a) that the Australian Government negotiate with telecommunications carriers to establish an ‘e-rate’ or discount rate for broadband access to public libraries and that, if negotiations are not successful, consider imposing a requirement on carriers under the Universal Service Obligation arrangement; and
(b) that further funds be allocated under an expanded National Broadband Strategy for expanding broadband access in libraries.

7a) Not agreed.
7b) Not agreed.

7a) The Australian Government recognises that broadband connectivity is an increasingly important element in the economic and social development of Australia. It is the Government’s view that innovative and competitively priced broadband services are ultimately best provided by a sustainable market. Government’s role is to encourage the development of the market to provide services to all Australians by maintaining a flexible pro-competitive regulatory regime and to assist with targeted funding and leadership. Building on the work of the Broadband Advisory Group and the findings of the Regional Telecommunications Inquiry, the Australian Government has launched a National Broadband Strategy, developed in consultation with all State and Territory governments, and is currently working with them on developing an Action Plan for the Strategy. The Australian Government has allocated significant funding to deliver improved broadband outcomes across Australia. As part of its commitment to the Action Plan the Australian Government has committed more than $140m of new funding to boost broadband access and take up. However, the Government does not support the Committee’s recommendation. It is the Government’s view that regulatory settings that promote the competitive supply of broadband services together with targeted funding initiatives are the appropriate means...
<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Response</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>As part of its contribution to the Action Plan of the National Broadband Strategy the Australian Government has provided funding for the Coordinated Communications Infrastructure Fund and the establishment of Demand Aggregation Brokers. Both schemes are designed to facilitate greater access to broadband in a number of identified priority sectors including regional, rural and remote areas, communities and education. It is possible that connectivity in libraries could be included in projects funded under these programs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7b) It is not envisaged that further funding will be allocated from the budget to the Strategy to specifically target broadband access in libraries. Projects that will expand broadband connectivity in libraries may also be included in state and regional based programs that will be incorporated in the Strategy Action Plan.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Noting the requirement that the Copyright Amendment (Digital Agenda) Act 2000 be reviewed after three years of operation, the Committee recommends that that review consider the Act’s extension to digital material.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not Agreed. The Government is already addressing the question of legal deposit of digital material through other processes. The Department in conjunction with the Attorney-General’s Department is in the process of developing a model to extend legal deposit to electronic and audiovisual materials, in consultation with the NLA and ScreenSound Australia. This model aims to minimise compliance costs for industry and meet the preservation and access needs of the institutions. Discussions between these parties are well advanced. Any action or plan regarding Intellectual Property will take into account any commitments under the USA Free Trade Agreement.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Committee recommends: (a) that the National Library of Australia identify a number of key databases for which national site licensing might be desirable; and (b) that additional Australian Government funding be extended to the National Library of Australia for this purpose.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9a) Noted, site licensing arrangements are in progress. 9b) Not agreed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9a) The Council of Australian State Libraries (CASL), which includes the NLA, formed the Consortia and Licensing Working Group (CLWG) in October 1999. The CLWG investigates and negotiates site licensing on behalf of contributing consortium members, including the State and some public libraries and peak library groups. 9b) Australian Government support provided to the NLA fulfils an important leadership role in library sector. However capital funding and other support for State and local government libraries is normally the responsibility of the relevant State, Territory or local government. Additional funds for this</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Recommendation | Response | Comments
--- | --- | ---
10 | The Committee recommends: (a) that the National Office for the Information Economy (NOIE) continue to consult closely with the library community over the development of the register of Australian Government publications; (b) that NOIE publicise the availability in public libraries of the online register; and (c) that NOIE commission research to ascertain the level of public awareness of government information and the means of access thereto. | 10a) Agreed. 10b) Noted. 10c) Agreed in principle 10a) AGIMO will continue to consult with the library community, through the NLA and appropriate library sector organisations, on the continued development of the Publications Register. 10b) Strategies for promoting the Publications Register will be explored during the consultations with the library community on its continued development. 10c) Research into the level of public awareness of Government information and services is already undertaken by a variety of Australian Government agencies, both on an individual agency basis and collaboratively, where factors such as customer segmentation indicate there is merit in doing so. This approach reflects the devolved operating frameworks of Australian Government information and services. AGIMO will take an active role in encouraging and facilitating collaboration as well as the sharing of research between agencies in order to improve the discoverability of, and access to, Government information services.
11 | Where there is shared responsibility for public library funding between State and local Government, the Committee recommends that the States significantly increase their share of public library funding, moving towards matching local government levels of contribution. | Noted. This is a matter for individual State and Territory Governments.

GOVERNMENT RESPONSE TO THE SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE REPORT—The (not quite) White Paper Australia’s foreign affairs and trade policy, Advancing the National Interest

The Government thanks the Senate Foreign Affairs, Defence and Trade References Committee for its report on Advancing the National Interest: Australia’s Foreign and Trade Policy White Paper. The Report makes four recommendations. The Government response to these recommendations is provided below.

Recommendation 1
The Committee recommends that upon the commissioning of any future White Paper, the Minister for Foreign Affairs shall refer the proposal to the parliament’s Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT). The Joint Committee shall undertake broad public consultations regarding the proposed content of the White Paper, and shall report its findings to the parliament. The report shall inform the development, by government, of the White Paper, and shall be published along with the White Paper as an accompanying document.
The White Paper on Foreign Affairs and Trade: Advancing the National Interest is a document to explain the Government’s foreign and trade policies. It is not a vehicle for policy development. The purpose of the White Paper is to set out to the Australian public the Government’s foreign and trade policy goals and its strategies for achieving them. The White Paper articulates these goals and strategies clearly and successfully. Parliamentary involvement before and during preparation of a future White Paper would not make that document a clearer or better explanation of the framework for the Government’s foreign and trade policies than the present White Paper.

Recommendation 2
The Committee recommends that in the event of a ministerial statement by the Foreign Minister, or other major government announcement dealing with Australia’s foreign or trade policies, the Senate shall refer that statement or announcement to the Senate Foreign Affairs, Defence and Trade References Committee for examination and report.

Noted
This is a matter for the Senate.

Recommendation 3
The Committee recommends that the Department of Foreign Affairs and Trade prepare an annual Foreign Policy Outlook Statement containing a succinct account of issues arising in the preceding twelve months and any adjustments to policy arising from them. The statement should be tabled in the parliament by the Minister for Foreign Affairs.

Not Accepted
The release of the White Paper is but part of the Government’s efforts to improve public awareness and understanding of Australia’s foreign and trade policies. There are many other activities by Ministers and the Department of Foreign Affairs and Trade which also contribute.

Ministerial speeches are an important part of the Government’s public diplomacy. In 2003, the Minister for Foreign Affairs and the Minister for Trade each delivered about 30 major policy speeches. In addition, throughout each year the Department of Foreign Affairs and Trade releases to the public a great number of information booklets, reports and studies about its priorities and activities in support of the Government’s policies. The department’s annual report provides an account of objectives pursued and activities undertaken in the previous year and a detailed account of the department’s use of public money. The “Secretary’s Review” at the beginning of the annual report provides a succinct account of the international year in review and the foreign and trade policy outlook.

The Government also considers that there is ample Parliamentary scrutiny of the Government’s foreign policy. This is demonstrated in the significant number of inquiries undertaken by the Joint Standing Committee on Foreign Affairs, Defence and Trade and the Senate Foreign Affairs, Defence and Trade References Committee.

Recommendation 4
The Committee recommends that the Australian Bureau of Statistics develop mechanisms for accurately enumerating the numbers of Australian citizens living overseas, with a view to facilitating their full participation in the Australian Census.

Not Accepted
The Australian census is conducted on a “de facto” basis, that is it counts all people who are actually in Australia on census night, whatever their usual residence might be. The census does not count Australian residents or citizens overseas on census night however long the duration of their absence might be.

For official population purposes, those residents overseas on census night for less than twelve months are added back into the population using information from passenger cards provided by the Department of Immigration and Multicultural and Indigenous Affairs and overseas visitors in Australia for less than 12 months are excluded. The ABS currently has no plans to include those Australians who are overseas in the 2006 Census. At this stage it is not regarded as practical, nor is a quality outcome achievable. This is supported by evidence from the past experiences of Canada and the USA when they have attempted to include overseas citizens in their respective censuses.
Despite their efforts they have only managed to count a small proportion of these people. The ABS publishes monthly statistics in Overseas Arrivals and Departures, Australia (ABS cat. no. 3401.0) on the number of Australian residents leaving Australia for overseas and returning from overseas. These statistics are based on information from outgoing and incoming passenger cards provided by the Department of Immigration and Multicultural and Indigenous Affairs. Selected characteristics are available on request including age, sex, duration of stay/absence, country of citizenship on passport, and country of where most time was/will be spent. Whilst these statistics do not provide a stock of Australians living overseas, they do provide information on trends in the flow of Australian’s travelling overseas and those returning over a long time series.

The ABS is currently taking part in a trial project being undertaken by the OECD which has the aim “to embark collectively on a joint compilation of available data on the stock of immigrants in OECD countries”. This trial will be drawing on data from a variety of sources in each country including censuses, population registers and surveys, and has the possibility of being a cost effective method of obtaining information on Australians living in other OECD countries.

**AUSTRALIAN INTELLIGENCE SERVICES**

_**Senator BARTLETT (Queensland—Leader of the Australian Democrats)** (4.01 p.m.)—by leave—I move:_

That the Senate take note of the document tabled earlier today.

This report was tabled out of session on 22 July, a few weeks ago. It is a report of great interest and great importance to the Australian community and certainly to the Australian Senate. It is appropriate that we do note it, given the importance of the issue, and indeed that we do debate its content. I will certainly seek leave to continue my remarks to keep it on the Notice Paper if others do not wish to speak to it now.

There are the narrow components of this report, which are the details and the minutiae within it, and the broader component, which is the political context in which it operates right through to the global context of the war on Iraq. The Democrats’ view on the war on Iraq is well known, strong and consistent. We firmly believed that it was the wrong approach to undertake a pre-emptive strike and invade Iraq when there was clearly no significant threat. Even on the information that was provided by the Prime Minister to this parliament and to the public prior to that war, it was hard to see how that constituted an immediate and significant threat to Australia. We nonetheless invaded that country. Despite all of the debate since that time, including the sorts of issues that are covered by the Flood report, I do not think we should forget the fundamental single fact that our Prime Minister signed Australia up to invading another country that was not threatening us. That, I think, was a very dangerous act—an unprecedented act in the history of our nation, I would suggest. It was undertaken against the views of the majority of the Senate, which again I think is unprecedented in our nation’s history. On top of all that we are now all aware that even the information that the Prime Minister presented prior to the war was clearly enormously flawed, leading in part to the report that we are debating here today.

Probably the one component of greatest concern to me, on top of all that I have outlined, is that not only did our Prime Minister decide to sign Australia up to invading another country that was no threat to us but he has since said that even with all the information in this report—even with the specific statements that some of the intelligence provided was not accurate, sketchy, thin or inadequate; even with what we now know of all the failings of the intelligence from the US and the UK; even though it is now firmly
established beyond the tiniest skerrick of a doubt that there was absolutely no threat—he would do the same thing, even knowing what he knows now. That single statement alone is enough, from my point of view, to say that he should not be able to retain the power and the responsibility of being able to determine whether or not to send Australians to war, because he clearly has not got the ability to make the right judgments on such a fundamental issue. There are few things more significant than sending Australian men and women overseas, putting their lives at risk and engaging in armed conflict. To do so in such a cavalier manner and say that you would still do the same thing again is an absolute disgrace.

That bottom line has to be put every time we talk about the issues surrounding the conflict in Iraq, before we get into some of the narrower issues that are dealt with in the Flood report. The Democrats, as with many people, were sceptical about the adequacy of this report, because we felt it was narrow in its terms of reference and, in effect, internal. It was not fully independent and it was certainly not fully public. That is one of the reasons why it is not as comprehensive or fulsome as it should be. It does not compare well with what has been done in the United States and the United Kingdom. Both those countries, despite their culpability as well in the invasion of Iraq, have at least had far more comprehensive examinations of the issues surrounding the decisions prior to going to war and the issues surrounding the information that was provided by the government to their people and by the intelligence agencies to the government. We have not had that here in Australia. It is another example of our government and our Prime Minister having even greater contempt for the truth and greater contempt for honesty with the Australian people than even President Bush and Prime Minister Blair. That is a pretty big call, but the lack of decent process in Australia after the war reaffirms that we have had an even less adequate examination of the issues than the UK and the US public and parliaments have received. That is grossly unacceptable.

Despite my criticisms of this report, which I made publicly at the time and I do not propose to repeat here in detail, there are some components that I think need to be acknowledged. Firstly, a point which I certainly agree with—I think others have also emphasised it in recent times, even before the Iraq invasion—is the nature and importance of intelligence. Whilst I will remain critical about this Prime Minister’s refusal to have a decent, open, proper, broad, independent inquiry, I do acknowledge that, by its definition, intelligence requires some degree of secrecy. Otherwise it defeats the purpose. Senator Ray has made this point a few times in the past. You cannot have an intelligence agency operating with absolute transparent scrutiny. Otherwise, obviously, they will not be able to do their job. It requires a balancing act. I believe that, particularly in this circumstance, where we have an unprecedented action by our government in invading a country that was not a threat and we have widespread information coming out subsequently of incorrect intelligence or the incorrect provision of information by the government to the parliament, that warrants a fair degree of openness, because public confidence in the effectiveness of our intelligent agencies is very important.

At the same time, whilst I do not wish to undermine that confidence, unless the agencies earn it and deserve it then you cannot continually spout a line that they are fully effective. You cannot do so when they are not. That is part of the concern expressed in statements by people like Lieutenant Colonel Collins, among others. When people in the know and on the inside say that there are
major problems we have to stand up and take notice.

This report recommended extra resources for ONA. I am on the record, and have been for some time, as saying that we should be giving extra resources to our intelligence agencies. As this report notes, intelligence is probably more important in a defence and security sense for Australia than it has been at any time since the Second World War. Our intelligence agencies need to be resourced properly, and we need to look at whether to rearrange our prioritisation of funding in the defence and security area to perhaps give more resourcing to intelligence away from some of the more traditional areas. There is no point in doing that if your intelligence agencies are not operating effectively. You are just throwing good money after bad and creating a false sense of security if that is not there.

We are talking about the security and safety of Australians. It is not a political point scoring exercise; it is about ensuring that we can be confident. That is why the inability of this parliament and the public to trust what this government and this Prime Minister say is so serious. It puts all of the officers who work so hard in intelligence agencies—sometimes in very dangerous circumstances—in a position where their integrity is compromised and, once again, where they are likely to be used as pawns or scapegoats whenever the government gets into trouble.

One other recommendation I would briefly like to point to is the recommendation to expand the mandate of the Parliamentary Joint Committee on ASIO, ASIS and DSD to cover other agencies. I would support that but I would also signal that I think it is time—in fact, it is well past time—to expand not only the mandate but also the membership of the committee. I think there are currently seven members, and they are solely Liberal Party and Labor Party members. I mean no offence to the people that are on it, but the situation is now such that it should have other parliamentarians from the cross-benches in the Senate or even the Independents in the House of Representatives to ensure that there is a wider degree of representation on such a fundamental committee.

I also note the recommendation that the Director of DIO, the Defence Intelligence Organisation, should be appointed on merit through a competitive selection process. That, of course, is a principle the Democrats have pursued in this chamber many times in a range of areas. It would be wonderful to see that initiative taken even in the one area of the appointment of the director of that important organisation. The fact that there is a need for a recommendation to do that clearly shows that we need to demonstrate that appointments to these important offices are done on merit, not on the basis of political favouritism or any other backroom arrangement. (Time expired)

Senator ROBERT RAY (Victoria) (4.11 p.m.)—by leave—I rise to speak briefly on the same matter. I only want to make a few comments on this, because this is not the time for a full response to the Flood report. Senator Bartlett has made a few points. One of the last ones he made is that the DIO head should be appointed on merit, and he mentioned political favouritism. That is not the problem. The problem is military rotation, Senator Bartlett, where each service is supposed to have a shot at the title, so you go from Army to Air Force to Navy, irrespective of the quality of the candidates. One of the problems of DIO is that it has had some of the finest brains ever at its head—people like John Baker, people like John Hartley—and I know on other occasions it has had people allocated to it who are not interested in that area and are just looking forward to the fol-
lowing posting. I think that is what Philip Flood was getting at. I do not think he was arguing that there was political favouritism or patronage involved. You should not necessarily rotate it through the three uniform services because it is their turn; you should go on quality and on merit, and on that I support him.

Senator Bartlett talks about the size of the committee. There is a recommendation in this report to lift it to nine. That does not give much solace to Senator Bartlett yet, because the current act—and, of course, it is open to change—says that membership of the committee should be proportionate to numbers in the parliament. If I might explain it to Senator Bartlett, that is the sort of proportional representation that you have argued for everywhere else but on this occasion. To get your proportion up, you have to have about 22 Independents, Greens and Democrats. When that occurs, there will be representation for the smaller groups in the parliament.

Senator Bartlett—Seventeen—we are getting close.

Senator ROBERT RAY—If you get close to 22 after the next federal election, Senator Bartlett, I will give up hot meals for a whole week.

Senator Sherry—Close to nine, in their case.

Senator ROBERT RAY—Exactly. However, I also understand there is a problem here. If other parties think they are excluded from the process they will resent it, so I am not sure how to resolve the question of how we protect the rights of minorities yet have a normal and proper representation. It is true to say that in this place quite often minority groups get a higher representation than major parties on certain committees and other bodies. That is an inevitable recognition not of representation but of power. How we address that in this context I am not sure.

I think there is much of value in the Flood report, but I am not going to go into the details and respond to each of the recommendations. I was pleased to see the widening of the brief of the parliamentary scrutiny committee; I think that is essential. My biggest disappointment with the Flood report was the Prime Minister’s reaction to it. I watched his press conference live on Sky. What was the first and biggest point the Prime Minister made? He puffed himself up and said: ‘See, I told you so. We are cleared of putting political pressure on intelligence agencies to provide us with the intelligence that we wanted.’ What a wonderful knock down of a straw man that was. That was not an accusation I or other people in the Labor Party have ever made. In any event, the parliamentary committee cleared the Prime Minister of that charge some months before. This was no longer a major concern out there in the Australian community.

The concern was this: that the agencies got their intelligence wrong. I accept that intelligence agencies, because of the very nature of the material they deal in, will make mistakes. Of course they will make mistakes. What we are interested in coming out of the Flood inquiry is that they will make fewer mistakes in the future, that there will be proper resources devoted to them and that there will be proper analyses and proper judgments. We are not worried about a witch-hunt or about what happened in the past; we are worried about what happens in the future. If we have to commit Australian troops or Australian resources, we want to know that it will be done on a solid basis. We want to know that the intelligence will be relatively accurate or as accurate as you can expect.
But all that the government were concerned about was getting a political clearance. They wanted a tick to say that they had not interfered with the intelligence. I could have told them that. They did not need the Flood inquiry to tell them that. That then left the government in a position of political response throughout. They were more interested in getting up the right political spin than in finding out what went wrong. The real problem is the lack of vigour, the lack of an intellectual approach by ministers, in trying to find out what went wrong. We had the Butler report, we had the US Senate report and we had reports before those and before the Flood report all pointing to failures of intelligence agencies. In some cases, overseas in the UK and in the US, they wanted to know what went wrong. Here in Australia all that the government wanted to do was get a not guilty verdict. They have a higher responsibility in these areas to drive, to supervise, to energise the agencies to a higher performance, yet all they do is stand back.

I wonder how many of you followed Mr Downer’s performance in July. He basically became a full-time critic of the Labor Party, not a foreign minister. Every night or every second night he was on Lateline or the 7.30 Report commenting on the Labor Party. He only took time off to go back and become foreign minister when he insulted Spain and the Philippines on the way through. This just is not good enough. We want ministers who are entrusted with these agencies to get in there and drive them, and I hope the Flood report stimulates them to do so. I am not saying they should be full-time supervisors on a day-to-day basis, but they have to think of the national interest just a little more than their own self-interest when it comes to intelligence matters. Flood very early on, in his diplomatic tones, hinted that governments should not use intelligence reports to publicly justify their political decision making. I could not agree more because that exposes the agencies to charges of political influence, that misuses intelligence and, when it all comes unstuck, that rebounds on the intelligence agencies.

In any event, I think the Flood report will advance the cause in this area. I am pleased the government have said they will accept all recommendations other than a change of name for the ONA. I am on side with the government on that. I do not see why we should spend $180,000 changing a letterhead just to have a different name. We could have employed a consultant for $300,000 to give us that recommendation. To accept the rest of the recommendations I think is good. I am sure the Labor Party will back the government on that, as will most senators in this chamber. It is clear that the ONA needs more resources. It is clear that the DIO needs to concentrate strictly on the military area. It is also clear that we need far more substantial parliamentary oversight in these areas in the 21st century. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

COMMITTEES
Privileges Committee

Senator ROBERT RAY (Victoria) (4.20 p.m.)—I present the 119th report of the Committee of Privileges entitled Possible false or misleading evidence before the Environment, Communications, Information Technology and the Arts Legislation Committee.

Ordered that the report be printed.

Senator ROBERT RAY—I seek leave to move a motion in relation to the report.

Leave granted.

Senator ROBERT RAY—I move:

That the Senate:
(a) endorse the finding contained at paragraph 1.23; and
(b) adopt the recommendation at paragraph 1.30,
of the 119th report of the Committee of Privi-
leges.

On 24 March 2004, on the motion of Senator
Mackay, the Senate referred to the Commit-
tee of Privileges the following matter:
Whether any false or misleading evidence was
given by witnesses representing Telstra in relation
to the matter of the network fault rate and deterio-
ration of the network, and whether any contempt
was committed in that regard.

This matter arose from the evidence given by
officers of Telstra at additional estimates
hearings on 16 February 2004. Some weeks
later a document was tabled in the House of
Representatives which was claimed to be an
internal Telstra briefing about the state of the
network. On the basis of apparent contradic-
tions between the evidence and the briefing,
Senator Mackay raised this as a matter of
privilege and the President granted it prece-
dence.

The committee received further material
from Senator Mackay and provided details of
allegations to the Telstra officers concerned,
who submitted a joint response to the com-
nitee. The Telstra officers provided the
committee with a substantial and detailed
explanation, which sought to distinguish the
evidence they had given at the estimates
hearing from the circumstances covered by
the internal Telstra briefing. In accordance
with its usual practice, the committee pro-
vided a copy of the response to Senator
Mackay and invited further comment.

Having received further comment and
having analysed all of the material before it,
the committee applied the criteria in privi-
lege resolution 3, which, amongst other
things, requires that it takes into account
whether a person who committed an act
which may be a contempt did so knowingly.
The committee was unable to conclude that
the officers had knowingly misled the legisla-
tion committee and agreed that no con-
tempt should be found.

Unfortunately, this is not the first allega-
tion of misleading evidence investigated by
the committee, nor is it the first time that
officers of Telstra have been the subject of an
inquiry of this nature. Some time ago, after
investigating a number of these cases, the
committee arranged for a reminder to be
given to witnesses appearing before Senate
committees and joint committees adminis-
tered by the Senate that false or misleading
evidence may constitute a contempt of the
Senate. Concerned at the apparently wide-
spread ignorance of parliamentary privilege
within the Public Service, the committee
recommended, and the Senate resolved, that
senior public servants should study parlia-
mentary principles to avoid committing of-
fences through ignorance. The committee
included a requirement of all departments
and agencies to report on their compliance
with the resolution. The committee reported
on the outcome of the resolution in its 89th
report.

In concluding its examination of this case
the Committee of Privileges is recommend-
ing that Telstra, an organisation that appears
frequently before Senate committees, be re-
quired to report to the Senate on measures it
has taken to ensure that its senior officers are
appropriately trained in their obligations to
parliament. I commend the report to the Sen-
ate and seek leave to continue my remarks.

Leave granted; debate adjourned.

BUDGET
Consideration by Legislation Committees
Additional Information

Senator FERRIS (South Australia) (4.25
p.m.)—On behalf of the Chair of the Envi-
Tuesday, 3 August 2004

Consideration by Legislation Committees
Additional Information

Senator FERRIS (South Australia) (4.25 p.m.)—On behalf of the Chair of the Finance and Public Administration Legislation Committee, I present additional information received by the committee relating to hearings on the 2004-05 budget estimates. There are four volumes and attachments.

COMMITTEES
Foreign Affairs, Defence and Trade: Joint Report

Senator FERRIS (South Australia) (4.26 p.m.)—On behalf of the Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade, Senator Ferguson, I present the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade on the visit as part of the Trade Subcommittee inquiry into Australia’s trade and investment relations with the Gulf States.

Ordered that the report be printed.

BILLS RETURNED FROM THE HOUSE OF REPRESENTATIVES

Messages received from the House of Representatives agreeing to the amendments made by the Senate to the following bills:
Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Bill 2004
Workplace Relations Amendment (Codifying Contempt Offences) Bill 2003

SURVEILLANCE DEVICES BILL (No. 2) 2004

First Reading

Bill received from the House of Representatives.

Senator MINCHIN (South Australia—Minister for Finance and Administration) (4.27 p.m.)—I move:
That this bill may proceed without formalities and be now read a first time.
Question agreed to.
Bill read a first time.

Second Reading

Senator MINCHIN (South Australia—Minister for Finance and Administration) (4.28 p.m.)—I move:
That this bill be now read a second time.

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

Leave granted.
The speech read as follows—

SURVEILLANCE DEVICES BILL (No. 2) 2004

Australia’s law enforcement agencies rely on a variety of law enforcement tools to catch and prosecute serious criminals.

One important tool is the use of surveillance devices which could be anything from a hidden microphone to an ordinary video camera.

Today, however, the powers available to Commonwealth law enforcement to use such devices lag sadly behind what the technology makes possible and what other jurisdictions permit.

This Bill began as an initiative of the Leaders’ Summit on Terrorism and Multi-Jurisdictional Crime held on 5 April 2002.

A Joint Working Group of Commonwealth and State and Territory officials was established by the Standing Committee of Attorneys-General and the Australasian Police Ministers’ Council.

The Joint Working Group developed comprehensive model laws for all Australian jurisdictions to improve the effectiveness of cross-border criminal investigations in the areas of controlled operations, assumed identities, protection of witness identity and electronic surveillance.

These model laws were released in a public discussion paper to solicit feedback from groups and individuals on the suitability of these proposed powers.
The Surveillance Devices Bill [No. 2] 2004 (the Bill) implements the electronic surveillance model Bill, tailoring it to the needs of the Commonwealth.

This Bill differs in a number of respects from the Surveillance Devices Bill [No.1] 2004 which is currently before the Parliament and is being introduced for the purposes of expediency so as to ensure that this important legislation is passed before the Winter recess.

The Bill will consolidate, expand and modernise the now somewhat outdated surveillance device powers available to the Commonwealth and provide law enforcement agencies with access to the surveillance tools necessary to protect Australians and to investigate and stop crime.

The Bill allows law enforcement officers of the Australian Federal Police, the Australian Crime Commission or a State or Territory police force or other specified agencies investigating a Commonwealth offence to use a greater range of surveillance devices including data surveillance devices, optical surveillance devices and tracking devices.

The Bill also allows for a surveillance device warrant or authorisation to be issued in relation to a wider range of offences.

Surveillance device warrants may be issued under this Bill, where a child recovery order has been issued by the Family Court to assist with the location and safe recovery of any child who is subject to an order.

The Bill also permits emergency authorisations to be given by a senior executive officer of the law enforcement agency to a law enforcement officer for the use of a surveillance device in circumstances that are characterised by urgency.

The Bill provides for three such situations: where there is an imminent threat of serious risk to a person or substantial damage to property, to recover a child the subject of a recovery order and where there is a risk of the loss of evidence in relation to important specified Commonwealth offences, including terrorism, serious drug offences, treason, espionage and aggravated people smuggling.

In recognition of the privacy implications of this Bill, the Bill imposes a range of strong accountability measures.

The most intrusive types of surveillance must be subject to the scrutiny of a judge or AAT member before the surveillance begins, or, in the case of an emergency authorisation, shortly after the authorisation has been given.

The subsequent use, disclosure or communication of material gathered by, or relating to, a surveillance device is subject to stringent restrictions.

Record-keeping requirements ensure that documents relevant to surveillance devices must be kept to establish compliance with the law.

Chief Officers of law enforcement agencies using Commonwealth warrants and authorisations must submit detailed reports, both after a warrant or authorisation has expired and also annually.

The Bill also imposes a duty on the Chief Officers to destroy surveillance device material when it is not longer relevant to one of the permitted purposes in the Bill.

The role of the Commonwealth Ombudsman as an oversight body is reinforced by this Bill. The Ombudsman must report on a six-monthly basis to the Attorney-General who in turn must table these reports in Parliament.

Importantly, the Ombudsman has the power to compel law enforcement officers to answer questions or produce relevant documents.

This Bill will greatly increase the capacity of Australian law enforcement agencies to investigate serious offences, including terrorism, while maintaining an appropriate respect for the privacy of all Australians.

This Bill differs from the Surveillance Devices Bill (No.1) 2004 in a number of important ways.

- First, the Bill provides for the inclusion of State law enforcement agencies, such as the New South Wales Crime Commission and the Western Australian Corruption and Crime Commission, in addition to State and Territory police forces who may obtain Commonwealth Surveillance Device warrants for the investigation of Commonwealth offences.

- Second, the Bill implements 3 of the recommendations of the Senate Legal and Consti-
tutional Legislation Committee report to provide:
- for a requirement that surveillance device material held for more than 5 years be destroyed unless the Chief Officer certifies that it is still needed for a permitted purpose;
- that the period before which an emergency authorisation must be brought before a Judge or AAT member for approval be reduced from ‘two business days’ to ‘48 hours’; and
- for a new civil remedies provision which allows those who have suffered loss or injury as a result of illegal use of a surveillance device by the AFP or ACC to sue the Commonwealth;

- Third, the Bill allows the Queensland Public Interest Monitor to have a role with respect to Commonwealth warrants that is consistent with its role regarding State warrants.

- The Bill also allows non-law enforcement officers to record conversations to which they are a party under the direction of a law enforcement officer. This means that an informant may wear a ‘wire’ during a controlled operation.

- Importantly, the Bill allows for a recovery order issued by a Court other than the Family Court or with respect to a child removed from another country to be the basis for a warrant or authorisation and adds Child Sex Tourism Offences as offences for which a ‘loss of evidence’ Emergency Authorisation may be obtained.

- Finally, the Bill includes provisions designed to clarify and refine the operation of the Surveillance Device regime by:
  - allowing for the substitution of an officer primarily responsible for the execution of a warrant or authorisation;
  - making the definition of ‘state offence with a Federal aspect’ consistent with other legislation;
  - improving the operation of tracking device authorisations;

  - marginally changing the definition of ‘appropriate consenting official’ to make extra-territorial use of surveillance devices more feasible;
  - allowing the Commonwealth Ombudsman to delegate to equivalent State bodies which are not actually Ombudsmen; and
  - giving the Commonwealth Ombudsman responsibility for the oversight of all ACC SD use, under either Commonwealth or State law;

I urge that this Bill be passed as a matter of priority so that these important investigative tools are made available to law enforcement as soon as possible.

Debate (on motion by Senator Mackay) adjourned.

Ordered that the resumption of the debate be made an order of the day for a later hour of the day.

TEXTILE, CLOTHING AND FOOTWEAR STRATEGIC INVESTMENT PROGRAM AMENDMENT (POST-2005 SCHEME) BILL 2004

CUSTOMS TARIFF AMENDMENT (TEXTILE, CLOTHING AND FOOTWEAR POST-2005 ARRANGEMENTS) BILL 2004

First Reading

Bills received from the House of Representatives.

Senator MINCHIN (South Australia—Minister for Finance and Administration) (4.29 p.m.)—I move:

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

Question agreed to.

Bills read a first time.
Second Reading

Senator MINCHIN (South Australia—Minister for Finance and Administration) (4.29 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—

TEXTILE, CLOTHING AND FOOTWEAR STRATEGIC INVESTMENT PROGRAM AMENDMENT (POST-2005 SCHEME) BILL 2004

The purpose of the Textile, Clothing and Footwear Strategic Investment Program Amendment (Post 2005 scheme) Bill 2004 is to extend the Textile, Clothing and Footwear (TCF) Strategic Investment Program (SIP) for another ten years and to establish the TCF Small Business Program.

The Strategic Investment Program is the centrepiece of the Government’s strategy for the TCF industry for the next decade. As announced on 27 November 2003, the Government proposes generous long-term assistance for the industry worth $747 million. The Government’s package includes:

- $575 million for extending TCF SIP;
- $25 million for a ten year TCF small business program;
- $50 million over ten years for a product diversification scheme;
- $20 million for a supply chain efficiency program from 2010 to 2015;
- $27 million for extending the Expanded Overseas Assembly Provisions scheme for a further five years; and
- $50 million for a ten year structural adjustment program to assist both displaced workers and encourage industry restructuring.

By setting policy in place for a decade, the Government has given the industry long-term certainty to encourage investment and innovation.

A gradual reduction of TCF tariffs is integral to this package. As tariffs impose substantial costs on Australian families, and are ineffective as protection for local industry, the Government will lower tariffs in two steps over ten years. Two 5 year tariffs pauses are contained in the Customs Tariff Amendment (TCF Post-2005 Arrangements) Bill 2004.

The Government’s policy was developed after 12 months of consultation. This consultation confirmed the Government’s view that support must be focused on activities which will make a lasting difference and weighted towards firms in the sector facing the greatest adjustment.

The package is supported by peak bodies, such as Textiles and Fashion Industries Australia and the Carpet Institute of Australia, and leading companies.

The new Strategic Investment Program will be broadened and simplified. The current five grants will be reduced to two. New activities, such as brand support and non-production information technology, will be supported. With these changes, more firms can be expected to use SIP. Firms receiving support already account for 75 per cent of industry value-add and 63 per cent of jobs.

The subsidies offered in the new program are the most generous available to any industry. For the first five years, funding for SIP will continue at the current level of expenditure, that is about $100 million a year. Funding after 2010 will be limited to those firms still to face a tariff adjustment, namely firms manufacturing clothing and certain finished textile products. $100 million will be available to this section of the industry after 2010.

For small TCF firms which may not meet the $200,000 threshold for SIP claims, a new $25 million TCF Small Business Program will be available.

The Government will introduce a Product Diversification Scheme as an incentive for firms to increase their local production as well as to diversify their product range.

The Government has already extended for 5 years the Expanded Overseas Assembly Provisions scheme.

As clothing and certain finished textile manufacturers will face a tariff reduction in 2015, the Government will provide a $20 million Supply
Chain Program to support major capital investments strengthening the local supply chain. The program will be open to manufacturers of clothing and certain finished textile products (and their related textile suppliers) who would otherwise not receive benefits under the Post-2005 SIP.

In all, by the time the Government’s plan expires in 2015, the sector will have received about $1.3 billion in direct assistance (and about $13 billion indirectly through tariff protection).

It is essential to recognise that TCF tariffs cost the community up to $1 billion a year, disproportionately affecting low income households. The 2.1 million Australians living in households earning less than $301 per week spend twice as much of their income on clothing as other families.

For its part, the industry is clear that firms benefit far more from direct financial support for innovation and investment than through tariffs. Tariffs do not make uncompetitive firms viable. Tariffs do not assist companies to invest or innovate. Tariffs provide just a flimsy margin of protection which can be easily erased by movements in the exchange rate.

For these reasons, the Government believes that TCF tariffs should be reduced to the general manufacturing rate. Consistent with the Government’s 1998 decision, tariff reductions will be staggered to allow industry time to adjust. TCF tariffs will be paused at their 2005 rates for 5 years, and then the majority of TCF tariffs will be reduced to 5 per cent on 1 January 2010. The exceptions to this rule will be clothing and certain finished textile articles which will be reduced to 10 per cent on 1 January 2010, held at this level for 5 years and then reduced to 5 per cent on 1 January 2015.

To ease the impact of restructuring in the industry, the Government will establish a $50 million Structural Adjustment program. The program will assist retrenched TCF employees find new employment, assist TCF firms to consolidate into more viable businesses and, where necessary, support communities adjusting to the loss of employment in the sector.

The Government has taken a balanced approach in developing its policy. The policy assists firms to become more competitive by providing incentives to invest, innovate and diversify their product range; it reduces tariffs in a measured way which the industry can absorb; it will reduce the price of TCF goods over the long term; and it assists employees who might be affected by restructuring.

The Government’s TCF plan is backed by ample funding. By any benchmark, $747 million is a significant amount of taxpayers’ money. With the sole exception of the much larger automotive industry, the TCF sector receives far more assistance than any other part of the manufacturing sector and this support will continue for the next decade.

---

CUSTOMS TARIFF AMENDMENT (TEXTILE, CLOTHING AND FOOTWEAR POST-2005 ARRANGEMENTS) BILL 2004


Those amendments are complementary to the amendments contained in the Textile, Clothing and Footwear Strategic Investment Program Amendment (Post-2005 scheme) Bill 2004. Together, these Bills extend the provisions of the Textile, Clothing and Footwear Strategic Investment Program for another ten years.

The Customs Tariff Amendment (Textile, Clothing and Footwear Post-2005 Arrangements) Bill 2004 will reduce customs duty rates applicable to clothing and certain finished textiles to 10% from 1 January 2010 and to 5% from 1 January 2015. The Bill also reduces customs duty rates applicable to other textile, clothing and footwear goods to 5% from 1 January 2010.

The enactment of the post-2005 duty rates at this time provides transparency and certainty for textile, clothing and footwear manufacturers, enabling sufficient time for planning prior to the reductions in 2010 and 2015.

Debate (on motion by Senator Crossin) adjourned.
First Reading

Bills received from the House of Representatives.

Senator MINCHIN (South Australia—Minister for Finance and Administration) (4.30 p.m.)—These bills are being introduced together. After debate on the motion for the second reading has been adjourned I shall move that the bills be 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 MINCHIN (South Australia—Minister for Finance and Administration) (4.30 p.m.)—I table a revised explanatory memorandum relating to the Anti-terrorism Bill (No. 2) 2004 and move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

WORKPLACE RELATIONS AMENDMENT (PROTECTING SMALL BUSINESS EMPLOYMENT) BILL 2004

This Bill proposes to amend the Workplace Relations Act 1996 to maintain the exemption for small business from redundancy pay by overturning the recent decision of the Australian Industrial Relations Commission (AIRC) to impose redundancy pay obligations on small businesses.

This legislation is necessary because it is the only option available to rectify a flawed decision of the AIRC. Under the current industrial relations system there is no review or appeal process to reconsider the merits of Test Case decisions made by a Full Bench of the AIRC. The Government strongly believes it is Parliament’s responsibility to use its legislative power and authority to shield small businesses from the AIRC decision.

If this Bill is not passed, the vast majority of small businesses covered by federal awards will eventually be subject to redundancy payments for their employees in accordance with the AIRC’s decision. If this Bill is not passed, small businesses that are constitutional corporations and that are covered by State awards will become subject to redundancy payments if the AIRC decision flows to State jurisdictions.

The Bill has three effects. First, it will remove redundancy pay for small businesses with fewer than 15 employees from the jurisdiction of the AIRC.

Second, it will cancel the effect of any variations that were made by the AIRC to awards from the time of the decision until the legislation commences. It will not, however, affect any redundancy pay provisions that were in awards prior to the AIRC’s decision. It will also not affect any actual entitlement that arises before the legislation commences. The Government’s objective is not to take away something that employees already have.

And third, the Bill will prevent flow-on of the AIRC’s decision to small businesses that are constitutional corporations and that are covered by State awards.

The Government will also work to protect small businesses that are not constitutional corporations and that are covered by State awards from any flow-on of the AIRC’s decision. The Government will seek to intervene in any relevant proceedings before State workplace relations tribunals to oppose any flow on, and will call on State governments to legislate to maintain the exemption of small businesses from redundancy pay.

It is vital that opportunities for continued growth and job creation for the 1.1 million non-agricultural small businesses in Australia be maximised. It is even more essential for the 3.3 million people employed by these businesses. This is nearly half of private sector, non-agricultural employment.
Small businesses are central to employment and economic prosperity in Australia. The small business sector has made a significantly larger contribution to employment growth over the last eight years than big business.

The small business sector is performing very well—it is very much the engine room of the continued growth and strength that our economy is enjoying. And without doubt many small businesses are profitable.

But we can't afford to confuse this profitability with an ability to make redundancy payments. Small businesses tend to be chronically undercapitalised and in general don't have the financial resources to cope with large, unpredicted commitments such as redundancy payments. Small businesses are twice as likely as larger businesses to go out of business in the earlier years of operation. Even after 15 years of operation they are still 1.7 times more likely to cease than larger businesses.

In the Government's view, the AIRC's decision seriously underestimates the impact that redundancy pay would have on small businesses. For instance, a typical retail small business with seven employees, each with six years continuous employment, would now face a contingent liability for redundancy pay of nearly $30,000.

An obligation on small businesses to make redundancy payments will result in a cost impost that is unaffordable for many small businesses. The end result will of course be a significant decline in job growth in the small business sector and likely small business insolvencies. Clearly, employees of small businesses will not gain anything from the AIRC decision if they no longer have a job to go to.

The undesirability of removing the small business exemption is widely recognised. None of the four State governments that participated in the AIRC test case supported the removal of the exemption—the Queensland and Western Australian governments opposed the removal, while the NSW and Victorian governments neither supported nor opposed it.

The Queensland Industrial Relations Commission recently agreed that small businesses are in a more financially constrained and precarious position compared to larger business. The Queensland Commission unanimously decided that the exemption for small business from redundancy pay obligations under the Queensland workplace relations system ought to remain in place. The Queensland Commission concluded that many small businesses operate in marginal circumstances and that their lack of financial resilience had not changed since 1994 when the New South Wales Industrial Commission also reaffirmed the need for the small business exemption.

The Queensland Commission also accepted that small businesses would generally have smaller cash reserves to meet redundancy pay requirements and that redundancies occurring would represent a greater proportion of the overall labour costs of the business.

In short, the Queensland Commission found that to impose redundancy pay obligations on small businesses had "the very real potential to result in the insolvency of a number of small businesses". This Government agrees with the conclusions of the Queensland Commission. We think it is imperative that the small business sector continue to be supported and encouraged to further grow and create new jobs for our economy and for all Australians. This legislation will lift the additional cost burden imposed by the AIRC's decision from small businesses.

Of course, we are not saying that by introducing this legislation small businesses can't reach agreement with their employees to make redundancy payments where they can afford it and where it is a priority for employees.

The Government has a strong history of encouraging employers and employees to reach agreement on a wide range of issues at the workplace. In our view, this is preferable to imposing an "across the board" obligation on small businesses which cannot afford redundancy pay.

In introducing this Bill the Government is demonstrating its ongoing commitment to the small business sector and its recognition of the vital and essential role it plays in ensuring Australia has a strong, thriving economy capable of employing all those who want jobs.
ANTI-TERRORISM BILL (No. 2) 2004

This is a Bill that continues the extensive work already done in improving Australia’s counter-terrorism laws.

They build upon legislation enacted since 11 September 2001 that allows us to more effectively provide for the safety of all Australians, here and abroad, insofar as legislation can achieve that end.

This package highlights the Australian Government’s commitment to continuous review and modification of the law to meet new challenges as they arise.

In creating these laws, the Government is striving towards the twin goals of security and justice. We do not assume that protecting national security is opposed to protecting our civil rights, particularly the most fundamental right of all—the right to human security.

The achievement of these goals should not be seen as separate ideals.

The measures contained in this Bill will have a real practical impact and are necessary.

The Bill updates the Criminal Code to improve our terrorism offence regime.

The amendments make it an offence to intentionally associate with a person who is a member or who promotes or directs the activities of a listed terrorist organisation where that association provides support that would help the terrorist organisation to continue to exist or to expand.

Unlike the offence provisions in Division 101 of the Criminal Code, this offence does not require proof of a connection with a terrorist act.

The new offence of “Associating with Terrorist Organisations” is aimed at the fundamental unacceptability of terrorist organisations as entities by making a wider range of activity which supports the existence or expansion of such organisations illegal.

The offence is directed at people who cannot be proved to be directors, members, recruiters, trainers, or financiers of a terrorist organisation under existing offences.

Under the new offence, what must be proved is that the person communicates or meets directors, members or promoters of a listed terrorist organisation and in doing so provides support intended to assist the expansion or continued existence of the organisation.

The maximum penalty of 3 years imprisonment is lower because such people are not necessarily directly involved in terrorist acts.

A wide range of exceptions are provided for in relation to associations with ‘close family members’ and associations for the purpose of religious worship the provision of humanitarian aid and the provision of legal advice in connection with criminal proceedings or proceedings in relation to the listing of terrorist organisations.

Significantly, an exception is also provided to exclude the application of the offence where it would infringe any constitutional doctrine of implied freedom of political communication.

Australia’s response to the terrorist attack in Bali was a very effective blow against terrorist activity in our region.

Capturing and convicting terrorists is not the end of the story.

Once a person is in custody for an offence, that person can raise security issues for the correctional facility in which they are detained.

In some cases it may be necessary to move the person to another part of the country for security reasons.

Under existing arrangements, it is only possible to transfer a prisoner to another State for trial or welfare reasons.

The Bill provides a legislative basis for the transfer of prisoners between States for security reasons.

The provisions would be used only where there are reasonable grounds to believe that the transfer is necessary in the interests of security.

‘Security’ has the same definition as in the Australian Security Intelligence Organisation Act 1979.

Persons transferred for security reasons will be the subject of a security transfer order. These orders are to be reviewed every three months to determine whether the person should remain subject to such an order.
The Bill also amends the Administrative Decisions (Judicial Review) Act 1977 to make decisions of the Attorney-General on security grounds exempt from the application of that Act.

I am acutely aware that the law represents a very potent form of defence against terrorists.

The fair, just and even-handed application of the law can protect us in a very real way.

Our use of the law establishes the parameters of what we think a just, civilised society should be.

This Bill sets those parameters without unnecessarily encroaching upon individual rights and freedoms.

Members opposite have been generally supportive of government initiatives to prohibit the ‘big ticket’ terrorist activities.

Now I ask them to recognise the importance of more subtle and sophisticated initiatives designed to target the infrastructure, the support networks, the techniques that enable terrorists and their associates to evade the law.

I commend the Bill to the Senate.

Debate (on motion by Senator Crossin) adjourned.

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

ASSENT

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

Aged Care Amendment Act 2004 (Act No. 82, 2004)


Appropriation Act (No. 5) 2003-2004 (Act No. 85, 2004)

Appropriation Act (No. 6) 2003-2004 (Act No. 86, 2004)

Parliamentary Superannuation and Other Entitlements Legislation Amendment Act 2004 (Act No. 87, 2004)

Appropriation Act (No. 1) 2004-2005 (Act No. 88, 2004)

Appropriation Act (No. 2) 2004-2005 (Act No. 89, 2004)

Appropriation (Parliamentary Departments) Act (No. 1) 2004-2005 (Act No. 90, 2004)

Excise and Other Legislation Amendment (Compliance Measures) Act 2004 (Act No. 91, 2004)


Veterans’ Entitlements Amendment (Direct Deductions and Other Measures) Act 2004 (Act No. 94, 2004).


Agriculture, Fisheries and Forestry Legislation Amendment (Export Control) Act 2004 (Act No. 97, 2004)

Corporations (Fees) Amendment Act (No. 1) 2004 (Act No. 98, 2004).


Taxation Laws Amendment Act (No. 1) 2004 (Act No. 101, 2004)

Superannuation Legislation Amendment (Choice of Superannuation Funds) Act 2004 (Act No. 102, 2004).


Earlier in my speech, I was discussing multilateral versus bilateral trading arrangements and I was making the point that a number of witnesses to our inquiry raised the issue of whether or not the bilateral free trade agreement with the United States would undermine our capacity to successfully negotiate multilateral trade arrangements in the future. I posed two questions: does the negotiation of this free trade agreement with the United States—and others with Singapore and Thailand—help or hinder our position within the current round of WTO multilateral trade negotiations; and what would be the impact of this agreement on Australia’s position in the Cairns Group of fair trading agricultural exporting economies? I am proud to say that the Cairns Group was formed when I was working at the National Farmers Federation, which has always been a very strong supporter of the Cairns Group.

This was a very interesting academic debate and one that I was pleased to take part in, but by far the most compelling evidence presented to the committee came not from academics or theorists but from those with direct experience at the coalface of international trade negotiations. Mr Bruce Gosper, First Assistant Secretary of Australia’s Office of Trade Negotiations, told the committee:

I cannot think off the top of my head of any Cairns Group member that is not part of a preferential trade arrangement or negotiating one—most of them are negotiating several. The Cairns Group continues to operate very effectively. It
had a very successful meeting in February this year in Costa Rica at which this issue was not raised, either directly or indirectly.

The highly respected trade analyst Mr Alan Oxley, who has extensive experience in international trade negotiations, provided another compelling statement to the committee in response to a question from Senator Cook. He said:

You asked ... what would be the downside for Australia if we rejected the agreement. We would probably be regarded as the most bizarre country in the world for having rejected a free trade agreement with the world’s biggest economy—an agreement that would actually give us access in agriculture, which is one of the most difficult areas, notwithstanding the fact that it is not perfect—when many other countries are lining up to have an agreement with them. I honestly do not know how any serious Australian government could justify that to the world at large.

Mr Peter Corish, the president of the National Farmers Federation, told the committee:

As I said in my opening comments, we have not seen any evidence of a negative reaction to either the reputation or the credibility of the Cairns Group or to Australia’s general credibility and reputation in the WTO process. I say that because, since the conclusion of the FTA negotiations, there has been a Cairns Group ministerial meeting also attended by a number of Cairns Group farm leaders in Costa Rica. Certainly no negative comments were made to any of our farm leaders there nor, as we understand it, to the ministerial group about our negotiated agreement between Australia and the United States.

There we have it: three highly respected individuals representing specific areas of expertise commenting positively on the operation of a bilateral agreement in relation to criticism about multilateral arrangements and how they might be affected by the signing of this agreement.

I turn to quarantine, an issue which was very significant in the inquiry carried out by the Senate committee and the Joint Standing Committee on Treaties. There were some quite irresponsible assertions presented to the committee which claimed that in some way Australia’s strict science-based quarantine system would be compromised by the agreement. Having thoroughly examined these assertions, I can clearly and unambiguously inform the Senate that it is now clear that they were nothing more than that—simply assertions. They were not based on fact, and they were not supported by any empirical evidence.

On this issue, Ms Virginia Greville, Special International Agricultural Adviser from the Department of Agriculture, Fisheries and Forestry, told the committee on May 18:

The best evidence is the text that has been negotiated. It explicitly preserves and protects the quarantine processes of each jurisdiction. Our import risk analysis process is well documented and, as you know, transparent and challengeable at a variety of points along the way. Ms Greville went on to say:

That has been explicitly preserved, as has the US’s system, and all that the text deals with is enhanced technical cooperation and exchange during that process ... At no point have we changed the outcome, sped up or fast-tracked any IRA process ...

I thank Ms Greville for her quite substantial expertise that was made available to the committee during its inquiry. In relation to the Committee on Sanitary and Phytosanitary Matters and the Standing Technical Working Group on Animal and Plant Health Matters that will be created under chapter 7 of the FTA, Ms Greville advised:
What it will not do is have any impact on our level of protection or our conservative quarantine regime or our standards, no matter what they say. These statements were reinforced by Mr Andy Stoler, the Executive Director of the Institute for International Business, Economics and Law at the University of Adelaide—a very skilled and experienced trade negotiator. He said:

There is nothing that one can find anywhere in the text of this agreement that suggests that either side has the slightest intention of moving away from scientifically based risk assessment procedures as the basis for quarantine actions. You will not find anything in the text. You will find references to facilitating trade to the greatest extent possible while preserving the rights of the parties to protect animal and plant life or health but nowhere will you find the suggestion that we are going to abandon that concept.

In conclusion, the FTA will benefit all sections of the Australian economy. I have focused my remarks today on what it will mean for Australia’s primary industries because this is a focus of interest for me. Trade liberalisation, both multilateral and bilateral, has served Australian industry very well, increasing productivity and competitiveness across all sectors. The FTA will deliver real economic benefits and will secure for Australia greater access to the world’s largest and most powerful economy. It will ensure Australia has the capacity to compete against other suppliers from Canada, Mexico and other countries which currently enjoy preferential access to the US market. All major sectors of the Australian economy stand to benefit from the free trade agreement.

I state clearly and unambiguously to the Senate that assertions that this agreement will impact on Pharmaceutical Benefits Scheme prices are simply groundless. These claims are not supported by the text of the agreement and are not supported by any genuine evidence. When examined by the select committee—and, incidentally, the treaties committee—they did not stand up to scrutiny. Furthermore, many of the claims that have been made in relation to intellectual property law changes introduced by this agreement are, in fact, baseless and wrong. Far from being detrimental, the intellectual property provisions of the agreement will provide substantial benefit to Australia’s creative industries, which must compete within a global entertainment market.

Greater symmetry between Australian and US laws will provide the certainty needed to produce greater investment in Australia’s creative talents and will deliver substantially improved growth and employment. I urge all senators who believe in trade, who believe in promoting export opportunities for our very valuable primary and secondary industries, and who believe in creating—ultimately—a wealthier and more economically secure Australia to support this legislation.

Senator BROWN (Tasmania) (4.41 p.m.)—The Greens will oppose the US Free Trade Agreement Implementation Bill 2004 and the US Free Trade Agreement Implementation (Customs Tariff) Bill 2004. This legislation is not about a free trade agreement at all—there is nothing free about this agreement; it is a restricted, pointed, biased agreement which favours our giant but friendly neighbour across the ocean, the United States, against the interests of this nation. We oppose the legislation because it is not in Australia’s interests—albeit that it is in the interests of the United States, and in particular the corporate sector in the United States, which stands to gain most from it.

I will move that further debate on these bills be adjourned until after the US-Australia free trade agreement has been subject to a review of the environmental impacts arising from the agreement. I want to say up front that there is no environmental impact
assessments. Extraordinarily enough, if you look at chapter 21 of the agreement, you will find that under this section—which deals with institutional arrangements and administration—there is a tack-on at the end which says:

… At its first meeting, the Joint Committee shall consider each Party’s review of the environmental effects of this Agreement and shall provide the public an opportunity to provide views on those effects.

I understand that the US is undertaking a legislative environmental review, which started in March this year. I want to pose a few questions at the outset, because the environment has been left out of this debate. Where is the environmental review by the Australian government? How was it set up? How does the public feed into that? What are the parameters of that environmental review? When is it going to be brought to bear on the free trade agreement and how? These are some questions, amongst many others, that the Greens will be asking in the committee stages.

Here we have a bilateral agreement, in a world of some 200 nations, between Australia and the US. We live in a world, in the 21st century, where we have six billion people living diverse lives under diverse cultures, histories and economic circumstances. Our world is troubled by a breakdown between the haves and the have-nots, and to ensure that we bequeath to following generations a fairer and therefore more secure planet, instead of a more unfair and therefore less secure planet, which is the prescription that comes out of agreements such as this one.

However, when it is taken into a narrower focus, we have to ask: where is the democracy in this so-called free trade agreement? It was devised by the Howard and Bush administrations in order to fulfill the political goal of both of these conservative administrations, without reference to parliament. We get that now, at the tail end of proceedings and without the public input and discussion which should have been inherent in what is such a massively important and binding agreement for our great nation, not just for the next five years or 50 years, but, so far as we may judge as we sit here today, forever.

The agreement binds not only many of the processes in our society but also this parliament. It does so in a way that is out of the reach of this parliament, because once the parliament gives assent to this agreement—and that essentially means, on this side of the ocean, the Senate—changing it becomes conditional on the American interest being fostered. If you do not have that, it will not be changed in the future. Being able to alter the agreement will be out of the question unless the American interest is served. The
only option would be to repudiate it further down the line. That, of course, is unconscionable when the option now is to repudiate it before it comes into force, with many fewer consequences for this nation—a nation which has an economy and population less than one-tenth the size of those of the United States.

It is very important to understand that the agreement is outside the reach of our democracy in both its formulation and its future impact on this country. This agreement is not subject to parliamentary scrutiny; it is not subject to parliamentary accountability; it is not subject to parliamentary alteration. It is another manifestation of the increasing wish by executive governments in this country, which has been refined and strengthened by the Howard government, to act as extraparliamentary governing authorities, outside the ability of parliament to review and make alterations in the future.

We know that, in the Senate, the government is in favour of this free trade agreement and, in the main, the crossbench is against it. That has left the opposition, the Labor Party, holding the balance of power. What the Labor Party does in these circumstances is extraordinarily important. I would have expected that it would have stuck with what it felt about the legislation from the outset. That was: no sugar, no deal. That was: no control over and safeguard of our Pharmaceutical Benefits Scheme, no deal. That was: no protection for manufacturing industries in this country, as against the bigger manufacturing clout of the US corporations, no deal. And it ought to have included: no protection for the Australian environment, no deal. But on all counts the opposition has collapsed. On all counts it is left to the Greens and the crossbench to defend this national interest from the impact of a much greater economy, a much greater corporate sector and, I believe, a much less responsive parliamentary system in Washington.

The question is: what is the Labor Party going to do about it? We have heard from Senator O’Brien that it will move two measly amendments which are at the margins as far as the Pharmaceutical Benefits Scheme and cultural integrity are concerned. They are two minor amendments which go no way towards plugging the enormous holes that are created when you look at this agreement from the point of view of the Australian national interest.

One must ask: what does that add up to? It adds up essentially to the Labor Party saying: ‘We’re going with Prime Minister John Howard. We’re going with President George W. Bush.’ They are saying they want a thin veneer of cover from two of the most outspoken groups within our community—those in the cultural sector of our community, who are outraged by this agreement, and those who are concerned about the Pharmaceutical Benefits Scheme. It must be remembered that Labor did a backflip just two months ago in this place when they agreed, at the Howard government’s behest, to add a cost of $4.90 per prescription for families when they go to pharmacies. In the wake of the tax cuts for the rich, the Pharmaceutical Benefits Scheme now becomes vulnerable to future appeal action by the gigantic multinational corporations, which have enormous clout in the United States, in ways that are unspecified but real.

We have had from the ANU one estimate that it may add as much as $1.1 billion per annum onto the Pharmaceutical Benefits Scheme five years out from now. All of those who saw Four Corners last night will know that the Pharmaceutical Benefits Scheme becomes vulnerable to an extraordinarily powerful US drugs manufacturing sector, which lobbies enormously and has great
power within the halls of congress. Advocates have already been in this country—witness Republican senator Jon Kyl—trying to promote the interests of these corporations. An active Republican senator says on that program—I am paraphrasing here, but the sentiment is correct—that, yes, he does expect that people like Australians should be paying more for what he alleges is the development costs of pharmaceuticals but which the program showed very clearly was for helping the profit line and the advertising impact of the drug corporations, which have left the United States with a delivery system for the sick and the ill far, far inferior to this country’s.

This agreement will help line the pockets of pharmaceutical corporations in the United States. It inevitably moves us a step towards a far inferior system in the United States where the sick, the aged, the retired and the poor not only cannot afford many of the pharmaceuticals available but, as we know, cannot access hospital care in a country which is far worse served by the unrestrained market and the division between rich and poor than this country is.

Look at the manufacturing industries. What is the outcome there? The government predicts it may create 30,000 jobs. Much closer to the mark is the AMWU’s prediction that there will be 40,000-plus jobs potentially lost out of the manufacturing industries in Australia, not least the car components industry.

Senator Abetz—They support the free trade agreement!

Senator BROWN—Where is the amendment to safeguard that? Where is the support for this industry that is going to stop that happening? I hear an interjecting Liberal senator from Tasmania opposite who is amenable to a manufacturing arrangement which says, ‘Open the door to Australia to all manufactured goods, remove the barriers,’ but when it comes the other way it allows a restriction by the United States on the import from Australia of fast ferries. That is an industry that is very important to our home state and to this nation generally. There is a blockage put there because it did not suit the American negotiators. The Howard government collapsed and that senator opposite did not speak up for it. The opposition has not put an amendment in here to fix that either.

The reality is that any amendment coming into this place on this agreement, whether it be on manufacturing jobs, pharmaceuticals, the environment or the proper transparencies and processes overlooking this legislation, cannot be inserted into the free trade agreement, because it is signed outside this parliament. It is an agreement between Mr Howard and President Bush; it is extramural—it is outside the reach of this parliament. Labor has two amendments here which are at the margins and are acceptable, it says—we will see what the government says—within the free trade agreement. It dare not move outside the free trade agreement. It cannot. You accept it or you reject it. Labor accepts it. The Greens reject it because we do not believe it is in the national interest.

Look at water. We are in an age where governments, including this government, are moving to privatise water in this country—to give the God-given rains into the hands of the corporate sector. We know that US corporations are greatly interested in that. They have invested billions of dollars already into water rights in other countries like Mexico and Bolivia. Put down Australia next. What happens when you have a US corporation which owns water rights to a river system in this country and it is determined, as we are finding now time and time again, that we need a natural environmental flow to ensure that river’s biodiversity and ecological health? That corporation will be able to
overcome any legislation brought through this parliament and demand compensation for its ownership of God’s rain falling on this country. It takes the money for something which it does not create and it should not own.

We have expropriation clauses right through this agreement blurring the time-honoured legal situation in this country of governments compensating for appropriation of property. But when it comes to wider rights, that is a different matter—it is not so here. The expropriation clauses enable American corporations in the future to sue governments here who want to implement the public right to a healthy environment, to a better social future and to a whole range of cultural amenity. The so-called expropriation right will end up being expropriation by American corporations of taxpayers’ dollars in this country under this agreement. There is no caveat—there is no let-out clause.

What happens when you say, ‘Who is going to adjudicate on this, for goodness sake?’ You will find in chapter 21 that there is a joint committee. It oversees no fewer than eight other working groups, which it sets up. Does the parliament appoint this joint committee? Is there a democratic vote in here as to who will be appointing the judge, jury and executioner if disputes arise between this country and another? No, there is no say whatever. It is the minister for trade of the day and his American counterpart—again, it is the executive government outside the reach of this parliament who appoints those persons.

What are the rules? The committee sets the rules itself. There are no rules set by this parliament or agreed to by the US Congress. There are no rules under this Bush-Howard agreement—are’n’t they the great advocates of democracy and liberty?—which will allow the elected representatives of the parliament to determine such a matter. When the joint committee makes its findings, do we know about it? Is it open to the public? Will there be parliamentary debate? The answer is no for all those questions. What is this committee’s bailiwick? It sets up a whole stack of other committees. It has committees looking at manufacturing and at intellectual property rights, which are going to go up for universities. The US patent rules rule, not the Australian patent rules. We are subservient. There is what is called a mickey mouse clause. It will not be mickey mouse for this country. It will add to costs right across the tertiary sector as well as the business sector. On and on it goes.

This is a sell-out of Australia’s right to democratically determine its own future. It gives that to the White House under an agreement this parliament has had no input to. It should be rejected. I would expect the Labor Party to reject it and not just leave it to the Greens to argue for this nation’s interests for ever and a day about an agreement that locks down and straitjackets the members of this parliament into the future. We will have none of it. We will be opposing it.

Senator KIRK (South Australia) (5.01 p.m.)—I rise to speak this evening on the US Free Trade Agreement Implementation Bill 2004 and the US Free Trade Agreement Implementation (Customs Tariff) Bill 2004. Free trade is one means of generating the growth necessary for enhancing the living standards of all Australians. In the past, Australia has directly benefited from trade liberalisation. Reducing trade barriers boosts our economic growth, creates a more competitive industry environment, provides benefits to consumers and builds stronger relationships with our trading partners. Labor has always fought strongly to ensure that the benefits of such economic growth are equally shared. The US-Australia free trade agreement promises all of this for Australia.
The free trade agreement is designed to more closely integrate Australia with the United States, the world’s most dynamic and largest economy, by reducing tariffs and improving market access. But it has also raised a number of concerns. Throughout this year, the position of the Australian Labor Party has been that we would judge the government’s trade agreement with the United States on the evidence and ask whether it is a net plus or net minus for Australia. Labor members and senators have participated in a number of inquiries into the US-Australia free trade agreement. The Joint Standing Committee on Treaties, of which I am a member, conducted an inquiry into the agreement. Our report was tabled during the last session. The report released yesterday contains the recommendations of Labor senators on the Senate Select Committee on the Free Trade Agreement between Australia and the United States of America. Rather than stalling implementation of the agreement, the committee process has enabled the Senate to thoroughly examine all the facts, hear the arguments from those who stand to lose or stand to gain from the agreement and reach a conclusion as to whether the free trade agreement is in Australia’s national interest.

The Australia-US free trade agreement has generated considerable debate in our community, which is evident both in the number of submissions to the inquiries and in the number of emails, letters and faxes that have been received by members of parliament. It is strongly supported by business and by state and territory governments. But there is also strong opposition to parts of the free trade agreement, and this has been voiced by some unions, community organisations and other interested parties. In particular, the sugar industry was bitterly disappointed at being left out of the deal. Concern has been expressed about the impact on the Pharmaceutical Benefits Scheme, local content in future audiovisual mechanisms, intellectual property and possible job losses. These are some of the matters I will be addressing in my remarks today.

Labor has listened to all the concerns of all those persons who have raised issues with the free trade agreement. From the very beginning, Labor’s position has been that it will only support this agreement if the agreement can be shown to be in the national interest. This is not a decision it has taken lightly. The two committee inquiries into this free trade agreement have allowed for all the parties—both those for and those against the agreement—to submit their views. On consideration, both inquiries—the Senate select committee and the Joint Standing Committee on Treaties—found that, on balance, it is in the national interest to support this deal. Labor will support the government’s free trade agreement legislation through the parliament but only if the government addresses key concerns in some very important areas, including protecting the Pharmaceutical Benefits Scheme and maintaining Australian content in the media.

Labor does not want Australia to pass up the chance to achieve freer trade arrangements with the world’s largest and most dynamic economy. But the facts of the matter are that this government has failed to negotiate the best deal possible for Australia and in a couple of areas there are serious flaws. The government no doubt could have achieved a better deal for Australia if it had pushed harder at the negotiating table, especially on behalf of our farmers. The government sold out many important Australian industries that were counting on the Prime Minister and his government to look after their interests. This free trade agreement has been incompetently negotiated. In particular, the government’s uneven-handed pursuit of bilateral trade deals has meant a lack of focus on where Australia stands to gain the most. The big-
gest gains for Australia are in expanding opportunities for our agricultural sector, and the biggest hurdles to this require participation in the World Trade Organisation to negotiate down the levels of export subsidies and other types of agricultural support in parallel with all major subsidisers. The WTO is the only place where this can happen. Labor’s policy preference is for multilateral trade liberalisation via the World Trade Organisation.

This bilateral agreement before us today will increase access to US manufacturing, agricultural, services and government procurement markets, although the gains will be far smaller than the figures that have been banded around by the government. Bilateral agreements should not be at the cost of Australia’s position at the World Trade Organisation. A consultant to the Senate select committee, the expert economist Dr Philippa Dee of the Australian National University, has estimated the benefits to Australia at $53 million a year. Over time, the free trade agreement will allow Australia to establish closer economic relations and integration with the world’s largest economy, with increased two-way investment flow. Undoubtedly, this will be of long-term benefit to Australia.

Throughout the examination and debate surrounding the free trade agreement, Labor has raised a number of concerns about its social impact. Some of these matters have been addressed as more information has become available. The free trade agreement is a living agreement and it will continue to develop over time. Labor senators on the Senate free trade agreement inquiry made a number of recommendations to improve the implementation of this agreement. Drawing on these recommendations, Labor will put forward safeguard amendments to the enabling legislation, here in the Senate, to ensure that the free trade agreement does not undermine the PBS and the existing local content rules. The Senate inquiry into the FTA has put together a package of more than 40 recommendations that should be considered as complementary to the free trade agreement to ensure that Australia’s national interest is maximised through this agreement.

The Joint Standing Committee on Treaties, of which I am a member, made 23 recommendations in its report. Most of them related to action that could be taken at Australia’s initiative or within Australia to ensure that the free trade agreement is a better deal. Labor members of that committee supported the recommendations of chapters 1 to 17, but we opposed taking binding treaty action at the time of the report’s writing. In our dissenting report, Labor members stated they:

1. Believe an extension of time should have been sought from the Minister for consideration of the Treaty to allow adequate time to review the evidence presented and to prepare the Report of the Committee.

2. Consider that given the interdependency of the consideration of the Treaty and the legislative, regulatory and administrative measures which must be taken to implement the various terms of the Treaty, it is not possible to determine if it is in the national interest for binding treaty action to be taken, without first considering the terms of such measures as

- the appeal mechanism to be established with respect to the PBS and the implications for generic medications
- access by universities, educational institutions and libraries to copyright material under the proposed arrangements
- an environmental impact review of the Treaty
- legislative safeguards for local content rules subject to ratchet provisions of the Treaty.

These were the concerns that were outlined by dissenting members of the treaties committee. Following this, of course, we now
have the report of the Senate select committee into the free trade agreement. A number of the concerns that we, as dissenting members on the treaties committee, had in relation to the free trade agreement have now been allayed by the Senate select committee’s report. It has made more than 40 recommendations to ensure that Australia’s national interest is maximised through this treaty. The Senate select committee inquiry found that the overall package is marginally in Australia’s national interest. But, as it stands now, the deal puts at risk the PBS and also existing levels of Australian content on Australian media. We believe that, instead of rushing this ahead of an election for political gain, this government should have taken the time to negotiate a better deal for Australia and for Australians. Consequently, as has been foreshadowed here today, Labor will be proposing amendments which we consider are key and must be passed to safeguard Australia’s interests.

Firstly, we consider that it is necessary to protect the PBS by preventing and penalising drug companies that try to stop cheaper generic drugs from coming onto the market by lodging spurious patent claims. Labor has said that it will require all documentation submitted to the independent review mechanism, which will be established to examine unsuccessful drug listing applications on the PBS, to be published on the Internet within 48 hours. The Productivity Commission will be required to monitor and report annually on the impact of the free trade agreement on the PBS, including the impact of the independent review mechanism. If the differential between US and Australian drug prices is seen to be narrowing, then a Labor government will change the independent review mechanism. If the independent review mechanism is used, each acceptance by PBAC and the Minister for Health and Ageing of the recommendations of the independent review will be reported to parliament in a ministerial statement.

The terms of reference of the medicines working group will include a commitment to the principle of universal access to affordable medicines, which currently underpins the PBS. This working group will not consider any policy issues that could be seen to undermine the principle of universal access to affordable medicine. This working group will operate with appropriate transparency in regard to its agenda items, minutes and recommendations.

Secondly, Labor has said that it will allay concerns about any future reductions in local content for free-to-air television, pay television and radio, through an amendment which will legislate the current local content standards. Of course, currently those content standards are determined by the ABA. Labor has said that it will ensure that Australians continue to see and hear Australian faces and voices through their popular media by ensuring that the free trade agreement provides flexibility to regulate local content on future media. Labor has said that it will legislate to ensure the free trade agreement definition of ‘interactive audio and/or video services’ includes, but is not limited to, future media already identified and it will announce a policy package to encourage further investment in Australia’s film and television industry before the upcoming election.

Labor will not pass this free trade agreement enabling legislation without the two amendments I have just referred to, namely; the amendments that will protect the PBS and, secondly, those that will protect local content. Labor has also indicated that when it wins government at the next election it will put in place a package of additional measures to address a range of other community concerns that have been raised in relation to the free trade agreement. These include a com-
mitment that prior to entering into any future free trade agreement negotiations a Labor government will table in both houses of parliament a document setting out its priorities and objectives in the negotiation of a free trade agreement. This document will include an assessment of the costs and benefits of any proposals that may be negotiated. The assessment will also consider the economic, regional, social, cultural, regulatory and environmental aspects which are expected to arise under the agreement. Once the negotiation is completed, a Labor government will then table in the parliament the proposed treaty together with any implementing legislation. These two stages that Labor will be putting in place preceding the formal consideration of a treaty will improve the process considerably and make the process more transparent. The process Labor is proposing is in stark contrast to the way that this free trade agreement was negotiated by the government. This free trade agreement was negotiated behind closed doors, with only minimal consultation with stakeholders and the Australian public.

Thirdly, in relation to copyright and intellectual property laws, a number of concerns have been raised about those aspects of the agreement. Labor has said that it will continue to provide a fair balance between the interests of creators, owners and users under copyright and intellectual property laws. Currently, in the United States there is a much more generous definition of fair use than in Australia, affecting access by libraries and researchers. Under the agreement, Australia has not been required to adopt the United States definition. The United States has a much higher standard of originality for copyright protection than Australia, requiring ‘creative spark’, not just ‘skill and labour’. The changes made by the free trade agreement therefore are far more restrictive in the Australian legislative context, including a more prescriptive regime in creating limited liability for Internet service providers, allowing the transfer of copyright by contract, and an extension of copyright protection by an additional 20 years.

In Australia, the existing legislation provides for four categories for fair dealing purposes: research or study, criticism or review, reporting of news, and professional advice given by a legal practitioner or patent attorney. The United States legislation provides also for four, but four different, fair use aspects: the purpose of the use, the type of the work, the amount of the work used, and the impact on the market. It is clear that the United States legislation allows for a much broader application than the limited Australian legislation, where it is restricted to specific activities. Labor would address this by establishing a Senate select committee on intellectual property. The role of this committee would be to comprehensively investigate and make recommendations for an appropriate intellectual property regime for Australia in light of the significant changes required to Australian intellectual property law by the agreement.

Implementing the Australia-US free trade agreement without paying attention to how Australian legislation can be altered to maintain a balance between users and owners of copyright would result in significant costs, in particular for educational institutions. Labor would require that the Attorney-General report annually to parliament on changes to the Copyright Act affecting universities, libraries, educational and public research institutions, particularly with regard to any increased costs they may bear.

The Joint Standing Committee on Treaties, of which I am a member, in recommendations 17 and 18 provides for the government to replace the Australian doctrine of fair dealing with one that resembles the US
open-ended defence of fair use, and also that the Attorney-General’s Department and the Department of Communications, Information Technology and the Arts review the standard of originality applied to copyrighted material with a view to adopting a higher standard such as that in the United States.

In conclusion, Labor have looked at the facts. We have waited until we have all the information at hand to enable us to make a decision in relation to the free trade agreement. The fact is that the government failed to negotiate the best deal possible for Australia, and in a couple of areas there are serious flaws. However, we do not want Australia to pass up the chance to deal with the world’s largest and most dynamic economy, the United States of America. Labor will therefore support this legislation, subject to the passage of our amendments in the Senate.

Senator ALLISON (Victoria) (5.21 p.m.)—I rise to speak on the US Free Trade Agreement Implementation Bill 2004 and the US Free Trade Agreement Implementation (Customs Tariff) Bill 2004. I cannot think of any more politically motivated bill that the Senate has had to deal with than the ones that are before us today. The Prime Minister wants to shore up his ‘man of steel’ reputation with the President of the United States, and persuade voters that the free trade agreement is good for us and that the United States alliance depends on it. The ALP has capitulated against all of the evidence that this deal is not a good one for Australia, but it needs to make up for its new leader’s gaff in calling President Bush an incompetent. And that, I think, is what this is all about. All Australians will pay for these political motivations.

The ALP are not fooling anyone. They are folding on the FTA because they think that the voters they are chasing are worried that the ALP will mess up our relations with the United States. I think it is as simple as that. I look forward to seeing the ALP’s amendments to these bills. Senator O’Brien gave us a summary of what they might look like. They sounded pretty minimal. We will probably support them but we are waiting to see the detail. In fact as I understand it the drafting has not even begun.

This is yet another swindle in this whole sorry affair. We all know that the ALP will not insist on those amendments. It might pacify the Labor Left somewhat. They were willing to be rolled on the 30 per cent co-payment increase. So who knows? They may be happy with this small gesture. But we all know that those amendments are not a serious attempt to fix the bills. They are not fixable, and the government will not in any case entertain changes. Publishing decisions on the Internet, Productivity Commission reports annually on the impact—and of course we know there will be one—are all very minor changes to what is a very damaging agreement. The ALP will not insist on their amendments. We know in this place that they rarely do. I think that people can see through that, just as people know that the government did not have the courage to walk away from the table when it became absolutely obvious that the free trade agreement was not about free trade and not about the overall benefits to Australia. I think that Australians have been misled on this issue since day one. The government said that it would walk away unless sugar was in. We all know that sugar is not in. It did not walk away, but we have got an agreement.

Senator Boswell—A $40 million package!

Senator ALLISON—Senator Boswell says that we have got a package. Of course we have got a package. We had to assuage the sugar growers—
Senator Boswell—They are very happy with it too.

Senator ALLISON—They may be very happy with it but it has cost taxpayers a great deal of money in order to make them happy. It has nothing to do with a free trade agreement except that it is another signal that it is a total failure.

The government said that the PBS was not on the table. Again and again I asked the question of Senator Patterson almost 12 months ago: is the PBS part of the free trade agreement negotiations? No, she assured the Senate. Not only was it on the table but it has become the sacrificial lamb. The PBS is what is going to make this so-called free trade agreement a total dud. Now the government says, ‘Sure, we have agreed to some transparency improvements on the PBS but of course they will not cost anything.’ The evidence brought to the committee—indeed, the text if not the recommendations of the committee’s report—says otherwise.

The PBS is a world recognised scheme that provides equitable and affordable access to essential medicines for all Australians, and it is threatened by this legislation. It is a central pillar of our health system. Spending on pharmaceuticals saves us money by improving health and delaying the need for more expensive acute hospital based treatment. Access to pharmaceuticals also improves the quality of life for many Australians. The PBS covered around 161 million prescriptions in 2003. The PBS has been spectacularly successful in controlling the costs of these drugs, so successful in fact that it has been copied by other countries. And this is the rub. We are dealing with this legislation because the United States pharmaceutical companies do not want to see Australia’s success repeated elsewhere.

So, despite the success of this system, the government has decided to open up the PBS to attack by the big pharmaceutical companies. These companies will not have keeping the cost of drugs down as their primary interest. They will not have keeping open future options for increasing competition within the pharmaceutical industry as their primary interest. Like any other corporation their interest is maximising profits, and no one would blame them for doing that. That is a simple fact of life. Why, otherwise, would people in the United States be paying three to four times more for their drugs than Australians do at the moment? Why, otherwise, would Americans be going across the border into Mexico or into Canada to buy drugs that they cannot afford to buy in their own country? Australia’s health care system and policy should never have been part of the trade negotiation. In fact that is what the ALP chair says in his report. Health and the products and services that contribute to our health are not something that should be traded away for elusive gains in beef or cotton or dairy.

The Australian government misled Australians on the FTA and the PBS. They told us that the PBS was not on the table. They are now telling us that the prices of drugs on the PBS will not increase as a result of the FTA and that any changes are purely cosmetic. If that is the case, then why bother? Why did Pharmaceutical Research and Manufacturers of America and Medicines Australia lobby for these provisions within the FTA? If there is to be no real impact, why can we not remove any reference to the pharmaceuticals from the agreement? Labor’s report has clearly outlined the myriad ways in which the FTA can and will impact on the PBS and the costs of medicines in this country. The report identifies point by point four major problems with the agreement as it relates to the PBS. These concerns were raised by consumer groups, professional bodies, industry groups and academics. The Doctors Reform Society said today:
The ALP’s acquiescence to the Howard government’s capitulation to the power of the already hugely profitable US drug industry will see the cost of the PBS rise unnecessarily over the next few years. Our government’s response will be to increase copayments to patients. More of our patients will simply not be able to afford the life-saving drug treatments that are available, and some will die.

Labor is clearly aware of all of the problems and all of the risks contained within this FTA and acknowledges in the report that the agreement could have ‘unforeseen and unintended consequences down the track’. The FTA is in a sense a living agreement. Further work will take place in forums such as the working group set up under it. Many of the details of what it means and how it will be implemented will be sorted out later—trust us—possibly with the help of the dispute resolution mechanism. We cannot predict the actions of the United States or the dispute resolution mechanism into the future. The chair’s report says:

The PBS’s capacity to contain drug prices affects all Australians and should not be traded off for the potential economic gains in certain areas of the economy.

However, Labor is prepared to trade away the health of Australians and it limply says that it is ‘most unfortunate that the Australian government has allowed provisions affecting the PBS to be included in the trade agreement’.

Most unfortunate? Why don’t we simply say that we are going to stop this? It is not only unfortunate; it is unwise. While it is true that the free trade agreement does not directly undermine the PBS, it still requires subtle and not so subtle modifications to the PBS which place at risk the effectiveness of the PBS in containing the costs of drugs. The Democrats accept that drug prices will not automatically rise, but there is ample evidence that this is highly probable. It would therefore be irresponsible to support the agreement and just hope for the best. The FTA will link Australia’s health policy to the nation with arguably the most inefficient and inequitable health and pharmaceutical system in the developed world and one which has the highest health care and pharmaceutical costs in the developed world. It will give the US, and the US pharmaceutical companies in particular, a greater role in determining the shape and the cost of Australia’s pharmaceuticals scheme.

There are many concerns in this agreement. Firstly, the FTA principles are about protecting the rights of the pharmaceutical companies. They do not take into account the principles of the rights of the consumer to equitable access to affordable drugs. The third principle contained in annex 2-C—the section on the FTA that explicitly relates to pharmaceuticals—emphasises the value of innovative pharmaceuticals, while the fourth is concerned with the importance of research and development. These principles will be used to guide changes to the PBS. However, annex 2-C contains no corresponding commitment to the importance and value of protecting public health and protecting universal and affordable access to necessary medicines. The rights of the pharmaceutical companies are explicitly documented, yet the rights of the Australian public are not—they are missing. Our PBS and national medicines policy are both founded on the rights of equitable and affordable access to necessary drugs, and yet these do not get a mention in the agreement.

When disagreements arise in relation to the FTA and the pharmaceuticals policy—and arise they will—a three-member panel appointed to adjudicate will use the principles set out in annex 2-C to interpret the agreement and to resolve disputes. These principles, which emphasise innovation and research and development, will be used to
decide whether Australia is meeting its obligation in relation to the FTA. Therefore, whenever these are in dispute, under the terms of this agreement the rights of drug companies will be favoured over the rights of Australians to access drugs. The report of Labor’s chair says:

... it would seem that the principles set out in Annex 2-C do indeed reflect the agenda of the US pharmaceutical lobby.

The report also states:

... it must note with some concern the possibility that this part of the agreement could have unintended consequences should a dispute ever arise.

Secondly, the pharmaceutical industry has made much of the need for greater transparency within the PBS process. It has been on about that for a long time. However, in this agreement there would seem to be a substantial imbalance in the provision regarding transparency within the FTA. Under the provisions of the agreement, pharmaceutical companies will be able to request a review of negative decisions to list their product. The Australian negotiators say that this is not an appeals process and will not be able to overturn decisions. But, of course, this begs the question: if this process does not have any influence on the decisions, then why bother to have the process? At the very least, it will introduce another layer of complexity into a listing process and will incur administration costs for the PBS, all in the name of satisfying the demands of the US pharmaceutical industry. At the very least, it provides yet another opportunity to put pressure on the PBAC to reward innovation and research and development. Rather than continuing to make decisions on the public’s interest, the PBAC will face yet more pressure to give in to industry demands. A decision not to list a drug already places the committee under pressure from a range of interests, such as consumer groups, medical specialists and the media, and yet more processes can only fast-track the way to higher drug prices.

The pharmaceutical industry’s call for greater transparency only goes so far. When it comes to greater transparency regarding the results of clinical trials on a particular drug, the drug companies are very reluctant for this to be publicly released. As many commentators have noted, the commercial-in-confidence rights of pharmaceutical companies are guaranteed within the FTA, yet the public are denied access to drug company data despite evidence that drug companies withhold information that could impact on decisions about the use of drugs. In the United States, Pfizer, the world’s largest drug maker, pleaded guilty on 13 May this year to numerous civil and criminal charges for illegally promoting the off-label use of gabapentin, or Neurontin. Evidence provided in this case detailed how the company suppressed study results and promoted the use of this drug for at least 11 off-label uses—that is, uses for which it was not approved. I ask: are the pharmaceutical companies happy for this kind of transparency to be applied to them? The answer is obviously no.

In addition to the review process, the agreement sets up a special medicines working group which will contain health officials from the US as well as from Australia. Unfortunately, there is no role for consumers or public health organisations in this group, and we have no information on what the terms of reference for the group are or what processes they will use to meet the terms of reference. It is essentially a closed shop which allows another country to play a role in the design and implementation of Australia’s medicines policy. Again, there is no evidence for this increased transparency that the industry is so keen on.

The Labor report says that it is unacceptable that the government has provided them
with so little information on the workings of this group and that they are being asked to take on trust that the government will be able to look after the best interests of Australian consumers in the face of intense pressure from our most powerful trading partner—and pressure there will definitely be. There will not be a lot of trust, I imagine, when things start to go pear shaped, however. Deputy US Trade Representative Josette Sheeran Shiner recently declared in testimony to the US Senate Finance Committee that this group will:

... provide a forum for ongoing dialogue on Australia's system of comparing generics to innovative medicines and other emerging health care policy issues.

Senator Kyl told the US Senate:

During our meetings in Australia we suggested such a working group as a way to guarantee that, if our pricing concerns could not be resolved in the FTA, we could continue to discuss the issue. The subject matters that the group might consider are not limited by the agreement, and therefore can be expected to include the importance of market-based pricing.

So it is quite obvious that United States officials believe that this special working group will influence Australian pharmaceutical policy.

Thirdly, the FTA also contains proposals to put drug advertising on the Internet. This will facilitate direct to consumer advertising, known as DTCA, which is currently banned in Australia. Of course the aim of direct to consumer advertising is obviously to increase consumer demand, which it does very well. DTCA is frequently aimed at increasing the use of more expensive, but not necessarily therapeutically superior, brand name medicines. Already drug companies are getting around the restriction on advertising of medicines in Australia by producing infomercials about obesity, impotence et cetera that direct you to your doctor, and are using.

current affairs and lifestyle programs. Why should we be handing them a free pass? DTCA is legal in the United States but it is not here in Australia. It has led to a substantial increase in patient demand for, and use of, products that are often at odds with best clinical practice. Relaxation of advertising restrictions in the US resulted in a 41.7 per cent increase in sales of heavily promoted medicines compared with 14.4 per cent increases for other medicines. The other consequence of this advertising is the use of pharmaceutical approaches in the treatment of illness rather than the use of more appropriate lifestyle change and other therapies for conditions such as obesity.

Finally, the FTA increases barriers to generic drugs entering the market. The generic versions of drugs play a vital role in keeping drug prices down—and therefore the costs of the PBS down—through providing greater competition. Research at the Australia Institute estimates that, if changes such as those that will result from the FTA succeed in delaying by 24 months market entry of generic versions of just the top five PBS expenditure drugs due to come off patent, this could increase the cost of the PBS by $1.5 billion between 2006 and 2009. I remind the Senate that the stated gains to be made by the free trade agreement overall are $53 million. So we are prepared to give up $1.5 billion in this very small aspect of the PBS part of this legislation for a return of $53 million for farmers. The inquiry summary of the Senate Select Committee on the Free Trade Agreement between Australia and the United States of America goes into great detail regarding the FTA provisions relating to generic drugs and concludes:

The new notification requirement may dissuade generic manufacturers from taking a risk in bringing generics to market before the patent claim is settled. This would be to the detriment of the
PBS, which benefits from accessing cheaper generic drugs before litigation is settled. Yet they are still prepared to pass this legislation.

There are many downsides with this FTA. The impact on the PBS is one. The FTA will open up the PBS to more pressure from pharmaceutical companies, less generic competition and more promotion of pharmaceutical use. All of these will ultimately result in higher drug prices. Will we see the copayment increased to pay for this? That remains to be seen. The government and Labor know of these problems and yet they have decided to trade our pharmaceutical scheme for the possibility of unlikely economic gains in some areas. The PBS will become just another example of collateral damage. The health of Australians is the real loser from the free trade agreement.

Senator BOSWELL (Queensland—Leader of The Nationals in the Senate) (5.40 p.m.)—That was certainly a Jeremiah type speech—a prophecy of doom. The Nationals are quite excited about the prospect of our being a major trading nation. We believe this is an absolutely historic achievement—a free trade agreement with the largest economy in the world, getting us into a $300 million market. It is an agreement under which, for example, from day one agriculture tariffs in the US go from 66 per cent to zero. Specifically, in horticulture 99 per cent of current fresh produce exports will immediately be tariff free, up from the two per cent that applies now.

There will also be greater access for two of Australia’s key agricultural exports, beef and dairy, including immediate elimination of in-quota tariffs. Importantly, all single-desk arrangements for export marketing of Australian commodities are preserved. For sugar, rice, wheat and barley the single desk remains, and our quarantine and food safety regimes are preserved. The benefit to Australia is estimated to boost the Australian economy by over $6 billion a year a decade after coming into force, with more than 30,000 extra jobs created. You can see why The Nationals are excited at these prospects.

In the words of my Queensland Labor Premier, Peter Beattie, ‘The free trade agreement is our best once-in-a-lifetime opportunity to get jobs for Queensland—the best opportunity we’ve have for more than 100 years to expand into new markets.’ His research shows improved export values for Queensland across beef, peanuts, sheepmeat and some horticultural products; improved demand for manufactured goods and light metals; and new market access for a range of sectors to supply the multibillion-dollar US government procurement market. Victorian Labor Premier Steve Bracks said: ‘We believe it is in Victoria’s and Australia’s interests to link ourselves with the biggest and most dynamic economy. We welcome the passage of the FTA through the US Congress and await its ratification in Australia.’ Those two Labor premiers can see the obvious benefits of growth and jobs for a nation of 20 million people entering a free trade agreement with a market of 280 million people—unlike their federal leader, Mark Latham, who could not see the ladder of opportunity for all Australians at all and even today is making his approval conditional.

The trade agreement is broad ranging. It eliminates virtually all tariffs on Australian industrial products and it opens large markets for our efficient Australian exporters. To start with agriculture, despite the varying final outcomes all industries—including sugar, which unfortunately was not included in the agreement—praise the Australian government’s efforts on their behalf. I take this opportunity to congratulate Mark Vaile for pulling this together and getting an achievement. Cane growers who were there for the nego-
tations said: ‘At no stage did we adopt a dog-in-the-manger, “if not sugar then no-one”, approach to the negotiations. We accept that, on balance, the FTA will deliver economic benefits to the nation. As a major foreign income-earning industry exposed to all sorts of distortions of the world market, we believe we are entitled to participate in those gains one way or another.’ The government has understood their plight, with a $444 million reform package. Recently they have welcomed the EU announcement of a proposed radical overhaul of the sheltered EU sugar regime.

In their submission to the Senate committee’s inquiry, the Cattle Council of Australia said of their participation in Washington:

It is this insight which allows CCA to state that in its opinion, the Australian Trade Minister and the Australian negotiating team worked tirelessly to achieve the best outcome they could for Australian beef producers.

CCA take exception to anyone who would criticise their efforts during the FTA negotiations. It is interesting to note that not one of the groups criticising the FTA was present in Washington during the final round of negotiations. Therefore their comments are not based on first-hand experience, unlike such groups as the Cattle Council of Australia. While CCA remain frustrated with the outcomes of the FTA, this is entirely targeted at the US and its inability to free itself from its protectionist shackles.

With beef, the agreement provides greater access. Our present quota of 379,214 tonnes becomes immediately free of the present 4.4c per kilogram tariff, increasing returns of around $20 million. There is access for an additional 20,000 tonnes in year 3 at the latest, which will increase to 70,000 tonnes in year 18, should we sign on to the free trade agreement. The out of quota tariff will be phased down from years 9 to 18, with an 18.5 per cent increase in quota volume over 18 years. At current prices that is valued at $245 million in the final year. Seeing that we have reached our quota only once or twice, that is a big opening for the cattle industry.

The dairy industry has also applauded the gains. In the Queensland Country Life on 22 July, Queensland Dairyfarmers Organisation President Wes Judd said:

The current US FTA can provide significant, ongoing benefits to dairy producers, manufacturers and distributors across the country.

These stem from the FTA’s inclusion of significant, ongoing expansions in dairy quota access for a wide range of dairy products and accompanying duty savings and investment opportunities.

And it will help sustain Australian industry growth and income in coming years. For dairy, there is an immediate increase in annual quotas with ongoing growth at the average yearly rate of five per cent, which should amount to an extra $41 million in additional exports in year 1. I have heard it said that it is worth about $4,000 to every dairy farmer.

Previously excluded products will gain access, such as certain cheeses, butter, milk, cream and ice-cream products. For example, that equates to 7.5 million litres of milk, cream and ice-cream, 2,000 tonnes of European type cheese and 4,000 tonnes of whole milk powder. The Australian Dairy Industry Council urge all members of parliament to support the FTA, citing the industry’s export success as being $2.5 billion last year and predicting a growth of $50 million to $60 million in the first year of the US free trade agreement. They also see it as having a social benefit in creating skilled and semi-skilled jobs in the regions and elsewhere across Australia. The Murray Goulburn Co-operative, a large exporter, agree with these figures and urge ratification of the agreement because, on a cost-benefit ratio, they rate it as a big step forward for the Australian dairy
industry in a market that has been one of the world's most protected.

Fishing and horticulture are pleased with their gains. In fact, the fishing industry think they have won the lottery. The fishing industry will immediately benefit from the elimination of 48 separate tariffs, ranging up to 35 per cent. That is estimated to be an extra $20 million to $30 million in exports in the first year. For example, tuna boat owners in South Australia are pleased that they will see the immediate reduction of the 35 per cent tariff on Australian tuna and the removal of preferential treatment for competitors, which will deliver a level playing field into the US.

Over 99 per cent of horticultural fresh produce exports valued currently at $71.1 million will become tariff free immediately. While pricing safeguards are there for 33 horticultural products, this only represents 2.8 per cent of all horticultural products, for many of which Australia is not a major exporter. Safeguards will only apply once the tariff reaches zero and, even if they are applied, they will be below the duty paid by our competitors who do not enjoy preferential tariff treatment.

New quotas will apply to tobacco, cotton and peanuts, increasing by three per cent per year. Avocados will receive two seasonal quotas from year 2 of 1,500 tonnes from February to mid-September and a further duty-free 2½ thousand tonnes between mid-September and the end of January. The outside quota will be eliminated over 18 years. This negotiated single tariff rate quota is seen as a huge positive for the avocado industry.

The retention of the single desk has worried every farmer who grows wheat, sugar, barley and rice. We have retained the single desk for all industries, which is what the industries wanted. The US wanted the abolition of the single desk along with extensive changes to our PBS. They did not get them—just as we also kept local content rules for Australian television.

The agricultural sector seems assured that there are no concerns with quarantine. Horticulture Australia’s submission to the Senate committee said there is no alteration within the FTA to arrangements covering the negotiation of quarantine market access and that determinations will continue to be made strictly on the basis of science alone. On the two committees—the Committee on Sanitary and Phytosanitary Matters and the Standing Working Group on Animal and Plant Health—they state:

There appears to be nothing in this SPS chapter as likely to be of concern to horticulture. To the contrary, improved facilitation of quarantine market access processes will be welcomed by the industry.

The National Farmers Federation believe that the FTA meets the objectives of ensuring Australia’s scientific based quarantine system is not undermined by the FTA negotiations. They have no concern with the formation of the two committees, seeing them as developing and formalising closer working relations on SPS related market access issues and saying that ‘US representation on these committees has no power to undermine Australia’s scientific based system or import risk assessment process in particular’.

During the Senate committee hearings there have been concerns expressed, most particularly about our world-leading PBS system and innovative generic drugs industry and patents, local content in the arts, copyright, foreign investment and the overall benefit to our national interests through various modelling. The government and the negotiators have assured us, the members of the committee, that neither our PBS system nor our generic drug industry is under any threat from the free trade agreement. The government has already announced the inde-
dependent review mechanism for applications to list drugs under the Pharmaceutical Benefits Scheme, which was our commitment under the FTA. It has been developed in consultation with the Pharmaceutical Benefits Advisory Committee. The price of pharmaceuticals will not rise as a result and the PBAC will remain the gatekeeper of the PBS under the review process. Unsuccessful applicants will be able to specify the ground for review. An independent expert reviewer will be appointed and will make comments back to the PBAC, and at all stages information will be made publicly available to explain and justify the recommendations made.

The Australian Medical Association has welcomed the components of the review process and the government assurance that it will not allow the PBS to be threatened by this agreement. The government and the committee have listened to this community concern. The government is confident that the commitment it has made will have no adverse impact on the sustainability of the PBS. The independent review mechanism, together with other transparency measures agreed under the free trade agreement, will deliver improvements in the transparency of the PBS which will be of benefit to the pharmaceutical industry, prescribers, consumers and taxpayers.

The Senate committee has been assured by the chief negotiator that the prices of pharmaceuticals will not increase as a result of the FTA and that those prices will not come under institutionalised pressure from the US government on behalf of the US pharmaceutical lobby. The commitment is to recognise ‘the value of innovative pharmaceuticals’ in the PBS listing and pricing system. Also, the PBAC will remain the sole authority recommending to the Australian government which drugs will be listed. The medicines working group is simply an arena for discussion and has no operative or decision making power. Negotiators also reassured the committee that generic drugs will not be affected or delayed in their introduction, with no threat from patent evergreening. Like all Australians, I was concerned that our PBS system should not be threatened in any way by the FTA. That was given a lot of attention by our committee, which has been assured that the PBS will not be adversely affected by the FTA. In response to the opposition’s proposed amendments on the PBS for their political convenience, Minister Abbott told the House today that ‘no drug can be listed on the PBS without a recommendation from the PBAC’. As the Prime Minister said in relation to these amendments, it is not necessary.

Like the dairy, beef, horticultural and fishing industries and many others, I see this FTA with the US to be a giant next step for our future growth and development through our entry into the largest market in the developed world. Labor has made much of the threat of the FTA to our multilateral trade commitments. This agreement in no way diminishes Australia’s commitment to agricultural trade reform. In fact, the World Trade Organisation continues to be Australia’s highest trade priority through Australia’s leadership of the influential Cairns Group. In the World Trade Organisation we continue to push for reform for our distorted global agricultural markets and for better access for all our farm products. The proof that the World Trade Organisation negotiations have not been affected lies in the agreement to a framework for a new world trade agreement, reached in Geneva over the weekend. Since this FTA commenced we have signed free trade agreements with Thailand and Singapore. Similar agreements with China and Malaysia are in discussion. Meanwhile, the FTA with the United States is a giant leap forward in opening up trade opportunities with a market approaching 300 million cus-
tomers—and that is a big market for an ex-salesman like myself—and with the most advanced economy in the world. Many industries, all democratically elected state and territory governments and many Australians have instructed the Senate committee, in their submissions, to ratify the agreement. The United States Congress have now met their legislative requirements and ratified it from their side. These bills being debated today will allow the agreement to be implemented. They are the final step in attaining the Australia-United States free trade agreement. I have the pleasure—and I consider it an honour—to support these bills on this historic event on this historic occasion.

Senator WONG (South Australia) (5.58 p.m.)—I rise to speak on the US Free Trade Agreement Implementation Bill 2004 and the related bill. It seems clear, from the analysis of the Senate committee and much of the analysis that has been done over the last months, that this government has not negotiated the best deal possible for Australia in this free trade agreement. Many have said this government has been outnegotiated, and I concur with that view. Perhaps that is because the government’s primary focus through these negotiations has been not so much on the national interest as on ensuring its own electoral advantage as a result of the free trade agreement. Its focus has been on its political life and on getting re-elected, and insufficiently on Australia’s national interest. In that process some key deficiencies in the agreement exist for Australia, which I will return to later.

The political gamesmanship of this government over the last few weeks and months has been demonstrable and patent. There have been many occasions in the past where Australia’s trade position has had bipartisan support. In a recognition that our interests are often best served by speaking with one voice there has been bipartisan support for liberalisation, for example, of trade in agriculture. As US trade representative Robert Zoellick told Congress, he wanted to make sure that the free trade agreement with Australia had bipartisan support. That was certainly his intention. That was certainly not the intention of this government. This government has played this debate in an attempt to gain electoral advantage. It has not sought genuinely to achieve bipartisan support and has resorted to quite a lot of cheap political point scoring in recent weeks. It has taken a partisan approach. It has held back key aspects of the detail of the agreement from the Senate committee and from the public—in particular the details of the review under the PBS, which is part of the free trade agreement. That was an essential part of the information needed for both Labor and the public to inform their positions.

The government has regularly been critical of Labor for requiring the scrutiny of this agreement by the Senate Select Committee on the Free Trade Agreement and has attacked us over the delay, it says, that that scrutiny has occasioned. These are actions of a government that is not interested in obtaining bipartisan support for an agreement; these are actions of a government interested in making a political point. The government has regularly berated the Labor Party and sought to use our consideration of this agreement as an element in its strategy to paint the Labor Party as being anti-American. As our leader, Mark Latham, said quite succinctly: Labor is not anti-American; we are pro-Australian. We opposed the war in Iraq—and in hindsight we were right to do so because it was clearly a decision based on a lie. In relation to the free trade agreement Labor has sought to discern the national interest and to make an assessment as to whether this agreement is of net benefit to Australia and whether the concerns raised by
some groups about the agreement could be

It is important to note that, unlike some of
the minor parties in this chamber, Labor has
not taken a position of absolute and jingoistic
protectionism over the last 30 years. This is
the hallmark of some parties—and that is
their right—but we say that they are wrong.
It is undeniable that the liberalisation of trade
has assisted some developing economies to
dramatically improve the incomes of their
peoples. It is also undeniable that many Aus-
tralians in export focused industries have
benefited from trade liberalisation. China
and India, where there are substantial num-
bers of the world’s poor, have been able to
lend many of the poor out of poverty—in large
part due to their capacity to sell their prod-
ucts on world markets. As Oxfam say—and
they are not noted for their extreme right
wing views:
Trade can be a powerful engine for poverty re-
duction.
It is also the case that many of the world’s
trade rules have largely benefited certain
developed economies which spend far more
on protecting themselves from poorer coun-
tries than they give in aid.

Labor’s view is that there are benefits to
be gained for Australians from trade liberali-
sation. I am also of the view that we can
make trade work to benefit the poorer coun-
tries as well as Australia. Happily, our inter-
ests coincide in many areas, particularly in
the area of the liberalisation of trade in agri-
cultural products. Labor has consistently,
over the last decades, pushed for gains
through multilateral processes, not simply
through bilateral processes. However, it is
also the case that trade liberalisation is not
some sort of magic bullet. It must always be
accompanied by a transformation of the
economy. There are Australian workers who
are patently and potentially vulnerable to the
vagaries of world markets. We cannot com-
pete in low-skill, low-wage jobs. We must
always have active industry development
policies—policies that seek to create jobs for
the future, that seek to enable diversification
of our export base and that seek to assist
people in reskilling and developing skills
which will enable them to perform the jobs
of the future.

Unlike the Howard government, which
seems to have a hands-off industry policy,
Labor governments have always sought to
implement industry development policies
with the recognition that trade liberalisation
must be accompanied by economic transfor-
mation. And in some areas we were very
successful. Look at elaborately transformed
manufactures over the period of the Labor
governments, let us say between 1988 and
1996. ETMs, as a share of our total mer-
chandise exports in 1988, were 13.6 per cent.
After eight years of Labor government that
share had climbed to 23.7 per cent. That is a
significant achievement because it demon-
strates an ability to produce products which
are valued added, which require a reasonable
amount of labour input and which can com-
mand reasonable prices on the world mar-
kets. Unfortunately, the substantial increase
in that measure of improvement under Labor
governments has not been shared by the
Howard government. We have seen the share
of ETMs as a proportion of total merchan-
dise exports fall under the Howard govern-
ment. In fact, if the share of ETMs was now
the same as in 1996 when Labor lost gov-
ernment, there would be almost $2 billion
more in ETM exports. That is a substantial
criticism of the Howard government.

Labor has also announced, consistent with
this view, a new agenda for Australian manu-
facturing. I am sure Senator George Camp-
bell, who is in the chamber, can tell the Sen-
ate more about this than I. We have an-
ounced a centre of excellence for advanced
manufacturing, an Australian manufacturing council and a 10-year national manufacturing strategy to revitalise manufacturing. These are aspects of a view about trade that recognises that trade liberalisation can have negative consequences for certain workers and that governments have to intervene and develop industries to ensure that impact is minimised and that the benefits of liberalisation can be shared—that we can have productivity with a purpose and not simply leave people by the wayside.

In contrast, what we see from this government is a hands-off industry policy—except, of course, when it comes to certain agricultural sectors where some National Party constituencies need to be bought off. This is a government that makes it harder rather than easier for people to reskill and upgrade their skills and that makes it more expensive for people to take on higher education. It is a government that has failed to engage in any real industry development across a range of manufacturing areas.

I return now to the free trade agreement. It is disappointing, particularly in the area of agricultural products, that there are some clear areas where Australia did not receive benefits. There are extended phasing-out periods for tariffs, the continuation of quotas in some areas and some let-out clauses which may in fact allow for the reimposition of tariffs in some areas. Notoriously, sugar has not been included in this agreement despite its non-inclusion being described as un-Australian by the Deputy Prime Minister—perhaps more evidence of the demise of the political power of the National Party.

However, there are some net benefits to the agreement. They have been wildly overstated by this government. As Ross Garnaut said, the economic modelling on which this government relied for its overblown claims regarding the benefits of the agreement failed the laugh test. Perhaps a far more accurate analysis is that done for the Senate committee by Dr Philippa Dee, which concluded that the agreement would be of some net benefit to Australia—but a substantially lower benefit than that trumpeted by the Howard government.

Labor’s position, which we announced today, is that there are net economic benefits to Australia and on balance this agreement should be supported. But there are reasonable concerns which have been raised by the community, particularly before the Senate select committee, over some of the social impacts of the agreement, and we share many of these concerns. If you look closely at the announcement that Mark Latham and Senator Conroy made earlier today, you will see that Labor have taken an approach which seeks to safeguard against many of the concerns which have been raised by community groups regarding the social impacts of the agreement.

There are two primary ways in which we are seeking to do that. The first is by moving specific amendments in the Senate on two issues. The first amendment relates to the PBS and ensuring that there is protection against bodgie patent claims by drug companies—patents lodged in order to try to prevent cheaper generic drugs coming onto the market. The second amendment we will be moving will ensure that current local content standards are legislated into an act of parliament, which they are currently not. In addition to these legislative safeguards, we have announced a range of measures that, if elected, a Labor government would put in place to ensure that the implementation of this agreement did not have any unintended social consequences.

This is a test for the government in relation to our amendments. If, as the government says, the Pharmaceutical Benefits
Scheme is not undermined by this agreement then the government has nothing to lose by supporting Labor’s amendments. Similarly, if local content rules are not under threat then the government ought to support Labor’s amendments. If it is the case, as Senator Boswell said when he preceded me, that there is no threat of evergreening of patent claims, which would of course have cost consequences for the PBS, then surely the government would support our amendments that ensure that evergreening—in terms of baseless patent claims being used to prevent generic drugs coming onto the market—does not occur. If the government opposes the amendment then I say the Australian public should be rightly suspicious of the position taken by the government and rightly suspicious of the government’s claims that the PBS and local content are not under threat.

Finally, I want to speak briefly to the minor parties—who, I understand, have a different view on the agreement from that taken by the Labor Party today. You have trumpeted your concerns regarding a number of issues, particularly the integrity of the PBS and the maintenance of local content. Given that, Labor look forward to your support for our amendments—because we are seeking to protect precisely those things about which you have stated concerns.

Senator GREIG (Western Australia) (6.12 p.m.)—I rise to speak on the US Free Trade Agreement Implementation Bill 2004 and the US Free Trade Agreement Implementation (Customs Tariff) Bill 2004. The Democrats oppose the implementation of the free trade agreement. I want to focus in particular on two portfolio areas in which I have an interest, those being welfare and information technology. I would like to start off by talking about welfare. In doing so, I wonder whether the government or the opposition have examined or paid any attention to the deal of criticism they have received from interested parties, particularly those in the welfare sector, regarding the decision not to seek exemption from the government procurement provisions of the FTA for essential services—including health, welfare and education.

There is no doubt that the Australia-US free trade agreement could have some significant impacts on community services such as child protection; youth services; the jobs network; telephone counselling services, such as Lifeline; emergency financial aid; aged care in all its forms, such as residential care, nursing homes and home and community care; child care; services for people with disability; accommodation services for people with special needs, such as people with mental illness; community housing; tenants services; services for homeless people; drop-in centres; family and relationship counseling; mediation; credit line; counselling for people with addictions, such as alcohol or gambling; Meals on Wheels; play groups and other support services for parents; services for recent migrants, refugees and asylum seekers; prison welfare services; services for victims of family violence; and so on.

Community services often help redress or prevent marginalisation and disadvantage. They are crucial to human wellbeing and a healthy community. The commercial sector is increasingly becoming involved in community services. Obvious examples are the jobs network, aged care and child care. Since the free trade agreement with the United States is a negative-list agreement, any area of policy that is not explicitly excluded is covered by the agreement. This means that community services provided by the commercial—that is, for-profit—sector and the community or not-for-profit sector are covered, as are any services provided by government in competition with commercial providers.
The chapters of the FTA which are likely to affect community services include the chapters on cross-border trade in services, government procurement, transparency and investment. We know that representatives of the welfare sector have been involved in some of the meetings between DFAT and the Australian Fair Trade and Investment Network, and they have raised the matter of community services in more than one discussion with them. DFAT officials seem to say that community services were not really the target of free trade negotiations on services which were more concerned with matters such as financial, legal, engineering and other mainstream services in the commercial sector. Despite this, we know that community services will be covered by this agreement. The documentation on the free trade agreement does not include any regulatory impact statement regarding community services, although it is an area where there is substantial government regulation and government procurement of services on behalf of service users. There can be no doubt that the terms of the agreement, in particular the chapters on cross-border trade in services and government procurement, have the potential to significantly limit the ability of government to regulate this area unless it is listed as an exception.

The costs will be borne by the users of community services, community organisations and the government. Any such changes deserve careful consideration—certainly more than either the government or Labor has been prepared to give—not just incidental coverage in an agreement not tailored to these sorts of services. Any diminution of the ability of government to regulate community services would have implications for the quality of services available to service users and for the costs incurred by both the government and those users. It is doubtful that international free trade in community services is the best way forward for the sector. The normal business practice of investing for short periods in a particular business and then moving to other investments is inappropriate in many community services where people need a stable and secure situation, such as long-term accommodation. It is with some trepidation that the welfare and community sector is obliged to face the Australia-US FTA, and it is true that very few agencies in the community sector have commented on this matter. This is likely to be because the community sector, by its very nature, has never before needed to have knowledge of international trade law and because the government has failed to analyse the implications and consult with that sector regarding the changes. The relative silence of the sector comes not from accord or acceptance but rather from the difficulty of finding the time and resources to consider the impact. It is quite appalling that Labor, in its haste to sign the agreement, equally failed to give consideration or consultation to that sector. One could cynically argue that, once the terms of the free trade agreement with the United States become available, any concerns from the welfare and community sector would be effectively moot. The substance of the agreement has been negotiated, and Labor is now demonstrating undue haste to secure its ratification.

In the nervous scurrying to conclude the agreement, many key stakeholders were not consulted. This is an agreement that, at various moments, can deprive the Australian government of the ability to enforce policy decisions that will impact on trade. The decision to abandon Australia’s sovereignty should have been the subject of wider community debate and deliberation. Given the deal’s likely impact on the community, the lack of opportunity to have input into the negotiations is of great concern. Despite Canberra’s rhetoric that this means more jobs...
and freer markets, sectors of the community have expressed understandable unease about the impact of further economic liberalisation. For a particular group of Australians—that is, Aboriginal and Torres Strait Islander communities—there remains significant scepticism that any benefits will flow to them, despite some exceptions under the agreement. In particular, there is concern relating to government contracts for the health and welfare of Indigenous people and to measures for their economic and social advancement. The other concern is about an exemption that allows for:

... the right to adopt or maintain any measure with respect to investment that accords preferences to any indigenous person or organisation or provides for the favourable treatment of any indigenous person or organisation.

These exemptions relate to goods and services; critically, they do not ensure the protection of cultural, intellectual property and other rights.

Another issue that is cause for concern is the ability for US companies to challenge prices under the Pharmaceutical Benefits Scheme and to potentially force up the price of medicines. This will have an impact on all Australians, but Indigenous people, with their plethora of health problems, will feel it acutely.

The decreased capacity to impose future local content restrictions is also a negative outcome for Australian culture in general and for Indigenous culture in particular. Aboriginal and Torres Strait Islander communities have rightly expressed concerns about the impact of free trade agreements, and this has been at least in part because of the experiences of indigenous people in North America, Mexico, the US and Canada. These countries each have significant indigenous populations, and their experiences under the North American Free Trade Agreement, NAFTA, provide some insight. As a poorer socioeconomic group, indigenous people are vulnerable—often more vulnerable than others—to economic shifts. The creation of low-wage employment in Mexico has been heralded as one of the great achievements of NAFTA, but this is hardly a situation Indigenous communities want replicated in Australia, particularly given the prevalence of Work for the Dole schemes over real employment opportunities in Aboriginal communities.

Disadvantaged Australians had no public process to review or recommend amendments to the draft text of the Australia-US FTA. Even this parliament could not stop the agreement being signed by our Prime Minister. The sole course of action available to the parliament in support of the welfare and community sector was to block at the domestic level the enabling legislation required to implement the agreement after it was signed. Today that option has been taken away by Labor’s capitulation and failure to give the agreement full consideration. We Democrats urge the government and Labor to consider our proposal that community services, no matter who provides them, must be excluded from the Australia-United States free trade agreement and from all other free trade agreements.

I would like to turn briefly to the issue of intellectual property provisions under the FTA and their impact on the open source, open format sector in Australia. The Department of Foreign Affairs and Trade has described the intellectual property outcomes of the FTA as harmonising Australia’s intellectual property laws more closely with the largest intellectual property market in the world. Given the amount of power wielded by US corporations in the field of copyright and patent protection, this prospect gives rise to some real concerns. We Democrats have already warned against allowing the free trade agreement to go down the American route of giving extraordinary power and
privilege to giant software companies which can then be used to stifle competition.

Aspects of the US Digital Millennium Copyright Act, DMCA for short, have seen the major software companies in that country frustrate and block smaller companies and IT research teams by using the law to threaten and financially exhaust any competition. The prospect under this FTA of software patents, rigorously enforced anticircumvention provisions and increased liability for Internet service providers are a matter of considerable concern to the Democrats. We strongly support the development and use of open source software and a diverse and competitive IT environment in Australia. We must retain our sovereignty in this area and resist any efforts to sell out Australia’s successful proliferation of small and medium sized companies to US multinational giants—while stepping on civil liberties in the process.

The Electronic Frontier Foundation has investigated the operation of the US Digital Millennium Copyright Act and the impact it has had on the independent software industry in the United States. This investigation found that since enacted in 1998 the anticircumvention provisions of the DMCA, codified in section 1201 of the Copyright Act, have not been used as congress envisioned. The US Congress meant to stop copyright pirates from defeating antipiracy protections added to copyrighted works and to ban ‘black box’ devices intended for that purpose. In practice, the anticircumvention provisions have been used to stifle a wide array of legitimate activities rather than to stop copyright piracy.

As a result, the DMCA has developed into a serious threat to several important public policy priorities. Firstly, experience with section 1201 demonstrates that it is being used to stifle free speech and scientific research. Lawsuits against a magazine, a research team and prosecution of Russian programmer Dmitry Skylarlov have stifled the legitimate activities of journalists, publishers, scientists, students, programmers and members of the public. The Skylarlov case involved a Russian programmer who had designed a program that allowed Adobe’s protected eBook format to be transformed into the unprotected and more common portable document format, or PDF. The software he designed would only work on eBooks that had been legitimately purchased. The purpose of the software was to assist blind people to access eBooks and to allow eBooks to be moved from one computer to another. On a trip to the US to speak at a conference, the programmer was arrested.

Secondly, by banning all acts of circumvention and all technologies and tools that can be used for circumvention, section 1201 grants to copyright owners the power to unilaterally eliminate the public’s ‘fair use’ rights. Already the music industry has begun deploying copy-protected CDs that promise to curtail consumers’ ability to make legitimate, personal copies of music they have purchased. In Australia we do not even have the ‘fair use’ rights that exist in the US.

The DMCA also impedes competition and innovation. Rather than focusing on pirates, many copyright owners have wielded the DMCA to hinder their legitimate competitors. For example, Sony has invoked section 1201 to protect its monopoly on Playstation video game consoles as well as its regionalisation system, limiting users in one country from playing games legitimately purchased in another. Further, section 1201 has been misused as a new general-purpose prohibition on computer network access which, unlike the several federal antihacking statutes that already protect computer network owners from unauthorized intrusions, lacks any financial harm threshold. A situation where a disgruntled ex-employer, Pearl Investments, used the DMCA against a con-
tract programmer who connected to the company’s computer system through a password-protected virtual private network illustrates the potential for unscrupulous persons to misuse the DMCA to achieve what would not be possible under existing computer access regulation regimes. IT law expert Brendan Scott has written:

These are prohibitions on accessing data which has been protected by a technological measure. The explicit purpose of these provisions is to prohibit data interoperability. If open source vendors are not permitted to implement data interoperability, they will face substantial barriers to entry in many important submarkets. In essence, a vendor will be locked out of competition merely because the current incumbent uses a protected format for customers to store their data in.

He also wrote:

These prohibitions were initially created to protect a small minority of content producers from competition from new technologies, particularly in respect of audio and video content. However these provisions have already been subject of much broader implementation in the United States. In particular they have been used to inappropriately suppress competition in respect of printer cartridges and garage doors …

Even pressing the shift key can be a breach of the US version of these laws. He continues:

They can be used to anti-competitive effect on any article to which a computer chip can be attached—and there is every reason to suspect that if this category does not already encompass all manufactures, it will do so in the not too distant future.

While they have been characterised as applying to prevent unauthorised copying of music, it would be a grave mistake to think they will be restricted to this area in the future. The anti-circumvention provisions are a legislative imprimatur to the reduction of competition across the whole breadth of the economy. No analysis of the economic impacts of the FTA that I am aware of takes into account this extensive anti-competitive effect. At its worst it will shave percentage points off Australia’s GDP.

I will conclude with the words of Rusty Russell, a member of Australia’s open source community who appeared before the Senate inquiry. He said:

Let me make this clear: people in the Open Source industry feel directly threatened by the laws required by the FTA. We have seen threats issued against Open Source developers in the United States, and we fear the same thing here. This kind of fear, and this kind of uncertainty, as I have already noted, is toxic. It drives people from the industry, and it drives people from engaging in innovative activities. And that is a real shame, because currently in Australia we have some of the most talented, and innovative, Open Source developers of any country in the world.

For those reasons and more we Democrats continue to strongly oppose the legislation before us.

Senator EGGLESTON (Western Australia) (6.29 p.m.)—I rise to speak on the US Free Trade Agreement Implementation Bill 2004 and the US Free Trade Agreement Implementation (Customs Tariff) Bill 2004. At the end of the last session of parliament I attended a farewell dinner for the Canadian High Commissioner, who spoke of the free trade agreement the Canadians have had for many years with the United States. When asked what he thought was the greatest benefit of the free trade agreement he said that quite simply it was access to the United States market. So it will be with Australia. We will have access to the world’s largest economy and a market of 300 million people under this free trade agreement. The benefits to Australian agriculture, industry and service providers are potentially immense. There is no guarantee that Americans will buy Australian goods but, by having access, we can compete in their market. That is, I believe, of great benefit to Australia.
As Senator Boswell has said, the free trade agreement will be particularly valuable to the Australian agricultural sector and, in other ways, to various aspects of our manufacturing industry. The manufacturers of utility vehicles, which are commonplace in Australia but which are quite unknown in America, will benefit. We will be able to export utes and services. We will have access to the United States federal government procurement process and also to that of some 44 states. As the United States economy grows, as it inevitably will, so will the benefit of this free trade agreement to Australia grow, or so I and the government definitely believe.

In the very short time available to me to talk about this tonight, I would like to address two issues: the issue of the PBS, which has been raised several times, and the issue of our audiovisual and cultural productions, which other people have said will be threatened by this agreement, but I do not believe that that is the case at all.

It has been suggested that the price of medicines will be raised under the free trade agreement. As I understand it, the price of medicines under our PBS will not be affected by the free trade agreement with the United States. All that has happened is that we have agreed to a review of the process under which the Pharmaceutical Benefits Advisory Committee authorises a medication to be placed on our pharmaceutical benefits list. There is no implication at all that prices will be increased. It simply gives American manufacturers a means of being informed why, if it is the case, their brand of some medication has not been authorised as a pharmaceutical benefit in Australia. It is a review process that provides information to the American pharmaceutical industry. It will not in any way provide any mechanism of appeal or challenge to the decision of the Pharmaceutical Benefits Advisory Committee. As other people have said this afternoon, the Pharmaceutical Benefits Scheme, which we have in Australia, is unique. It has provided the Australian population with quite cheap medicines by world standards. The government will in no way compromise that scheme, because it has been of great benefit to Australia. I would like to lay that particular concern to rest.

The other concern that has been consistently raised today relates to our audiovisual products. There have been claims made that local content quotas for broadcasting will be compromised by the free trade agreement. That is not the case either, in my view. The text of the agreement makes it clear that our right to ensure local content in Australian media and the capacity to regulate new and emerging media is respected and retained. Australia has successfully negotiated reservations in the services chapter that ensure that the government’s continuing capacity to regulate for Australian content is preserved. There are, in fact, two reservations in two annexes to the agreement which allow Australia to maintain or adopt measures that enable us to maintain local content and ensure that our audiovisual productions are preserved. It has to be said that the US has recognised that Australia is already a very open audiovisual market. The binding commitment that Australia is making will give the United States certainty that we will not close our market in the future or introduce significant trade restrictive measures.

A lot of people have said that they would have liked to have seen in the United States free trade agreement a reservation for cultural products similar to that included in the Singapore free trade agreement—the so-called Singapore reservation. But the reality is that Singapore does not have a very big audiovisual sector—nothing, of course, like the United States movie industry, which, as everybody knows, is the biggest and most powerful movie industry in the world. So, in
dealing with the United States, Australia has had to be cognisant of the fact that the United States has that great film industry. We have had to work out an agreement that allows for the interests of the American film industry.

We have had reservations built into this agreement which preserve our cultural identity and enable the government to retain the capacity to support the Australian cultural sector—including the film industry, cultural institutions and so on—through grants, subsidies and tax incentives. The regulatory capacity provided by the agreement will give the Australian government sufficient freedom to respond to changes in media technology. Specifically, it will give Australia the freedom to both retain its existing local content requirements and extend these or introduce new ones in specified circumstances to address the impact of changing technologies. Of course, the technology used in audiovisual production is changing. We are moving into the digital era. Being able to retain our rights to have defined quotas of Australian content is very important given that things are going to change very much with new technology.

It is quite clear that the Australian free trade outcome in respect of audiovisual content clearly contains greater specificity than the Singapore free trade agreement outcome. In short, the US agreement is more targeted than the broad Singapore free trade agreement reservations. It is my belief that the negotiated outcome addresses Australia’s genuine concerns while meeting the US’s legitimate interests in having some certainty about the future openness of the Australian market. In particular, the key reservation in annex 2 gives Australia the right to introduce new measures as well as to maintain existing measures. Those are important points for the Australian public to be aware of. This government certainly is not going to abandon Australia’s voice—as it is put—in the audiovisual world. This government will preserve the Australian film industry and ensure that it is strong and vibrant in the future.

(Quorum formed)

Senator McGauran (Victoria) (6.42 p.m.)—As the chamber is aware, we are discussing the US Free Trade Agreement Implementation Bill 2004 and the US Free Trade Agreement Implementation (Customs Tariff) Bill 2004. This is a historic and significant free trade agreement with the United States. It is a significant time in the parliament because the free trade agreement we are discussing is probably the most significant and important agreement to Australia in trade and in economics since 1957, when another significant trade agreement was signed with Japan. The parallels between these two trade agreements are quite uncanny. First of all, both were negotiated by a National Party minister. The Minister for Trade in 1957 was Jack McEwen, who undertook an agreement with Japan. Mr Acting Deputy President, you can see that I am looking for my formal notes rather than trying to wing it.

Opposition senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Sandy Macdonald)—Order, Senator Campbell! You are doing very well, Senator McGauran.

Senator McGauran—Thank you. I was interrupted by the opposition, who, I should add, were against the trade agreement with Japan in 1957 just as they have been, right up to this very last moment, against this free trade agreement. You have to remember that in 1957 when negotiating that agreement it was soon after the war. So there was a lot of pressure on the then government over negotiating with a former enemy. Of course, those against it were from the same party
that is against this agreement. That is of foremost significance.

Look at the result of that trade agreement that the then coalition parties pushed through the parliament. Look at how, during the 1960s and 1970s, that particular agreement underpinned the growth in the Australian economy and the many good and great years we have had in Australia. Our relationship with Japan during the decades that followed was, in fact, what established Australia as one of the top eight OECD countries.

Mr Acting Deputy President Macdonald, is there another speaker to follow me in the chamber?

The ACTING DEPUTY PRESIDENT—There is not, Senator McGauran, but you have to go for only another four minutes.

Senator McGauran—I was just trying to measure my comments. That particular agreement underpinned decades of a very healthy Australian economy. The significance of it is that it was negotiated by a National Party minister back in 1957—no less than Jack McEwen—under extreme pressure, provocation and doomsaying by the same types who are trying to pull this particular agreement down. What we have before us today, speeding forward, is of exactly the same significance: this particular agreement will underpin the growth in the Australian economy for decades to come. Why have the opposition, be it that they are now going to vote for this agreement at this eleventh hour, made it so difficult for the government to put it through? It really should have been put through months ago. Why have they made it so difficult when it is so obvious that we are signing a most significant economic link with the largest economy in the world? Quite frankly, every country in our region would envy this particular agreement. If they ever came to that, they would be the first in the rush to have such an agreement signed.

We heard during the five months of deliberation of the opposition how the fact that we are making strong economic links with the United States is going to affect our relationships within the region. What a load of rubbish that has turned out to be. As the opposition know only too well, we have a free trade agreement with Singapore and we have a free trade agreement with Thailand all but put through the parliament. We have a trade agreement being negotiated with China, no less, and now Malaysia wants to be in on the act with a free trade agreement. So it is absolute rubbish to say that this particular agreement would affect our economic, political, social or military relationships with our Asian neighbours. It is quite the contrary; it has given us the prestige to be able to negotiate.

But you cannot get it through the likes of Senator Lundy, who happens to be in the chamber, or the likes of Senator George Campbell, who happens to be leaving the chamber at the moment. Why? It is pretty basic. We never heard them criticise the Thai free trade agreement or the Singapore free trade agreement or the pending China agreement, or the Malaysians. There is one basic and simple reason why you are against this agreement, because your criticism simply does not stack up economically. There is only one basic reason. Why don’t you have the courage to come out and say it? You are anti-American in every shape and form, even to the detriment of the welfare of Australia for decades to come—and that is what this free trade agreement delivers. There is no other reason, Senator Lundy: your bias is dripping off you.

This agreement particularly brings benefits to the primary industry sector. This is something we have been waiting for for
years. We have been hanging around the World Trade Organisation for a long time now waiting for a breakthrough, and perhaps in the last couple of days there has been a renewed breakthrough with the World Trade Organisation, but bilateral agreements of this sort are invaluable to the primary industry sector, and no less this one. This one absolutely champions the cause of primary industry. We have the beef industry, the wool industry, the sheepmeat industry and the dairy industry all benefiting from this agreement. Of course, we wanted better for all of those industries, and quicker access. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DOCUMENTS

The ACTING DEPUTY PRESIDENT (Senator Sandy Macdonald)—Order! It being 6.50 p.m., the Senate will proceed to the consideration of government documents.

Sport: Drug Testing

Senator Faulkner (New South Wales—Leader of the Opposition in the Senate) (6.52 p.m.)—I move:

That the Senate take note of the document.

I wish to comment on the report of the inquiry into doping allegations at the Australian Institute of Sport facility at Del Monte, Adelaide, conducted by the Hon. Robert Anderson QC and tabled by the Minister for Sport, Senator Kemp, out of session last week. I wish tonight to direct my remarks to only a few aspects regarding this report and the circumstances surrounding the doping allegations made. I am, of course, keen to give the Minister for Sport a full opportunity while parliament is sitting over the next two weeks to put a comprehensive account on the public record.

To begin with, I would like to say tonight that the Anderson inquiry into these allegations should not have been necessary. A full, properly constituted and independent inquiry should have been instituted immediately upon the discovery of the sharps bucket on the premises of the AIS facility at Del Monte. There should have been a comprehensive inquiry with full powers—

Senator Lundy—Indeed.

Senator Faulkner—of compulsion and protection, as Senator Lundy knows—and I am delighted, Senator Lundy, that you are going to enter this debate a little later this evening because it is very important. And, of course, the inquiry should have been able to investigate the actions of all athletes allegedly involved in either improper or illegal practices. Without doubt this was the responsibility of the minister, as the AIS is a Commonwealth agency and has a heavy duty of care to all of the athletes involved. Instead, under the totally inadequate stewardship of Senator Kemp, we actually saw a parade of errors and mistakes—pseudo inquiries by coaches and human resources bureaucrats, secretive inquiries by a lawyer contracted to the Sports Commission, ASC induced delays in the tribunal processes, and attempts to cover up the whole matter at least until after the Athens Olympic Games. This issue should have been squarely faced up to back in December of last year, but we find the Australian Olympic cycling team is still in turmoil less than two weeks before the opening ceremony of the games. Senator Kemp should have insisted on full disclosure, full investigation and full accountability back when there was time to do so. There was not enough time for the full job to be done, and the responsibility for that should be laid at Senator Kemp’s door.

I also want to comment on the decision made by Minister Kemp to table only part of the Anderson report. I want to be clear on this point. The portion tabled is by far the smallest selection available. Senator Kemp
made a number of statements that he intended to publicly table the full report by Mr Anderson and he told the parliament that this public release would be ‘subject to privacy and other legal requirements’. Senator Kemp then tabled Mr Anderson’s summary report last week without any of the additional 300-odd pages of appendix material, which is referred to extensively throughout the summary report. Senator Kemp has made no attempt to justify his refusal to table even one page of the appendices. He has provided no grounds for the failure to table that extensive material. He has given no idea of legal or other advice he has sought or received on the reasonableness or otherwise of tabling that material. And, importantly, the minister has made no attempt to discuss this matter with the Senate. If indeed there are legitimate privacy or other concerns with the publication of the material, then I would have expected Senator Kemp to raise those reasonable issues with the opposition and other senators with an interest in these important matters. The minister’s failure to keep his undertaking to the Senate and his abject failure to consult with the Senate on his grounds for doing so will, I believe, be seen as a grave disservice to the parliament. I will be having more to say about these matters a little later in the week.

Senator LUNDY (Australian Capital Territory) (6.57 p.m.)—I would like to add my comments on the Anderson report which Minister Kemp tabled in part, and in part only, last week. The issue at hand is not that this report has finally been tabled but, rather, why it took almost seven months from the discovery of used injecting materials in the Del Monte AIS residence to order an obviously much-needed independent and comprehensive investigation into this matter, why it took three weeks from the date the report was completed for it to be finally tabled in parliament and why this report has not been tabled in full.

On 24 June 2004 Minister Kemp appointed Robert Anderson QC to conduct an independent inquiry into serious allegations regarding the use of prohibited performance enhancing drugs by some Australian cyclists. That this investigation was finally ordered by Minister Kemp only as a result of pressure brought to bear by Labor senators, who questioned the cover-up of the Court of Arbitration for Sport findings which concluded that at least one athlete other than French had used eGH, or equine growth hormone, in this room, has already been noted in this chamber. The fact that this whole mess could, and should, have been avoided if the minister had acted decisively in the first instance and ordered a comprehensive independent investigation into this matter last year cannot, however, go without comment. An immediate investigation into this matter would have allowed adequate time to fully investigate these allegations, and would have ensured that the syringes, phials and swabs that were found were tested immediately rather than being left for so long and handled so many times that it was very difficult to gather DNA information that could have offered essential evidence at the time.

Unfortunately, due to the government’s ineptitude in handling this matter, the issue has dragged on for so long that we are now only 11 days from the Olympics and we still have outstanding appeals, more than half a report missing and potentially more damning evidence to come. Even when the minister finally ordered a full investigation into this matter, he failed to give Mr Anderson the powers that it could be reasonably assumed would be required to uncover the full extent of just what was going on at the AIS Del Monte residence. Mr Anderson himself conceded he had no powers to compel anyone to answer his questions. He said:
I don’t have coercive powers, I can’t subpoena, I don’t have any authority to administer oaths.

This, in combination with the fact that Mr Anderson was given little more than a week to complete his comprehensive task, clearly shows that the minister was not fully committed to catching those who were attempting to beat the system. There are already questions over the completeness of this report, given the limited time frame and powers that Mr Anderson was required to work within. To now have the minister refuse to release the appendices to this report makes the situation look even worse.

Last month Mr Mark Peters, CEO of the Australian Sports Commission, called on disgraced cyclist Mark French and his legal team to allow the release of the Anderson report, claiming that what Mr French and his team have done ‘is just a stunt to make sure that their publicity campaign is not derailed’. This was an outrageous statement. When Mark French agreed to release the whole 300-page report, however, the minister and the Australian Sports Commission completed such a stunning backflip they would easily have won gold in an Olympic diving competition.

Minister Kemp said it was ‘clearly in the public interest’ that he table this report. If it is so clearly in the public interest, why has the minister prevented the full report from being tabled? I ask: are there concerns for the safety of those people who the minister said provided detailed information, including personal information, and who voluntarily cooperated with the Anderson investigation without the expectation that their statements would be made publicly available? I also ask: is there fear of retribution against those who came forward and provided information in an effort to get to the bottom of this matter? We do not know. Or, as I am left to speculate, is it the fact that these appendices may contain further information that may be condemning in nature?

I note that Dick Pound, head of the World Anti Doping Agency, condemned the politicians and sports officials who loudly profess to be against doping in sport and in favour of transparency but who go quiet when it comes to action against top local athletes who are alleged to have broken the rules. Even members of the international sports community are questioning Senator Kemp’s commitment to stamping out the use of prohibited substances in sport. So, enough of hiding behind privacy laws in government guarantees. There have now been five separate investigations into this matter. At every stage we have been asked to accept the verdict placed before us, only to find each time that the truth has not been fully disclosed.

Question agreed to.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Bolkus)—Order! There being no further consideration of government documents, I propose the question:

That the Senate do now adjourn.

Australian Broadcasting Corporation: Monitoring

Senator SANTORO (Queensland) (7.03 p.m.)—Two contrasting views on the decision of the ABC to hire the monitoring organisation Rehame to keep its news and current affairs broadcasting honest leading up to this year’s election have recently appeared in the press. I recommend both articles to honourable senators. The first appeared in the Melbourne Age newspaper on 23 June 2004 and was written by Brian Walters, a barrister who is vice-president of the organisation Free Speech Victoria. According to Mr Walters, the circumstances surrounding the appointment of Rehame to conduct this work and of this decision by the ABC board be-
coming publicly known through the medium of the ABC television show Media Watch raise fundamental questions about free speech.

The second article was by the veteran journalist, sometime editor and current commentator Frank Devine. It appeared in the Australian newspaper on 2 July 2004 and provided a wonderfully light-hearted but, in fact, deadly serious critique of the ABC and the propensity of its broadcasters to editorialise. Devine’s article was headed ‘ABC news gives equal time to speculation and comment’. His view is that the people who actually run the ABC are:

MoT (nicknamed in honour of Orwell’s Ministry of Truth), the shadowy, much-feared sub-committee of the ABC Staff Association …

The committee, Mr Devine asserts as he argues the case for peer review of the ABC, is ‘adept with stopwatches’ and ‘will be able to demonstrate to the millisecond how evenhanded it was in distributing coverage among the parties’. Now Mr Devine is having a laugh, of course—it is always the best medicine. But it is not election campaign coverage that is of concern, certainly not in terms of stopwatch performance. Evenhandedness is a quality that includes, but is not limited to, equal time.

The problem that many people have with ABC news and current affairs broadcasting is not that it is unprofessional—it is very professional indeed—or that it is too narrow. Its coverage is extensive and very, very broad. The problem is the systemic—if not systematic—presentation of information in ways that will result in subliminal skewing of opinion in listeners and viewers. As one example, take this instance—picked up by Mr Devine in his Australian article—from the ABC’s seven o’clock television news on 19 and 20 June:

“Russian President has revealed new intelligence claiming that Saddam Hussein’s regime was planning to strike the United States … For President George Bush the revelation may come as a relief.”

Mr Devine, who kindly offers to act in a ‘fill-in’ capacity before the peer review monitoring group is in place, makes this devastating rejoinder:

Delete second sentence. Unsupported, not to say air-head, speculation.

In a further instance, the ABC ran a quote from President Bush:

‘This is a regime that sheltered terrorist groups. This is a regime that hated America. And so we saw a threat and it was a real threat.’

Then it added as its own comment:

That claim is being disputed by the commission into the September 11 attacks.

Mr Devine writes in response:

Delete last sentence. The commission disputes nothing in this Bush statement. An ABC concoction.

That is the problem. Somehow, ABC news and current affairs people just cannot help injecting unsupported—indeed, insupportable—commentary into news and analysis. It does anger people—people in Queensland and elsewhere around the country who let me know in very forthright terms just what they think about this business of skewing the news.

Nor is this disquiet confined to the ABC audience. Albeit this sprang from a different set of difficulties, it is very worrying that the Chairman of the Australian Stock Exchange, Mr Maurice Newman, felt constrained to resign from the ABC board because of the actions of the staff elected director, Ms Ramona Koval. Ms Koval’s objections to the ABC appointing Rehame to monitor its political coverage found their way onto the ABC program Media Watch. Whatever the merits of the ABC appointing a monitor to
monitor its own monitors, the issue of board confidentiality is crucial. It should not be broken because Ms Koval is concerned about what she views as continual political interference at board level. Her action validates the very point made by commentator Frank Devine to which I referred earlier: the ABC staff should not presume to run the organisation. If there are staff concerns—and there is an industrial problem in Queensland at present, of which I have been advised, relating to a low salary cap being imposed on regional journalists there—they should be dealt with, but they should be dealt with in an employer-employee environment.

But, of course, the problems at the ABC are far wider than that. I inform the Senate that I have added my voice to that of the Minister for Foreign Affairs, Mr Downer, in complaining about the politicising of the Bali bombing and South-East Asian terrorist issues by the managing director of the ABC, Mr Russell Balding. Mr Balding has referred my complaint to the complaints review executive, as I requested, and I thank him for that. The ABC’s decision to run an episode of its series *The Third World War*—a British documentary—that referred to Bali and failed to take account of evidence available to this parliament on intelligence issues was reprehensible. Mr Balding issued a statement on 2 July 2004 in which he said of these events:

> There is a fundamental difference between dealing appropriately with complaints and bowing to pressure.

This is a crucial period for the ABC. In the heightened atmosphere of a looming Federal election the public can be assured that the ABC will stand firm and protect its editorial independence.

> There was no threat to that independence. All the foreign minister sought was to have the ABC ensure that those elements of the British documentary that had been overtaken by events here in Australia be put in context—that is, that they be illuminated by material that became available after the documentary was made. These matters are now being considered, so I will not canvass them further at this time; but they need to be resolved.

On a happier note, as honourable senators know, I am very far from being implacably opposed to absolutely everything that the ABC does or says. I am an avid watcher of, and listener to, the ABC. In particular, I am a dedicated fan of NewsRadio. As my friend and colleague the Minister for the Arts and Sport, Senator Rod Kemp, observed at the June estimates hearings, it is an excellent service. I believe in paying tribute where it is due, and it certainly is in relation to NewsRadio. The 24-hour news service has recently celebrated its 10th birthday.

In another area of the ABC’s operations, the government and the ABC are working together to support the highly successful Backing Australia’s Ability program. The ABC will help promote innovation in the community through the National Innovation Awareness Strategy by producing a range of exciting new projects in partnership with the government. These include *ACE Day Jobs*, a series of 36 five-minute episodes showcasing young Australians who are passionate and enthusiastic innovators and entrepreneurs. The series will be available on broadband video and via the ABC web site. Another project is *Start!*, a radio and online initiative supporting young people who have an idea they would like to turn into a business.

I close by saying that it was good to see the ABC recruiting from within for its new director of news and current affairs. I wish John Cameron all the best in that position. I know from people connected with the ABC with whom I have enjoyed a glass or two of wine from time to time that he is highly thought of. I wish him the very best in that
position and hope that he manages to perform, certainly from the point of view of balance and bias within the ABC, better than some of his predecessors.

Taxation: Income Tax

Senator MURRAY (Western Australia) (7.11 p.m.)—The July 2004 income tax cut seems to have made tax cuts an even bigger election issue. That is because many Australians think the system is still unfair. Many Australians accept that they are not excessively taxed overall, but all Australians want the system to be fair. Some commentators confuse unfairness with paying less tax. Millions of Australians are happy to pay their taxes for governments to provide health, education and other services. Many Australians—including Democrats like me—want more spent on services, not less. Voters tell me they want fairness restored and tax principles they can rely on—ones that reflect Australian values, realities and aspirations.

As contestants for government, the Liberals and Labor will debate income tax policy this election. What should they be arguing about? Having had the taxation portfolio for the Democrats for eight years, my experience tells me that the majority of Australians would react well to an income tax system that retained a progressive structure with relatively few rates, was indexed to inflation, had minimal tax concessions, and advantaged lower to middle-income earners while providing a fair productivity incentive to higher income earners. There are supporters in Australia of a flat income tax—meaning just one tax rate, regardless of income—but most Australians prefer the notion that those who earn more should pay more. A progressive income tax system is therefore the first principle. Australia once had as many as 29 income tax rates. Five rates are what we have now, and they are well accepted: nought per cent, 17 per cent, 30 per cent, 42 per cent, and 47 per cent—the latter four with the flat 1.5 per cent Medicare rebate added. The second principle, therefore, is to have a top and a bottom rate with one to three rates in between.

The third principle many Australians want is to annually index income tax to inflation. Bracket creep increases taxes by stealth. Bracket creep is the impact of inflation related salary increases on the static progressive marginal tax rates. Indexation is well accepted in Australia, as with alcohol excise. Income tax indexation was tried in one form or another in the seventies and eighties. The choice is either to index all the rates annually or to index the top and bottom rates only so as to keep the relative gap between the two constant, with the in between rates adjusted as and when governments decide. That does mean that some bracket creep gains would be kept by government. Indexing is most costly when inflation is high. Depending on how you do it, indexing tax rates to end the bracket creep problem would result in a present cost to the revenue of about $1 billion per annum.

The fourth principle is a vital one. Australians are incensed by people who do not pay their fair share or by politically favoured constituencies who are given sneaky, special advantages by the tax system. Such an environment encourages a culture of tax avoidance: ‘If they are getting away with it, why shouldn’t I?’ Broadening the base and simplifying the system can help pay for more tax reform and reduce tax avoidance. Making the superannuation tax concession smaller, putting indexation back onto fuel, disallowing work related deductions, stopping companies paying less than a set minimum amount of tax, reducing the excessive FBT allowance on company cars, reducing excessive capital gains tax concessions, attacking trusts tax dodgers and means testing the private health
insurance rebate are among the many ideas that could raise many billions.

The fifth principle is to advantage low- and middle-income earners. The most important distributive mechanism for improving the lot of low-income Australians is to improve their disposable income. The working class and the middle class get the rawest income tax deal. Lower income Australians struggle with a tax threshold that kicks in at a ridiculously low level of $6,000 and they struggle with the highest effective tax rates of all because, as they earn more, their welfare benefits reduce.

Australia’s welfare floor is $12,500—the minimum official income required for basic subsistence. There is no justification for income taxing someone earning that amount. Economic and competitive realities almost certainly mean that there will remain substantial numbers of lower paid workers, but that does not mean low-income Australians do not deserve a fairer go. From the employer’s perspective, if the disposable income of low-wage earners increases as a result of tax cuts, it could take some of the stress and tension off the low-wage industrial case that has to be mounted annually. You cannot address tax rates for low-income earners without sympathetic adjustments to welfare rates. If you wanted to get people off welfare and into work, you would target and improve the tax and welfare intersects.

In their ‘Info 347’ June 2003 paper, ACOSS said that the average tax rate on all income for someone earning $20,000 a year is presently 12 per cent, or $2,400. So, if the tax-free threshold were raised from the present $6,000 to $20,000, that low-income wage earner would have $2,400—or $46.15 per week—more disposable income in their pocket each year. If Mum and Dad were both earning just $20,000 each, they would pay no tax and have $4,800 more to spend on the kids.

There is another strong reason to raise the tax-free threshold to $20,000. Casual and part-time workers, particularly women, need not pay income tax at all, which would be great for struggling families and mothers, among others. Sharan Burrow, the ACTU President, said on 3 August in the Bulletin:

Of the 1.6 million jobs created over the past 10 years, the bulk of them have gone to women. But 50% of those jobs are part-time or casual, which means that women are on $18,000 a year or less.

A $20,000 tax-free threshold already exists for some lucky Australians. The value of the senior Australians tax offset means that qualifying single self-funded retirees and age pensioners have an effective tax-free threshold of $20,000. Why not extend the principle? Raising the tax-free threshold to $20,000 flows tax cuts right up through every income level, so all Australians would get a tax cut. It would cost a massive $19 billion a year. It would also mean about two million taxpayers would no longer be required to submit a tax return, with consequent administrative savings.

The sixth and last principle is to provide a fair productivity incentive to higher income earners. The top rate could kick in at $120,000, establishing a gap of $100,000 between those who pay no income tax and those who pay the highest tax. If tax rates were indexed, this relativity would remain constant in real terms. How to afford it? Just a few months ago the Treasurer was crying poverty. Then he found over $50 billion to splash out on an election spree. Where there is a political will, there is indeed a political way. You would have to set the principles you desire and then find the funds. Staging implementation over several years and determining priorities would help. Lower income Australians should undoubtedly come
first, so the priority should be to raise the tax-free threshold.

Now for the costings: using all six principles, a rough estimate says this indicative tax scenario could cost about $52 billion over three years, less any savings that could be made elsewhere. Of course the criticism of my tax thoughts tonight will be cost, practicality and so on, but the political reality is that Australians will remain very unhappy about income tax until the bandaid is exchanged for a lasting cure. We all know that any tax policy can be structured in myriad ways. There are many other ways of addressing income tax reform than the ones I have put here. I am of the view that services expenditure takes a higher priority at present, but if Mr Howard and Mr Latham are determined on election tax cuts promises then what those should be needs debating. So next time some politician calls for real income tax cuts, the options I have outlined tonight are some you could debate with them.

Education: Universities

Senator TIERNEY (New South Wales) (7.21 p.m.)—I rise tonight to speak about the critical role that our universities can play as drivers of their local economies and communities and about how the Australian government is supporting this. The appropriate relationship between universities and their regional communities is not a new issue and in the past was often rather quaintly described as ‘town and gown’. At the most basic level, universities have a massive economic impact on the community they are located in, just by being there: by their massive size, by their number of staff, by their number of students and by what they simply buy and use in the local economy. This is particularly the case in small rural cities.

Universities are uniquely placed to assist their communities in future economic, social and cultural development. There are few organisations today, other than a university or a higher education institution, that have the interest, independence, authority, networks, information, critical mass and longevity of existence to take on an economic development leadership role in a region free of outside organisational controls. However, to achieve maximum benefit, this needs to be a two-way process where the community actively involves itself in the planning, management and evolution of collaborative projects with the university. There is so much potential here, but the approach across Australia has been rather hit and miss and often dependent on the enthusiasm of particular individuals in a university and a community who, of course, may move on.

The potential and the need for a more systematic approach has been recognised by the Australian government in a paper entitled Community and campus: the benefits of regional engagement. This has been prepared under the auspices of the Minister for Transport and Regional Services and Deputy Prime Minister, John Anderson. The paper goes into the benefits of engagement and contains 10 top tips for communities seeking to engage with their local university. Finally, it has a profile of a fully engaged university. In Australia no university could be described as fully engaged with its community, and the Australian experience has been patchy. However, 84 significant regional engagements by universities have been identified by Garlick and Prior in 2002. Of Australia’s 39 universities, nine scored zero. The leader, the University of South Australia, developed 13 significant engagements. Coming equal second with Charles Sturt University and La Trobe University was the University of Newcastle with eight—a good result, but the potential is still enormous.

At the turn of the century, I was making many speeches in the parliament and the community on the importance of regions. I
became particularly interested in the key aspect of engagement: the role of the universities as key drivers of their local regional economies and communities. I took part of my study leave in 2000 to look at the importance of universities as drivers of regional economies. In Scotland I examined the ways in which the new Scottish parliament decided to really get behind education and economic development in the highlands and islands for a population that is now down to half a million people. The initiative they took up was called the University of the Highlands and Islands Project. They combined a number of university campuses, research institutes, 17 TAFE campuses and 50 other learning centres and put them all together in a new university. Then they linked that all up with high-bandwidth technology. The ultimate aim was a better educated population and, with high bandwidth throughout the islands and highlands, the generation of economic activity and jobs, driven by a university that was engaging with its community.

The Scottish model is an example of how university-community engagement could hold the potential for transforming regions. The potential exists here in Australia, and the government and community expect that the resources directed to higher education should allow universities to meet identified needs in the community, including its economic and social wellbeing. Individual regions, through their distinctiveness, are often better placed than nation states to develop competitive advantages for their local industries. By focusing on their areas of research strength and improving their linkages with industry in their region as well as in their local communities, universities are in a unique position to transfer knowledge and skills into initiatives for economic growth, environmental improvement and community development. Many universities are already active in engaging industry in collaborative partnerships.

Universities could become a mechanism for ensuring that Australian regional communities are not bypassed by the knowledge economy, by offering technology and expertise to both community members and businesses to increase competitiveness and sustainability in their region.

The best regional universities have a strong relationship with their communities in addition to such partnerships. The form of the relationship, based on the university community service obligation, can contribute significantly to the social and cultural enrichment of a community. This can be achieved in a variety of ways, such as making university facilities available to the community, becoming involved in local projects, tailoring specific courses for regional needs and providing research expertise in partnership with local farmers and businesses. Universities can become active in raising the expectations and aspirations of the community as well as upgrading regional skills. Engagement needs to become an integral part of what the regional university does, not just an adjunct to teaching and research. Teaching and research form only two parts of the traditional academic triumvirate. The third part is community engagement, which has tended to come a distant third to teaching and research in the traditional assessment of the work of academics. A culture of publish or perish continues to prevail in universities, where service to the community goes largely unrewarded in respect of career advancement for scholars and the funding of universities. It should be part of their core business and be seen as being academically relevant and recognised as an important contribution to the overall role of the university.

Last year I delivered the opening address at the National University Community Engagement conference, called Inside/Out, at the University of Queensland. The keynote address was delivered by Sir David Watson,
Vice-Chancellor of the University of Brighton in the UK, who quoted from a paper issued by the Association of Commonwealth Universities in describing engagement as now being ‘a core value’ of universities. He said:

Engagement implies strenuous, thoughtful, argumentative interaction with the non-university world in at least four spheres: setting universities’ aims, purposes and priorities; relating teaching and learning to the wider world; the back-and-forth dialogue between researchers and practitioners; and taking on wider responsibilities as neighbours and citizens.

Engagement is a two-way process. Both parties need to agree on mutual objectives, which may include job generation, business and investment growth, and increased participation. The notion of extending and deepening university engagement with communities features prominently in the Australian government’s initiatives in higher education. The government has embraced a broad framework to progress the educational, economic and social needs of regions through partnerships between the community, education institutions, business and governments at all levels. It is already the case that, as part of formal reporting through the profile process, the Australian government requires universities to advise on the extent of their community and social engagement. Under the new institution assessment framework to be introduced this year, community engagement will continue to be given weight in the reporting process. The regional loading initiatives will deliver $122.6 million over four years. To be introduced from next year, they reflect in part recognition of the particularly vital role that non-metropolitan institutions and campuses play in providing for the educational, economic and social needs of regions through partnerships between the community, educational institutions, business and governments at all levels.

The measures specifically recognise the unique contribution made by regional higher education institutions and campuses to their local communities in providing access to higher education to students from rural and regional areas. These are in recognition that universities which provide places at regional campuses face higher costs as a result of location, size and history. They also often have less potential to diversify revenue sources, and a narrower industrial base in rural areas provides fewer opportunities for commercial partnerships. Also, one of the initial priorities of the collaboration and structural reform program under the 2003 higher education legislation will be to fund projects which involve collaboration between universities and their communities, with $36 million being committed over four years. The Australian government believes that our universities need to be responsive to broader community needs and aspirations. In its higher education reforms, the Australian government has established a policy framework that allows the higher education sector to more easily respond to identified community needs. (Time expired)

Veterans: Health Services

Senator MARK BISHOP (Western Australia) (7.31 p.m.)—I rise tonight to speak about the health of veterans, and in particular about health effects of service where the medical science has failed to provide the necessary linkage to enable compensation claims to be accepted. In particular I want to address what I believe to be a serious failing in the system to deal properly with this problem. Within the veteran and ex-service community for more than 50 years there has been a degree of dissatisfaction with people’s inability to obtain compensation and treatment for what they believe to be service related and service caused injuries and illnesses.
Throughout Australia’s military history, particularly since World War II, there have been a number of hazardous exposures for which adequate answers have never been forthcoming. I say from the outset that this is not part of some compensation syndrome. Regrettably, within our community we have a considerable number of ex-service people who were exposed to hazardous substances and who reasonably believe that their illnesses should be attributed to that exposure. Yet the medical and scientific evidence linking the exposure to the illness does not exist or, more to the point, governments have repeatedly said that it does not exist—or, if it does, the factual history and the records of that exposure are insufficient to prove the case.

In some cases the research simply has not been done. Let me cite some examples. Those who served with the British Commonwealth Occupation Force—otherwise known as BCOF—in Japan after 1946 believe that their mortality rate and illnesses are directly attributable to exposure to atomic fallout following the detonation of atomic bombs at Hiroshima and Nagasaki. Some who served in Korea believe they were exposed to a mix of hazardous chemicals. Individually and in combination, these chemicals are believed to have had serious adverse health effects. Those who participated in the British atomic tests in Australia in the 1950s also believe their exposure to fallout has affected their health.

Vietnam veterans in general, in both Australia and the United States, have long pressed for greater recognition and research into the effects of Agent Orange. Since the Vietnam War we have had the Gulf War of 1991, and deployments in Afghanistan and Iraq as well as East Timor and Bougainville. Each of these deployments has had its own unique characteristics—with different patterns of health problems and compensation issues. From the Gulf War we have had what is generically called the Gulf War syndrome, and wrapped up in that are fears about depleted uranium, smoke inhaled from oil fires and the effects of vaccination programs.

In every case, some or many of those deployed have experienced ill health on return home. However, the history has been that, with respect to compensation and treatment, linking the service with the illness has been difficult. For BCOF, for example, successive governments have accepted only limited liability for exposure to radiation. The data gathered at the time, it is said, show such a low order of exposure that a causal link cannot be accepted. The campaign by BCOF members, now all in their 70s and 80s, has been unrelenting. The further complication is that the refusal to accept exposure to radiation is also used by government to deny that BCOF was in any way a dangerous deployment. It is only in recent times that government has relented and has agreed to undertake a mortality and cancer incidence study.

It is tragic that this concession has taken over 50 years. As many veterans often say, ‘We’ll all be dead before they concede.’ Likewise, with those who served in the peacetime atomic testing program of the 1950s, governments have continually denied liability. But those affected—or those just concerned for their collective welfare—have never accepted that denial. Again, 50 years after the event, government has agreed to review the data and to conduct a mortality and cancer incidence study. And it is not unreasonable to expect that the change in the quality of scientific research in the intervening period might be sufficient to have the questions re-examined. Research conducted in the United Kingdom over recent years, for example—at the University of Dundee, in particular—once disparaged by the bureaucracy in Canberra, has now achieved a level
of credibility. So there has at last been some progress.

The experience of Agent Orange remains with us also. Many Vietnam veterans earnestly believe that their health—and their children’s health—has been affected by their exposure. Although some cancers and children’s disabilities have been accepted, again there has been denial based on lack of research findings. In fact the research that is most relied upon, the Ranch Hand study, has now been said to have been corrupted. Without going into the detail, one can see the pattern.

The Gulf War syndrome met with denial. Yet there was no denying that veterans returning from the Gulf in 1991 were afflicted with a range of illnesses. In the United States, the reaction at the time was the same—denial. Veterans were told that there was no such thing as Gulf War syndrome, and this was supported by the Repatriation Medical Authority here in Australia. Yet people were sick, and without explanation. It was years before any action was taken. Conventional medicine refused to accept it, and the research had not been done. Research is now under way, especially in the US and the UK—who deployed the largest number of troops.

In Australia we have had a very useful Gulf War health survey, which is an excellent start. But the point is that, in this case and in every other case, the first reaction has been denial. This pattern seems to be entrenched. In every case, governments around the world have been dragged unwillingly to reopen the cases. We need to understand the feelings of veterans who remain dissatisfied with government responses to their claims. It is a sad fact that governments worldwide rely heavily on their defence personnel. They recruit them with promises of a rich and rewarding career, train them and maintain them. But when their usefulness has finished, they drop them back into society without much thought about their future.

The lucky ones will have skills of value in the marketplace. If they do not have those skills, they seem to suffer the problems of labour market failure and all the stresses associated with life after service—hence the significance of health care and, of course, compensation. Unfortunately, there are some—maybe many—who attribute their poor physical or mental health and their general lack of life fulfilment to their service life. The system seems to have trouble coping with these individuals.

I would like to mention here that in my office a large proportion of the contact made by ex-service people concerns the treatment they are currently receiving from the Military Compensation and Rehabilitation Service. In some cases, people are virtually accused of being malingerers. Whatever the truth might be in any one case, there remains a problem. It would seem to me that, here again, the problem is one of denial—either that or the bureaucracy is simply not set up to manage it properly. Fundamentally, though, I suspect the problem is one of corporate attitude. The focus of Defence, quite naturally, is the effective sharp end. The downstream problem is never acknowledged. This is collateral damage for someone else to look after and pay for. It is instructive to consider that the budget for Veterans’ Affairs is currently around $10.6 billion per annum. The budget for Defence is around $16.3 billion.

The downstream costs of military service for health care and the compensation of veterans alone are very substantial—and this does not include the post-service costs of those ex-service people who are not veterans with entitlements under the Veterans’ Entitlements Act. On the other hand, as represen-
tatives of taxpayers, we must be certain that compensation is paid only for real liabilities. We must be sure that those liabilities are being properly managed. Of this we can have little confidence, as Defence are on the record as saying that they cannot be accountable for the costs of what happens at the sharp end. This, of course, is nonsense.

The size of the current liability for injury compensation alone—$1.4 billion—is a symptom in itself. At Veterans’ Affairs no liability has ever been calculated—except to say that, with a budget of over $1.3 billion for disability pensions this year, the cost for the future, even allowing for the passing of the World War II generation, will be enormous. The Senate would be aware that this is currently the subject of an inquiry by the Senate Foreign Affairs, Defence and Trade Legislation Committee. The committee is due to report shortly. I will therefore resume on this subject when the report is tabled.

(Time expired)

Caboolture Region: Education

Senator MOORE (Queensland) (7.41 p.m.)—Over the past few months I have been fortunate to attend a number of citizenship ceremonies in several regions in Queensland. I know many other people in this place have had that same pleasure. Tonight I want to concentrate on some of the families with whom I spoke a few weeks ago in the community of Caboolture. This is a rapidly growing area slightly north of Brisbane where I am based. It has been growing, with many families of all ages. It is growing not just because of people who have made the quite significant choice to move from other countries to take up citizenship and to live in this part of the world; it is a part of Queensland which is developing at an amazing rate. In several of the local government areas there we have some of the highest numbers of young people under the age of 16 in the country. Significantly, in the same geographic region we also have one of the highest populations of people over 65. Those people are living together in a burgeoning society.

Some of the families with whom I spoke at the citizenship ceremony a few weeks ago talked about why they had made the choice to live in that part of the world. One of the common themes of parents was that they wished to give their kids real opportunity; they wished to have choices. They wanted their kids to have chances that they may have missed out on themselves. One of the common themes, of course, was the opportunity to have a full and effective education. They were talking about the kind of education that was available to them in the Caboolture area. There are a large number of primary schools and secondary schools there, and many kids are working together and having that chance of a full and effective education. But an ongoing theme for the parents in that area was that they wanted to see more options for post-secondary education.

There is a really good model in place in that community. I am sorry that Senator Tierney has gone, because many of his comments this evening concerned exactly the kinds of things that we were talking about at that meeting. We were talking about the value of educational facilities to the local community, and in particular the value of post-secondary schools—which can be attended not only by students following the sequence from primary to secondary and into tertiary education but by people of all ages. This gives people a choice—a chance to take on study that they can access, that they can decide and that they can then benefit from at any one time.

In the Caboolture community there is a model in place. It is a cooperative model. It is one that sees the local TAFE college, the
Brisbane North Institute of TAFE, collaborate with the Queensland University of Technology—known as QUT. They have formed the Caboolture Community Campus, which, it is hoped, will live and grow in the community of Caboolture so that it can be part of that community and so that people can make the choice to be educated there.

In the Caboolture area there are great expectations and there is great hope. People have had many promises made to them. Before the last election the local federal member made a promise that a local university would be put in place in the area. The years have gone past, and whilst the model is there—while there is an effective TAFE college and the QUT is a sponsoring group—the university has not grown. People in the community have had their expectations raised and they have had hopes about the kinds of study that would be available there, but the actual university places—the ones that were promised in the hurly-burly of the last campaign—have not come through.

That is something we should strongly consider—when you make a promise, when you say something is going to happen, you have to look at what needs to happen to make it work. Promises of university places do not make a university. What a truly successful university needs is really effective engagement by the local community. It needs all levels of the education community to work together and to be part of the new model. It needs the full and very active cooperation of all levels of government. We know that can be difficult because people have their own agendas, their own plans and their own budgets, but sometimes things rise above those kinds of problems. Indeed, the expectations of the local community must be acknowledged, and I think there is a responsibility to fulfil those expectations. As I have said, promises do not make universities. What we have at the moment is a co-location campus which seems to be working in a really good way. There is a real hope that people who have taken the choice to go through the TAFE program will see that they have the skills, the abilities and the support required to take that next step and go on to another form of learning.

This model is working very effectively in another part of Queensland—in the Logan area, which I have been lucky enough to visit many times. I have been fortunate to be involved in the Mick Young Scholarship Trust. The Mick Young scholarships are funded in his memory by people who knew and respected Mick Young. One of the things he stood for was real opportunity for all people, regardless of their income or background. The Mick Young scholarships are formulated to give that immediate support to people so they can take that next step with their studies. At the Logan campus, which is on the other side of Brisbane, I was able to talk with a number of young people—and with people who were not in the first blush of youth—who were able to access Mick Young scholarship money and make the choice to continue their studies. These were people who had come back into the education process through a whole range of motivations: some through illness and some through having to make a career change because of an accident or lack of job opportunities in their own sphere. They were given the chance to test themselves in tertiary education, and they found they were succeeding. That gave them new hope and new chances to continue with a whole range of options that until then had not been open to them. In fact, they had not even considered them.

There is a real opportunity for that kind of process to now occur in the Caboolture area. The promises made before the last election campaign must be translated into action. There needs to be confidence at the local level that a wider range of courses can be
provided in the area. That is what we need instead of people having to think at one level, to restrain their thinking and to be forced into choices that perhaps are not theirs—having to do that because they cannot get transport to other areas, because the nearest tertiary education options for nursing and other kinds of courses they may want to do are up to two hours away and because they cannot get there easily and do not feel safe doing the travel.

It is about time that, as a community in Caboolture, we put aside any short-term fixes or selfish desire for the immediate photo opportunity or the immediacy of getting our pictures in the paper for whatever reason and ensure that the issues of the people around us are considered as a primary cause. We can work to put the model in place—the kind of model Senator Tierney was talking about in other regions of the country and overseas—so that the real value of having education facilities at the local level can be experienced. We must collaborate to effectively put this in place. The Caboolture Community Campus model can move forward. There would be a wider range of courses available and more students would have the chance to see whether courses there might fit them—might aid them in their job search or in their transition from one place to another. They would be able to get the study chances that many other people get—and not just in large capital cities. We talk about hope and opportunity. I think this kind of process at the local level puts hope and opportunity into practice. We should be able to achieve much more than promises: we should make sure that the reality meets the expectation and we should ensure that those people receive the kinds of education options they deserve.

Community Services: Domestic Violence

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (7.50 p.m.)—I would like to speak tonight on the topic of violence and abuse. My Democrat colleagues and I have spoken a number of times about domestic violence, violence towards children and sexual assault of children. I have also spoken a number of times about animal cruelty. Tonight I would like to outline the links between those topics. It is an important area that we need to recognise. There is a clear and growing recognition of the links between cruelty towards animals and cruelty towards humans—who are, of course, just another form of animal, in many respects. Recently, US psychologist Professor Frank Ascione visited Australia and gave a number of lectures around the country. I would certainly recommend that anybody who is interested in the topic of violence in the home and violence in the family—particularly on the preventative side, but also in identifying and dealing with it after the fact—should examine the work of people such as Professor Ascione.

If we are serious about trying to reduce the extent of violence in the home and violence towards children and identifying potential offenders in the early stages, we have to look at all the identifiers and all the indicators that might suggest problems are there or are developing. A clear link—and research has shown this more and more—is with cruelty towards animals. Some people may have an instinctive feeling that if people get their anger out towards an animal then perhaps they will have gotten it out of their system and they will be less likely to be violent or aggressive towards humans. The evidence does not show that; the evidence shows that there is a continuum. This is important in identifying areas where violence may be occurring, particularly domestic violence and violence towards children, and not being
detected. It is perhaps more important in the area of prevention—trying to identify problem behaviour early before it develops into something far more serious.

In its extreme case the links are certainly there when you look at the evidence. The vast majority of people involved in serious violent crime—in murder and particularly serial murder; serial killers as we call them—far more than the percentage of the general community, have also been involved in repeated acts of cruelty towards animals and in many cases from a young age. Their first signs of problem behaviour involved significant torture of and cruelty towards animals. If that can be identified and recognised as a serious problem at a younger age then perhaps we can intervene earlier and prevent far more serious acts of violence down the track. It is also important in terms of identifying violence that is occurring now.

This topic is also one. I am pleased to say, that organisations that deal with animals, such as the Veterinary Association—vets being in a profession that obviously at its core deals with animals—have raised. What do vets do if they are treating an animal that they suspect or believe has been injured deliberately by an owner, by a neighbour or by someone else? At the moment there is really no clear pathway for them to follow to report their suspicions or their concerns. We have moved towards mandatory reporting of suspicions of child abuse these days from teachers and others in some of the helping professions, but it is not there from vets. There are different views about whether there should be mandatory reporting by vets. I do not want to get into that. What I would say is that we need to establish from the start a clear procedure for vets to follow. Who do they report to? At the moment it is not clear. Many of them report reporting it to the police, for example, and having nothing happen. There is, firstly, no clear pathway for veterinarians to follow and, secondly, no clear process at the other end of how to deal with these complaints and not enough recognition that they are potentially serious.

If you look at some of the research that has been done in the US and is starting to be done in Australia—and I think it is an area where we should be looking at more research—many of the women who go to domestic violence shelters who have pets or animals in the home will report that their pet had also been mistreated by the perpetrator. That in itself clearly shows that, if you have a vet that suspects the animal has been injured deliberately and there are children in the home, they also could well be at risk.

Another issue that comes into play and has also been shown to be a relevant factor is that women will stay in an abusive relationship because they have animals they do not want to leave behind. Shelters, not surprisingly, have difficulty in taking pets and animals. The women—and often the children, if it is the child’s pet—do not want to leave that animal behind to face potential further cruelty. If the animal has already been abused and they are aware of that practice, they do not want to leave it behind, so they are more likely to stay in that unsafe situation. Anything that is identified as a barrier to somebody leaving an unsafe situation rather than getting to a place of safety is something that we need to identify and acknowledge. There have been attempts in various areas to provide opportunities for pets or animals to be put in kennels, catteries or other facilities like that free of charge or for a minimal fee for a temporary period for people in that situation. Again, those are the sorts of things that we need to recognise and identify in building these links that are clearly there.

Another area in this issue that I have spoken on a number of times is the need for a more consistent national approach to animal
welfare in terms of both enforcement of the laws as well as commonality of laws—again, as an indication of the seriousness of these sorts of behaviours. It is one of the reasons why I believe we need to get stronger treatment and stronger concern from the judiciary about instances of blatant and extreme animal cruelty. People in Queensland, in particular—and I think in other parts of the country also—would recall the widespread community outrage with the perverse cruelty and killing of a number of kittens by some armed forces personnel in Townsville in northern Queensland. That caused a huge outrage in the community and indeed caused at least two questions in this chamber by Senator Moore—a fellow Queensland senator—who spoke before me. When the initial sentence for those people was brought down there was widespread outrage from the community that it was insufficient. From memory I think it was then raised by the relevant minister and appealed on the grounds of the sentence being insufficient. It might be a bit ironic for a Democrat to be here calling for a tougher law and order approach and tougher sentences. I am not necessarily talking about that. What I am talking about is the need to recognise that these are serious offences—not necessarily that they need to have tougher sentences, but that they need to be treated as something that is not just trivial or a few blokes that got drunk and decided to tie a cat to the back of their ute and drag it around until it got killed.

It does not follow that A automatically leads to B but it is a clear indication of a much higher risk factor of inappropriate degrees of violence in other situations. We need to, firstly, recognise that the link is clearly there in research and, secondly, put in place processes to deal with identification of animal cruelty that appears to be deliberately inflicted, whether it is early intervention with children who might need assistance, counsel-

**Townsville City Council**

Senator BRANDIS (Queensland) (8.00 p.m.)—I rise this evening to return to a topic I have previously raised in this place—that is, the proper management of the Townsville City Council. I draw the Senate’s attention to recent media reports in the Townsville Bulletin regarding the employment by the Townsville City Council, which is a council dominated by members of the Australian Labor Party, of the Labor candidate for Herbert and former Labor member for the state seat of Thuringowa, Ms Anita Phillips. It was revealed on the weekend that Ms Phillips had been on the council’s payroll as a consultant researcher for the last four months, only coming off the payroll when questions were asked about the appropriateness of her employment. She was given a position at the council starting on 5 April this year, which was due to expire three months later. At the end of that three months, she was given an additional month’s extension, but none of that was publicly known until last week.

In the Townsville Bulletin on Saturday, 31 July, the two non-Labor Townsville councillors publicly raised questions about Ms Phillips’s employment. The two non-Labor councillors sought information about the nature of Ms Phillips’s employment by the council and the process by which Ms Phillips was hired. The two non-Labor councillors
wanted to be sure that Ms Phillips was not on the council’s payroll in a nonexistent job. The ratepayers of Townsville have been told that Ms Phillips’s position was to ‘provide project management advice and assistance to staff’. No further information has been forthcoming. The ratepayers were not told what public benefit they would get from Ms Phillips’s employment and what assistance she brought to the council that the current staff could not already provide. It is quite clear that Ms Phillips was the beneficiary of a nonexistent job, chewing up time on the council’s payroll before the federal election. Let there be no mistake: Ms Phillips’s employment was in a nonexistent position created entirely for her convenience and benefit.

It has been disclosed that Ms Phillips was the only person interviewed for this position. Despite the council receiving six other applications and despite at least one other applicant scoring only four points short of Ms Phillips’s 41 points in the short-listing process, Ms Phillips was still the only person interviewed. Armed with this information, it would seem that the council was determined to interview only one person for the position: Ms Anita Phillips.

When these questions were raised in the Townsville media, no Labor councillor was prepared to publicly support Ms Phillips. Instead of the Labor Mayor Tony Mooney or his eight Labor councillors defending the decision to employ Ms Phillips, the council’s human resources manager, Mr Alan Hollway, defended the decision to employ Ms Phillips. So who is Mr Alan Hollway? As the human resources manager at the council, Mr Hollway is responsible for the recruitment practices of the council and for ensuring proper human resources policies are implemented. You would expect Mr Hollway to ensure that a job is not created or a person is not given a job that cannot be justified.

But ratepayers of Townsville are entitled to be sceptical about Mr Hollway’s ability to keep his political opinions and allegiances out of the council’s recruitment processes. Astute readers of the Townsville Bulletin would recognise that Alan Hollway is quite clearly a very partisan council manager. We know this to be the case because of Mr Hollway’s letter to the Townsville Bulletin editor on 5 June this year, in which he viciously attacked the current member for Herbert, Mr Lindsay, and several other senior government ministers over a number of issues. Mr Hollway is, by his own admission in the local media, clearly a strong supporter of the Labor candidate and is Labor Party partisan.

So after the proper inquiries were made the following was clear: Ms Phillips was the only person to be interviewed for the position, all other applicants did not get a look in and the person overseeing the recruitment process at council is, by his own acknowledgment in the Townsville Bulletin, a Labor Party partisan and an opponent of the incumbent federal member, Mr Lindsay. I remind you, Mr Acting Deputy President, that Ms Phillips is the Labor candidate for Herbert. Here we quite clearly have a case of a manager hiring and firing at the council who obviously wants to help Ms Phillips in the lead-up to the federal election.

To make matters worse, I am advised by a couple of sources within the council that Ms Phillips’s employment contract was going to get an additional extension past 27 July, but that plan was knocked on the head when authorities higher up than Mr Hollway realised the inappropriateness and unjustifiable nature of the contract and when legitimate questions about her employment were raised by the two non-Labor councillors. This is nothing short of a rort. A job has been created for Ms Phillips. When it appeared that the federal election would not be as early as
senators in the Labor Party in Townsville thought, Ms Phillips’s contract was extended to help her through to the federal election.

The ratepayers of Townsville honestly cannot be expected to believe that Ms Phillips’s contract was a bona fide job when the work that she undertook cannot be identified or justified, when the contract was extended when it became apparent that there would not be an early federal election and when she was the only candidate out of six applicants to be interviewed in the recruitment process by an announced Labor Party partisan. It is quite clear that this is nothing but a job for a Labor mate. Townsville ratepayers’ money should not be used to create bogus positions as consultants or researchers by the Labor Party for their mates, let alone for their parliamentary candidates. The mayor and councillors owe it to the ratepayers to ensure that their rates have not been squandered to create a job for Ms Phillips during her electioneering. Placing Ms Phillips on a contract to give project management advice to the council staff is an insult to the staff’s professionalism. The ratepayers of Townsville deserve to know exactly what work Ms Phillips did for the people of Townsville while she was campaigning for federal parliament and why they should have to pick up the cost of her employment.

Health and Ageing: Aged Care

Senator WONG (South Australia) (8.07 p.m.)—I rise tonight to speak briefly on the important issue of aged care, a subject and policy area which, in recent times, has received insufficient attention from the members of this government and from the parliament. In South Australia currently, the union which covers many aged care workers, the Liquor, Hospitality and Miscellaneous Workers Union, is conducting a campaign to try to raise the profile of some of the important and problematic issues in the area of aged care. The campaign is entitled Shine the Light on Aged Care and it is one which involves not only workers from the aged care sector but also residents and their families as well as members of the wider community.

Over the weekend, workers in the aged care sector, members of the union, conducted a phone-in in which members of the public, workers in the sector, family members of residents and others could phone in and lodge their complaints or give their views about what was happening in the aged care sector. The results were quite alarming and confirmed what many of us already know: this government has presided over a deterioration in the quality of aged care services in this country. It is important to note that the complaints made in the phone-in were not only from workers in the industry but also from residents and their families. In fact, around 48 per cent of the complaints made in the phone-in were from residents and their families. A number of case studies were gathered together as a result of that phone-in.

For example, there were examples given of care staff members having halved in one facility over the last few years and extra wings being built without any increases in staff resources to attend to the extra beds with consequent decline in levels and standards of care to residents. There were complaints about the care work ‘production line’. Care workers were allocated insufficient time to provide care for a resident. One example given was 3½ minutes per resident to wake, shower and dress the resident for breakfast. There were cost-cutting measures reported, measures which clearly affect the quality of care. Some examples were one tablespoon of vitamised food for a resident’s dinner or an apple pie cut into 47 separate serves for residents, the use of large baby wipes instead of linen for hygiene and residents only being allowed weekly showers. There were also complaints made about the
eviction of residents from their facilities and their contracts being dishonoured.

These are only some of the alarming case studies which were gathered as a result of this phone-in. The story that is painted is what many of us suspect and what many people know. The sector is being starved of funds to employ well-trained workers and this has resulted in poor quality of care and a reduction in services to residents. It is a sad comment in this country that some of our lowest paid workers are those who give the care to our elderly and also those who give care to the nation’s children. Why is it that aged care and child-care workers are amongst the lowest paid in the country? These are the people who do such important work. These are also people who entirely missed out on any of the income tax cuts given by this government. There are many in the sector who work long hours for low pay in extremely difficult conditions. There are many unsung heroes.

I want to talk about just one of them. Her name is Joy Wyatt and she is a worker at Semaphore Residential Care Centre. She is a kitchen hand and she is also a union delegate. She spoke to a rally, which was part of the campaign, over the weekend and gave a very moving account from the heart and also from the coalface. She made this point:

When serving morning/afternoon teas I find myself struggling to balance my workload against residents’ requests and needs to such a point that I feel it is not only stressful but also unacceptable. Whenever you try to discuss these issues with management you hear the same excuse—lack of funding to increase hours. Everyone is so starved of time to do their job.

As Joy says:

So to improve the quality of care for our elderly people we need to keep working together. This is what Joy says and this is certainly what she and other workers in the industry have done. Not only have they conducted the phone-in, organised a rally, put posters up around the city and distributed information about aged care but they have also started a petition. There is a wonderful story about Joy, who is an avid Port Power supporter, not only taking the petition with her to the football over the weekend and getting it signed by members of the public at the game but also managing to get a whole range of signatures from Port Power officials and players as well. That is quite an achievement and I look forward to the Adelaide Crows similarly supporting this campaign on aged care.

I congratulate Joy Wyatt and her colleagues on the work that they are doing. As Joy says:

If we care for aged care, it’s time to treat our workers fair!

Adequate staffing levels and fair wages in aged care must be part of funding arrangements for aged care if we are to achieve decent services for residents and if we are to redress the unfair low wages paid to these workers. I congratulate Joy on her work and I congratulate the union on their campaign to Shine the Light on Aged Care. I hope this will be a campaign issue in the forthcoming federal election. It should be. It is an important issue: it is an issue that goes to the heart of what we are as a community and the dignity and respect that we afford those people who are elderly and unable to care for themselves. It is an issue on which we as a nation can do far better.

Senate adjourned at 8.14 p.m.

DOCUMENTS

Tabling

The following government documents were tabled:

Murray-Darling Basin Commission—Report for 2002-03.

Table

The following documents were tabled by the Clerk:

A New Tax System (Goods and Services Tax) Act—
GST-free Supply (Drugs and Medicinal Preparations) Determination 2004 (No. 2).
Aboriginal and Torres Strait Islander Heritage Protection Act—Regulations—Statutory Rules 2004 No. 176.
ACIS Administration Act—
Permission to apply for registration in the national interest, dated 27 July 2004.
Aged Care Act—
Accreditation Grant Amendment Principles 2004 (No. 1).
Classification Amendment Principles 2004 (No. 1).
Committee Amendment Principles 2004 (No. 1).
Determinations under section—
44-3—ACA Ch. 3 No. 7/2004.
44-6—ACA Ch. 3 No. 8/2004.
44-8A—ACA Ch. 3 No. 18/2004.
44-12—ACA Ch. 3 No. 9/2004.
44-13—ACA Ch. 3 No. 10/2004.
44-14—ACA Ch. 3 No. 11/2004.
44-16—ACA Ch. 3 No. 12/2004.
44-19—ACA Ch. 3 No. 13/2004.
44-28—ACA Ch. 3 No. 14/2004.
44-29—ACA Ch. 3 No. 15/2004.
48-1—ACA Ch. 3 No. 16/2004.
52-1—ACA Ch. 3 No. 17/2004, ACA Ch. 3 No. 19/2004 and ACA Ch. 3 No. 20/2004.
Residential Care Subsidy Amendment Principles 2004 (No. 1).
Residential Care Subsidy Amendment Principles 2004 (No. 2).
Residential Care Subsidy Amendment Principles 2004 (No. 3).
Residential Care Subsidy Amendment Principles 2004 (No. 4).
User Rights Amendment Principles 2004 (No. 1).
Air Services Act—Direction under section 18—Instrument No.—
MAVN09/04.
MTR03/04.
Australian Communications Authority Act—Telecommunications (Freephone and Local Rate Numbers Auctions—Registration Charge) Determination 2004 (No. 2).
Australian Prudential Regulation Authority Act—

Determination that information is non-confidential, dated 17 June 2004.

Non-Confidentiality Determination No. 2 of 2004.

Variation of two instruments fixing charges to be paid to APRA, dated 15 July 2004.


Australian Sports Drug Agency Act—Australian Sports Drug Agency Regulations—

Australian Sports Drug Agency Drug Testing (Scheme A) Amendment Orders 2004 (No. 1).

Australian Sports Drug Agency Drug Testing (Scheme B) Amendment Orders 2004 (No. 1).


Authorised Non-operating Holding Companies Supervisory Levy Imposition Act—Authorised Non-operating Holding Companies Supervisory Levy Imposition Determination 2004.

Broadcasting Services Act—Broadcasting Services (Events) Notice (No. 1) 2004 (Amendment No. 1 of 2004).


Civil Aviation Act—Regulations—

Airworthiness Directives—Part—


Class Ruling—

CR 2003/87 (Notice of Withdrawal).


Commonwealth Authorities and Companies Act—Notice under paragraphs 45(1)(b) and (f)—Disposal of shares and cessation of membership of Comland Ltd.


Currency Act—

Currency (Perth Mint) Determination 2004 (No. 2).

Currency (Royal Australian Mint) Determination 2004 (No. 5).

Currency (Royal Australian Mint) Determination 2004 (No. 6).

Customs Act—

CEO Instrument of Approval No. 2 of 2004.

Regulations—Statutory Rules 2004 Nos 141, 142 and 165.

Defence Act—

Determinations under section—


Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—

Certificates under regulation 5A, dated 22 June 2004 [2].

Statutory Rules 2004 No. 220.


Environment Protection and Biodiversity Conservation Act—Instruments amending list of—

Exempt native specimens under section 303DB, dated 7 May 2004.

Threatened species under section 178, dated 22 June 2004 [2].

Export Market Development Grants Act—


Farm Household Support Act—

Farm Help Advice and Training Scheme Amendment 2004 (No. 1).

Farm Help Re-establishment Grant Scheme Amendment 2004 (No. 1).


Financial Sector (Collection of Data) Act—

Financial Sector (Collection of Data) Determination No. 2 of 2004—Determination of reporting standards MRS 120.0, MRS 130.0, MRS 130.1, MRS 130.2, MRS 130.3, MRS 140.0, MRS 140.1, MRS 140.2, MRS 140.3, MRS 140.4, MRS 150.0, MRS 160.0, MRS 210.0, MRS 300.0, MRS 310.0, MRS 310.2 and MRS 310.3.

Financial Sector (Collection of Data) Determination No. 3 of 2004—Determination of reporting standards GRS 800.1, GRS 800.2 and GRS 800.3.

Financial Sector (Collection of Data) Determination No. 4 of 2004—Determination of reporting standards LOLRS 800.1, LOLRS 800.2 and LOLRS 800.3.

Financial Sector (Collection of Data) Determination No. 5 of 2004—Variation of reporting standards ARS 110.0, ARS 112.2, ARS 221.0 (2003), ARS 320.0 (2003), ARS 322.0, ARS 323.0 and ARS 396.0.

Financial Sector (Collection of Data) Determination No. 6 of 2004—Variation of reporting standard SRS 010.

Financial Sector (Collection of Data) Determination No. 7 of 2004—Variation of reporting standards SRS 100.0, SRS 110.0, SRS 110.1, SRS 110.2, SRS 120.0, SRS 200.0, SRS 210.0, SRS 210.1, SRS 210.2, SRS 220.0, SRS 230.0, SRS 240.0, SRS 250.0, SRS 260.0, SRS 300.0, SRS 310.0, SRS 310.1, SRS 310.2, SRS 320.0, SRS 330.0, SRS 340.0, SRS 350.0 and reporting requirement guides [3].

Fisheries Management Act—Australian Fisheries Management Authority Temporary Order No. 2 of 2004.

Goods and Services Tax Ruling—
  GSTR 2000/4 (Notice of Withdrawal) and GSTR 2000/26 (Addendum).
  GSTR 2004/5.
Great Barrier Reef Marine Park Act—
  Regulations—Statutory Rules 2004 No. 143.
Health Insurance Act—
  Health Insurance Regulations—
    Health Insurance (Requirements for Allied Health Professionals) Determination 2004.
Health Insurance Commission Act—
  Regulations—Statutory Rules 2004 No. 182.
Hearing Services Administration Act—
  Hearing Services Rules of Conduct Amendment Rules 2004 (No. 2).
Higher Education Funding Act—
  Determination under section—
Higher Education Support Act—
Income Tax Assessment Act 1936—
  Regulations—Statutory Rules 2004 No. 146.
Insurance Act—Insurance (Prudential Standards) Determination No. 1 of 2004—
  Variation of Prudential Standard (Guidance Note GGN 110.4).
International Transfer of Prisoners Act—
Maritime Transport Security Act—
Medical Indemnity Act—Regulations—
Medical Indemnity (Prudential Supervision and Product Standards) Act—
  Regulations—Statutory Rules 2004 Nos 150 and 205.
Migration Act—
  Notices under subsection—
    96(1)—Pool mark, dated 1 April [2]; and 17 June 2004.
    96(2)—Pass mark, dated 1 April [2]; and 17 June 2004.
  Regulations—Statutory Rules 2004 No. 191 and 223.
Statements for period 1 January to 30 June 2004 under sections—
  33 [2].
  48B [14]
  91L
  91L and 48B.
  345.
  351 [99].
  417 [234].
Military Rehabilitation and Compensation Act—
Military Rehabilitation and Compensation (Members) Determination 2004 (No. 1).
Military Rehabilitation and Compensation (Pay-related Allowances) Determination 2004 (No. 1).
Regulations—Statutory Rules 2004 No. 156.
Miscellaneous Taxation Ruling MT 93/1 (Notice of Withdrawal).
Motor Vehicle Standards Act—
Motor Vehicle Standards (Approval to Place Used Import Plates) Determination 2004 (No. 2).
Motor Vehicle Standards (Placement of Used Import Plates) Determination 2004 (No. 1).
National Health Act—
Passports Act—Regulations—Statutory Rules 2004 Nos 144 and 212.
Private Health Insurance (ACAC Review Levy) Act—Regulations—Statutory Rules 2004 No. 188.
Product Grant and Benefit Ruling PGBR 2004/1.
Product Ruling—
Quarantine Act—Quarantine Amendment Proclamation 2004 (No. 5).
Remuneration Tribunal Act—Determination—
2004/16: Remuneration and Allowances for Holders of Public Offices.
2004/17: Judicial and related offices—remuneration and allowances.
Retirement Savings Accounts Act—
Regulations—Statutory Rules 2004 Nos 147 and 197.

Safety, Rehabilitation and Compensation Act—
Superannuation Act 1990—
Declaration—Statutory Rules 2004 No. 232
Twenty-Second Amending Deed under section 5, dated 5 July 2004.
Superannuation Contributions Determinations SCD 2004/1-SCD 2004/5.
Superannuation Guarantee Determination SGD 2004/1.
Superannuation (Productivity Benefit) Act—
Determination—Statutory Rules 2004 No. 201.
Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensation No. 7/04 [5 dispensations].
Taxation Determinations—
LCTD 2004/1.
Notice of Withdrawal—
TD 24 and TD 43.

TD 92/149.
TD 93/238 and TD 93/239.
TD 94/78.

Taxation Rulings—
Old Series—IT 242 (Notice of Withdrawal) and IT 2363 (Notice of Partial Withdrawal).
TR 93/16 (Addendum).
TR 1999/6 (Addendum).
TR 2000/18 (Addendum).

Telecommunications Act—Telecommunications Numbering Plan Variation 2004 (No. 5).
Telecommunications (Carrier Licence Charges) Act—
Telecommunications (Consumer Protection and Service Standards) Act—Telecommunications Universal Service Obligation (Eligible Revenue) Amendment Determination 2004 (No. 1).

Therapeutic Goods Act—
Regulations—Statutory Rules 2004 No. 159.
Therapeutic Goods (Emergency) Exemption 2004 (No. 1).
Therapeutic Goods (Emergency) Exemption 2004 (No. 2).
Therapeutic Goods Order No. 69A.
Therapeutic Goods (Charges) Act—

**PROCLAMATIONS**

Proclamations by His Excellency the Governor-General were tabled, notifying that he had proclaimed the following provisions of Acts to come into operation on the dates specified:


*Tourism Australia Act 2004*—Sections 3 to 64—1 July 2004 (*Gazette* No. GN 26, 30 June 2004).
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Telstra: Funding
(Question No. 1619)

Senator Brown asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 10 July 2003:

(1) What has been the total Commonwealth funding given to Telstra since the Coalition came to government.

(2) Given that Telstra is 49 per cent privately-owned, does the Commonwealth funding given to Telstra provide a benefit to these private shareholders; if so, what is the rationale for funding the private half of the company.

Senator Kemp—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable senator’s question:

(1) The Australian Government has undertaken significant reform of the telecommunications sector since 1996, most notably the development of an open and competitive market, supported by a responsible regulatory safety net.

For those areas where the competitive environment has not adequately delivered improved infrastructure and services, the Government has been providing direct targeted funding support through grants programs, tenders and subsidies. Funding is being delivered via a number of mechanisms, including the Networking the Nation community grants program; the Social Bonus community grants programs and targeted funding initiatives; the Telecommunications Service Inquiry tenders and grants programs; and the Regional Telecommunications Inquiry initiatives.

More than $1 billion has been allocated to these and other communications initiatives aimed at improving telecommunications services in regional, rural and remote areas of Australia.

Telstra was successful in winning a number of the tenders noted above, including those for mobile phone services in towns with populations above 500 people, towns with populations below 500 people, and for selected regional highways. The resulting contracts amounted to $21.8m, $18.8m and $19.1m respectively. Telstra also won the tender to upgrade services in the most remote parts of the country (the “Extended Zones”). This contract amounted to $150m.

Data is also available on certain other mobile phone tenders that Telstra was successful in winning, including individual tenders through the Networking the Nation program and the Wireless West program. In total Telstra received subsidies under these programs of $48.6m.

However, given the structure of the funding arrangements for many of the initiatives it is not readily possible to state the total level of funding that Telstra has received. For example, under the Networking the Nation program and some of the Social Bonus initiatives, funds were allocated by the independent NTN Board to not-for-profit bodies who may have subsequently entered into a commercial partnership with Telstra (or another carrier) to complete the project. Data has not been captured on the funds that Telstra may have received from these processes.

(2) The objective for the provision of Government funding support is to help bridge the gaps between urban and non-urban Australia in terms of the range, availability and cost of telecommunications services.

In circumstances where Telstra received Government funding as the result of, for example, competitive tender processes, fee for service or matching funding arrangements, there would have been some benefits to all shareholders in the organisation. In this regard, it is also worth noting that a
number of fully privatised companies have been successful tenderers and the recipients of Government funding support for communications initiatives.

Communications Legislation Amendment Bill (No. 2) 2003
(Question No. 2421)

Senator Mackay asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 28 November 2003:

(1) When does the Government plan to reintroduce the Communications Legislation Amendment Bill (No 2) 2003 into the Senate.

(2) Given that Ms Catherine Smith of the Attorney General’s Department stated during the inquiry by the Environment, Communications, Information Technology and the Arts Legislation Committee into the Communications Legislation Amendment Bill (No. 2) 2003, that the intention of the bill was not to disconnect individuals’ phone services: will the Government consider the recommendation in the committee’s minority report that the provisions of the bill that potentially enable the Government to disconnect individuals’ telephone services be redrafted.

Senator Kemp—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable senator’s question:

(1) The Communications Legislation Amendment Bill (No 2) 2003 was passed by both Houses of Parliament on 1 April 2004 and came into force on 21 April 2004.

(2) When the Government reintroduced the Bill in the Senate on 1 April 2004, the Government proposed amendments to the Bill that addressed concerns raised by the Senate Committee. The Government’s amendments clarified that the Bill was intended to address potential security risks to the Australian telecommunications industry, and not the risks that may be posed by individual users of the telecommunications system.

Trade: Imported Motor Vehicles
(Question No. 2543)

Senator Cherry asked the Minister for Local Government, Territories and Roads, upon notice, on 12 February 2004:

(1) Given that the opening paragraph of the Australian Customs Service Anti-dumping Booklet defines dumping as ‘when an exporter sells a product to Australia at a lower price than the price charged in its home market’, does the department regard the purchase of Japanese used imported vehicles at public auction and/or from legitimate car dealers in competition with the Japanese public as falling within the definition of dumping.

(2) Does the department have any evidence that vehicles purchased by these means are sold to Australian importers at prices below those in the Japanese market.

(3) With reference to a speech by Senator Boswell in the Senate on 20 August 2002 in which he stated that used imported vehicles from Japan are dumped on the Australian market: does the department have any evidence to support the dumping allegation.

(4) Is there any evidence of successful complaints against and/or prosecutions of Australian importers or their Japanese suppliers in relation to dumping of used imported vehicles.

(5) With reference to Senator Boswell’s speech in which he also said that a motor vehicle in Japan is at the end of its life after 4 years: does the department have any evidence to support this claim.

(6) How many vehicles older than 4 years are registered for road use in Japan.

(7) What, if any, are the incentives for Japanese motorists to upgrade or update their cars after 3 years.

QUESTIONS ON NOTICE
(8) Are there any substantial differences in safety standards between Australia and Japan; if so, what are they.

(9) Is it correct that the numbers of low volume used imported vehicles have plateaued and that the trend is for only a gradual increase at the market rate over time; if not, what evidence is there for an alternative view.

(10) With reference to the projections of the Federated Chamber of Automotive Industries, from as early as 1996, indicating that 52 000 or more used imported vehicles would enter the country in 2001, which have never eventuated: did the department rely on this data to justify recent changes to the Low Volume Scheme; if not, what data supported the view that imports would significantly increase and threaten local original equipment manufacturers.

(11) What is the average age of used imported vehicles and what evidence is used to obtain this age.

(12) How does this average age affect or threaten sales of new vehicles.

(13) For each of the years 1999 to 2003, broken down as original manufactured, assembled or fully imported, how many new cars were sold in Australia.

(14) How many jobs have been lost in the Australian automotive manufacturing industry since 1994 as a direct result of the importation and sale of used imported vehicles.

(15) With reference to Senator Boswell’s speech, in which he further stated that small franchisees had been affected or would be affected by the importation of used motor vehicles: have any franchises closed down as a direct result of the sale of used imported motor vehicles.

(16) How many automotive franchises had compliance for low volume vehicles and were selling low volume imported Japanese or American vehicles.

(17) For each of the years: 1999 to 2003, what proportion of sales of used vehicles are made up by low volume imports.

(18) How does the Specialist and Enthusiast Vehicle Scheme (SEVS) regime operate in relation to the national competition policy.

(19) (a) What hardships do these new regulations cause for legitimate small businesses which have large mortgages and cannot continue under the new regime; and (b) is there any assistance for those affected; if so, what; if not, why not.

(20) (a) How many small businesses are affected; and (b) how many business closures: (i) are expected, or (ii) have already occurred.

(21) How many vehicles are manufactured in Australia annually.

(22) Is there any information concerning the number of jobs that will be affected by the changes to the used low volume vehicle import regulations; if so, can this information be provided for each state.

(23) Was it intended that the Registered Automotive Workshop Scheme (RAWS) would apply only to used Japanese vehicles and that American and European vehicles would not be affected.

(24) Has the department conducted any research on the impact of changes relating to the importation of second-hand motor vehicles into New Zealand; if so, what were the findings and are these findings relevant to Australia.

(25) (a) What is the current average age of the New Zealand vehicle fleet; and (b) what is the current average age of the Australian fleet.

(26) With reference to Senator Boswell’s speech, in which he stated that there was a choice in legislation between the franchisee and the used car importer, and between 48 000 jobs and 6 000: what evidence does the department have in relation to this claim that there were or would be job losses; if so, what is this evidence; if not, where did these figures come from.

(27) What effect did the introduction of the goods and services tax have on the sale of new cars.
(28) Under the present Low Volume Scheme (post 8 May 2002), can mainstream car importers now participate, increasing the range of vehicles available to the new vehicle buyer.

(29) What are the projections for the next 5 years, in percentage terms and raw numbers, for the importation of new vehicles under the Low Volume Scheme.

(30) (a) Is it correct that under the former scheme there were fewer than 200 3-year old, or younger, vehicles per year imported under the Low Volume Scheme; (b) how many vehicles under the new SEVS: (i) are expected to be imported that are 3 years old, or younger, per year, and (ii) have been imported since 8 May 2002; and (c) what are the projections for the next 5 years.

(31) What evidence is there to support the government’s position that the importation of low volume used vehicles would significantly affect original vehicle manufacturers.

(32) (a) What percentages of original manufactured vehicles in Australia were exported in 2002; and (b) what are the projections for the next 5 years, in percentage terms and raw numbers.

(33) With reference to Senator Boswell’s speech, in which he stated that ‘Then they registered mum and the kids and had multiple companies, and the cars just flooded in. They went around the system’: does the department have any evidence to support the statement that business owners are using their families to get around the system, or that cars are just ‘flooding in’.

(34) How many low volume import businesses are family owned and run.

(35) Has the department conducted any research on how many vehicles need to be sold to make the importation of these vehicles viable and for legitimate businesses to operate; if so, what were the conclusions of this research.

(36) Why has the quota of 25 vehicles per category been raised to 100 vehicles per category, allowing 4 times as many vehicles to be imported under the new regulations.

(37) Why was family association a criteria in RAWS approval when it is discriminatory and when it is clear the criteria should be based on ability, skill and or qualifications.

(38) What actions were taken by the Federal Office of Road Safety/Vehicle Safety Standards (VSS) to tighten the system in order to prevent or curtail some companies circumventing the rules.

(39) (a) What representations were made to the Parliamentary Secretary to the Minister for Transport and Regional Services or the department by the used import industry prior to the new regulation regarding practices within the industry that needed attention; (b) were any suggested methods of addressing these actions brought to the Parliamentary Secretary’s or the department’s attention during any of these representations; and (c) what actions, if any, were taken in regard to any representations or suggestions made?

(40) (a) Have there been any complaints concerning the handling of import approvals; and (b) have there been any instances where there were discrepancies between the requested import approval and the issued approval; if so, how many and for what reason.

(41) Are importers required to pay a further $50 for an Import Approval which is incorrect.

(42) (a) What quality assurance mechanisms are in place to ensure that import applications are dealt with in a timely and accurate manner; (b) is there an expected time frame for approvals of such applications; and (c) is there a complaints mechanism in place if approvals are not provided in a timely or accurate manner.

(43) What recourse does a participant have in RAWS when VSS fails to meet its service standards, particularly in relation to time requirements.

(44) Does the Department have any advice on the impact of sections 46 to 48 of the Trade Practices Act on SEVS and RAWS.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:
These questions relate to the arrangements for importing used vehicles into Australia. The issues relating to these arrangements were considered in detail as part of the passage of the Motor Vehicle Standards Amendment Bill 2001.

(1) This matter is for another portfolio.
(2) No.
(3) The question takes Senator Boswell’s comments out of context. The Department has no comment.
(4) This matter is for another portfolio.
(5) The Japanese government has a vehicle inspection regime to ensure vehicles are safe to use on Japanese roads.
(6) This information is not compiled within the Transport and Regional Services Portfolio.
(7) As vehicles become older in Japan they become more costly to register.
(8) Yes. There are differences in area including lighting, occupant protection and child restraint requirements.
(9) The trend reached a plateau during 2000, when access to the former low volume scheme was restricted. It is too early to determine a trend for imported used vehicles under the Registered Automotive Workshop Scheme (RAWS) now in place.
(10) No.
(11) The average age of vehicles plated in the calendar year 2003 was 9 years. This information is contained in records held by the Department.
(12) The Department does not have access to information to answer the question.
(13) The Department does not compile such information.
(14) The Department does not compile such information.
(15) The Department does not compile such information.
(16) The Department does not have access to information to answer the question.
(17) The Department does not have access to information to answer the question.
(18) The SEVS is a concessional arrangement allowing entry to the Australian market of non-standard vehicles which would otherwise be restricted. It therefore does not conflict with national competition policy.
(19) (a) The Minister is unable to comment on the circumstances of individual businesses.
      (b) No. A three-year transition period was provided before the new arrangements became mandatory.
(20) (a) and (b) The Department does not have access to information to answer the question.
(21) Approximately 360,000.
(22) No.
(23) No.
(24) No.
(25) (a) 11.7 years. (b) 10.1 years.
(26) The Department is unable to comment on what Senator Boswell may have meant in his speech.
(27) The Department does not collect such information.
(28) Yes.
(29) There are no projections.
(30) (a) No. (b) (i) See answer to question (29). (ii) Based on the build date, 64 (includes 4 motorcy-
cles). (c) See answer to question (29).

(31) This was the claim of the vehicle manufacturing industry. The industry presented its evidence dur-
ing the consideration of the Motor Vehicle Standards Amendment Bill 2001 by the Senate Rural
and Regional Affairs and Transport Legislation Committee.

(32) The Department does not collect such information.

(33) Yes.

(34) The Department does not collect such information.

(35) No.

(36) The increase was to benefit smaller businesses and to help improve the viability of firms previously
constrained by the 25 car limit.

(37) This is not a criterion.

(38) The system has been tightened through the introduction of RAWS.

(39) The Department does not have records of all the representations that may have been made to it or
to Ministers over the life of the former scheme.

(40) (a) Yes. (b) Yes. It would not be possible to extract the requested information without examining
each individual import application.

(41) No.

(42) (a) There are processes in place to manage the querying and answering of applications. There is
also a review mechanism in cases where applicants are dissatisfied with decisions. (b) Yes. (c) Yes.

(43) In accordance with the Department’s Service Charter and Australian Government processes, the
RAW can make a complaint to the Department or the Minister. The RAW can also ask the Office of
the Commonwealth Ombudsman to investigate.

(44) No.

Australian Broadcasting Corporation
(Question No. 2553)

Senator Mackay asked the Minister representing the Minister for Communications, In-
formation Technology and the Arts, upon notice, on 20 February 2004:

With reference to the Australian Broadcasting Corporation’s (ABC) answer to a question asked during
the Supplementary Estimates hearings of the Environment, Communications, Information Technology
and the Arts Legislation Committee (Question no. 180, Proof Transcript of Evidence p. 133, 3 Novem-
ber 2003), regarding Mr Red Symons appearing in advertisements and the ABC’s response that Mr Sy-
mons may appear in advertisements as he had established a profile before appearing on the ABC:

(1) Does the ABC concede that Mr Symons’ public profile would be diminishing substantially if he
were not the breakfast show presenter on Radio Station 3LO.

(2) Given that Mr Symons’ public profile has been enhanced through his role as an ABC Breakfast
Show presenter, will the ABC now reconsider the decision to allow Mr Symons to appear in com-
mercial advertisements or will the organisation continue to consider this to be an ‘exceptional cir-
cumstance’.

Senator Kemp—The Minister for Communications, Information Technology and the Arts
has provided the following answer to the honourable senator’s question:
The ABC has provided the following advice:
(1) The ABC is not in a position to concede or otherwise whether Mr Symons’ public profile would be diminishing substantially if he were not the Breakfast presenter on 774 ABC Melbourne.

(2) The ABC has an ongoing contractual arrangement with Mr Symons. The provisions of the ABC Editorial Policies 15.9 [see Attachment] have been met regarding Mr Symons’ engagement and while his pre-existing commercial obligations remain, both he and his production team continue to be fully cognisant of their responsibilities under the ABC Editorial Policies.

Attachment

EXTRACT FROM ABC EDITORIAL POLICIES

15.9 Endorsement by ABC presenters and announcers

15.9.1 Regular ABC presenters and announcers are not permitted to endorse, or be involved in the endorsement of, non-ABC commercial products and services, other than in exceptional circumstances. Where exceptional circumstances exist, prior written consent must be obtained from Director Television, Director Radio, Director New Media or Director News and Current Affairs. In addition, non-regular ABC presenters and announcers must obtain the prior written consent of those Directors before endorsing, or being involved in the endorsement of, any non-ABC commercial product or service.

15.9.2 In this regard, the following expressions will have the following meanings:

regular ABC presenters and announcers: shall mean persons who, on a routine basis, present ABC radio, television or online programs or appear in such programs whether as interviewers, reporters or similar and whether engaged by the ABC or by a separate production company or organisation. The expression shall include persons presenting or appearing in programs which have extended beyond one series.

endorse: shall mean ‘publicly advertise, promote, approve or support, whether for money or any other form of consideration or for no consideration’.

be involved in the endorsement of: shall include interviewing people in segments which endorse a commercial product or service.

15.9.3 In deciding whether or not consent will be given, Director Television, Director Radio, Director New Media or Director News and Current Affairs as the case may be, will take into account the following:

a. the objective of ABC policy and guidelines is to ensure that the integrity and independence of the ABC is preserved;

b. other than in exceptional circumstances, permission will not be given for regular ABC presenters or announcers to endorse (or be involved in any way in the endorsement of) non-ABC commercial products or services in the market place;

c. non-regular ABC News and Current Affairs presenters and announcers will normally be refused consent;

d. permission will be refused in relation to non-regular presenters and announcers not involved in News and Current Affairs programs in those circumstances where, in the opinion of Director Television, Director Radio, Director New Media or Director News and Current Affairs, the ABC’s integrity or independence may be adversely affected. This may occur where, for example, the non-ABC product or service sought to be endorsed is directly associated with the program in which the presenter or announcer appears;

e. all regular ABC presenters and announcers and all other groups such as non-regular news presenters and announcers should be treated equally. That is, their request for permission to endorse a non-ABC commercial product or service should be weighed against their roles and the interests of the ABC to maintain its integrity and independence, and not according to their status whether as ‘staff” or “contract’;
f. in addition to the restrictions relating to ‘on-air’ people, editorial staff who do not normally go to air, such as executive producers, producers and researchers, should not endorse any non-ABC commercial product or service if what is endorsed involves subject matter which may be covered in their programs;

g. if the public image of a regular or non-regular ABC presenter or announcer (not being a News or Current Affairs presenter or announcer) was established before coming to the ABC and a commitment was made prior to that date, such a commitment may continue consistent with (d) above;

h. personal and company contracts should include a standard clause which reflects ABC policy on this matter; and

i. written permission to undertake external work in the nature of in-house corporate videos must be obtained from Director Television, Director Radio, Director New Media or Director News and Current Affairs. They will only give permission if the proposal will not affect adversely the integrity or independence of the ABC.

**Telecommunications: Internet Services**

(Question No. 2563)

Senator Mackay asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 23 February 2004:

1. (a) What progress has the Government made in relation to its 2001 election policy to provide fast and reliable Internet services; and (b) has that policy been implemented; if so, can evidence and measurement of actual outcomes be provided.

2. (a) What progress has the Government made in relation to its 2001 election policy to extend mobile phone coverage; and (b) has that policy been implemented.

3. (a) What progress has the Government made in relation to its 2001 election policy to provide $88.2 million to extend mobile coverage in rural and regional areas; (b) has that policy been implemented; if so, has all the money for the program been spent; and (c) which communities now have improved mobile coverage as a result of this program.

4. How much Commonwealth money is to be spent on extending mobile phone coverage funding in the 2003-04 financial year.

5. How much Commonwealth money is to be spent on extending mobile phone coverage in each year of the forward estimates.

6. (a) What progress has the Government made in relation to its 2001 election policy to support the greater availability of broadband services; and (b) has that policy been implemented; if so, can details be provided.

7. (a) What is the current status of the Government’s 2001 election policy to refrain from selling Telstra until arrangements are in place to deliver adequate services to all Australians; and (b) given the Government has already unsuccessfully introduced legislation to sell Telstra, what are these new arrangements.

8. What progress has the Government made in relation to its 2001 election policy to address concerns about Internet dumping and premium rate services and can details be provided on what has actually occurred.

9. What progress has the Government made in relation to its 2001 election policy to extend electronic and banking services through Australia Post’s retail network; and (b) has that policy been implemented; if so, can details be provided.
QUESTIONS ON NOTICE

(10) (a) What progress has the Government made in relation to its 2001 election policy to extend the Australia Post community service obligation to provide concessional fixed rate delivery for health and educational material to and from remote Australia; and (b) has that policy been implemented; if so, can details be provided.

(11) (a) What progress has the Government made in relation to its 2001 election policy to introduce a postal services industry ombudsman; and (b) has that policy been implemented.

Senator Kemp—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable senator’s question:

(1) - (11)

The answer to the senator’s question was provided in answer to questions 157-162 and 165–169 placed on notice by Senator Mackay at the Additional Estimates Hearing in February 2004. The response to the Estimates questions on notice have been provided to the Senate Environment, Communications, Information Technology and the Arts Legislation Committee. A copy of the response can be found at http://www.aph.gov.au/senate/committee/ecita_ctte/quest_answers/addest0304/contents.htm.

Recent developments relevant to parts 2, 6 and 8 are also noted below.

In relation to part (2) concerning mobile coverage, expansion of the Satellite Phone Subsidy Scheme was announced on 4 March 2004.

In relation to part (6) concerning broadband access, the Higher Bandwidth Incentive Scheme (HiBIS) commenced on 8 April 2004 with the release of the HiBIS Guidelines.

In addition, on 20 April 2004, the Minister for Communications, Information Technology and the Arts announced seven successful CCIF applicants would receive $14 million for broadband infrastructure projects in regional areas. The first round of CCIF funded projects include:

- a fibre optic cable backbone running from the Charles Darwin University campus in Alice Springs in the Northern Territory, through the MacDonnell Ranges to a number of institutions including the Desert Knowledge Precinct;
- broadband infrastructure project for 12 communities in the remote Ngaanyatjarra Lands of Western Australia;
- microwave broadband backbone along the Yorke Peninsula, South Australia, with ‘tails’ to Maitland, Minlaton, Warooka and Yorketown; and
- a ‘last mile’ infrastructure project that will bring broadband to 16 towns in Far North Queensland.

In relation to part (8) concerning premium services, the Government has accepted the recommendation of the Australian Communications Authority (ACA) in relation to unexpected high bills and is replacing the proposed requirement for a cap on charges for premium rate services with a comprehensive credit management strategy. In April 2004, the Minister directed the ACA to make a determination requiring industry to proceed with the provision of information about the risks of unexpected high bills on premium rate services. The ACA was also directed to report to the Government within six months on industry action and commitment to develop a range of credit management measures and on the need for regulatory measures. The ACA was asked to consider the use of its statutory powers under Part 6 of the Telecommunications Act 1997, dealing with industry codes and standards, if progress by industry is not satisfactory.

The ACA was also directed to report on industry action to address Internet dumping and the appropriateness of specific regulatory measures to bar access to international numbers used for premium rate services.

On 13 May 2004 the Minister also directed the ACA to put in place controls to restrict access to adult content which is likely to be provided on new premium rate services.
Telstra: Late Payment Fee
(Question No. 2566)

Senator Mackay asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 23 February 2004:

1. (a) How does Telstra justify charging some customers an $11 late payment fee; and (b) given that Telstra is already collecting significantly increased line rental in advance from customers, is this not just a blatant profits grab.

2. Can Telstra present any evidence that the average cost of seeking payment of a late account is $11.

3. Does this late payment fee increase cover all of Telstra’s billable services, including mobile phone and Internet services.

4. Given that Telstra stated in a press release on 20 November 2003 that it costs $75 million each year to seek payment of unpaid accounts with reminder letters and other follow up steps: (a) how did Telstra arrive at this figure; and (b) how much revenue is Telstra deriving per annum from late fees.

5. Given Telstra’s statement of 20 November 2003 that raising the late fee threshold from $55 to $65 would mean that half of all Telstra bills would not be affected by late fees, on what basis was this claim made.

6. Is it correct that a great majority of Telstra’s post-paid fixed line bills are for more than $65, resulting in most of these customers receiving the increased $11 late payment fee if they pay their bills late.

Senator Kemp—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable senator’s question:

1. - 6

The answer the honourable senator’s question was provided in answer to question 116 placed on notice by Senator Mackay at the Additional Estimates Hearings on 16 and 17 February 2004. The response to the Estimates question on notice was provided to the Senate Environment, Communications, Information Technology and the Arts Legislation Committee on 4 May 2004. A copy of the response can be found at: http://www.aph.gov.au/senate/committee/ecita_ctte/quest_answers/index.htm.

Environment: Mount Lyell Mine
(Question No. 2580)

Senator O’Brien asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 24 February 2004:

1. Can the Minister confirm that the Federal Government has withdrawn its financial support for the proposal by the Australian Mining Industries (AMI) and the Tasmanian State Government to treat acid drainage into the King and Queen Rivers and Macquarie Harbour from the Mount Lyell copper mine.

2. Can details be provided of the due diligence investigation into this proposal undertaken by GHD Pty Ltd, and specifically: (a) what was the cost to the Commonwealth of this report; (b) how was GHD Pty Ltd selected to undertake this work; (c) when did work on the report commence and when was it completed; (d) when did the Minister receive the report; (e) who was consulted by GHD Pty Ltd during the preparation of the report and when were they consulted; and (f) what records exist of any meetings undertaken by GHD Pty Ltd as part of the consultation process for this report and can a copy of these records be provided; if not why not.

3. Can a copy be provided of the report produced by GHD Pty Ltd; if not why not.
Senator Ian Macdonald—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

(1) Yes, Senator Macdonald and I advised the Tasmanian Government in January that we would not proceed with this proposal. However, we sought alternative proposals for the investment of these funds in environmental works in Tasmania.

(2) (a) $40,000; (b) Select tender; (c) Work commenced in late August 2003 and the report was submitted in December 2003; (d) 16 December 2003; (e) Relevant technical personnel, including the Chairman of Australian Mining Investment (AMI), Mr W McCrae, were consulted. However, the Australian Government is not aware of whether these consultations occurred in meetings or by other means; (f) The Australian Government does not hold any records of meetings or other consultations between GHD and AMI.

(3) No. The AMI proposal contains commercially sensitive information that was provided in confidence to the Australian Government. The GHD report analyses the proposal and it would therefore be inappropriate to release it.

Motor Vehicles: Vehicle Classifications and Safety Standards
(Question No. 2595)

Senator Cherry asked the Minister for Local Government, Territories and Roads, upon notice, on 16 March 2004:

(1) With reference to the discussion paper on the importation of vehicles 15 years or more years old released by the Vehicle Safety Standards in January 2004: (a) what is the breakdown by classification of the vehicles listed in Table A; (b) is it correct that the classifications are LA, LB, LC, NA, NB, NC, MA, MB and MC; and (c) are there any other classifications.

(2) What specific types of vehicles are in each of the classifications.

(3) Given that in 1999 the Review of the Motor Vehicles Standards Act 1989 Review Task Force, which reported in August 1999, listed in Table 6-2 of its report that in 1998, 3474 vehicles 15 years or more old were import approved, but in the 2004 discussion paper released by the Vehicle Safety Standards, 3565 vehicles were listed as being import approved in that year: (a) what is the reason for the discrepancy; and (b) which figure is correct.

(4) What vehicles were approved in 1998, by specific vehicle type and classification.

(5) What is the basis for the inclusion of vehicles in the figures that make up Table A in the 2004 discussion paper.

(6) With reference to the statement in the ‘Background’ section of the 2004 discussion paper that ‘The intent of this arrangement when it was introduced was to provide for the importation of older vehicles on the basis that they were generally imported for restoration and club use’; and a very similar statement made on page 98 of the report of the Review of the Motor Vehicles Standards Act 1989 Review Task Force: from where is this statement derived.

(7) Was this statement restated and included in legislation as part of the Registered Automotive Workshop Scheme/Specialist and Enthusiast Vehicle Scheme changes made in 2001.

(8) By year and classification, for the past 10 years of the low volume scheme, how many vehicles were imported under the low volume scheme that were golf buggies, motorbikes, snow mobiles, trikes, trucks and other non-standard motor cars.

(9) By year and classification, for the past 10 years of the low volume scheme, how many vehicles were imported under the 15 year or more old scheme that were golf buggies, motorbikes, snow mobiles, trikes, trucks and other non-standard motor cars.
(10) In relation to the impact statement listed in the 2004 discussion paper, will there be an audit of the scheme and process by an independent body, that is, one which is not affiliated with either of the parties involved in or the department responsible for involved in the administration of the scheme; if not, how will the integrity of the outcomes and process of investigation reported in the impact statement be assured.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

(1) (a) See table below for all makes, models, and build years.

<table>
<thead>
<tr>
<th>Vehicle Type</th>
<th>Total 1998</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cars</td>
<td>2709</td>
</tr>
<tr>
<td>Heavy Vehicles</td>
<td>7</td>
</tr>
<tr>
<td>Motorbike</td>
<td>837</td>
</tr>
<tr>
<td>Other</td>
<td>11</td>
</tr>
<tr>
<td>Trailer under 4.5t</td>
<td>1</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>3565</strong></td>
</tr>
</tbody>
</table>

(b) No.

(c) Vehicles may be classified in a variety of ways. Import approval information is recorded according to the categories in the table shown in answer to question (1) (a).

(2) See (1) (a) response.

(3) The 2004 figures are the figures recorded in the Department’s electronic database containing vehicle import approval information. Differences can occur when applications are lodged but not completed that year. When they are completed they are added in to the year they were lodged. This may explain the difference.

(4) See table at (1) (a) above.

(5) These are vehicles for which import approvals were issued for each of the years shown in the table.

(6) The statement reflects the recollection of officials who were involved in the issue at the time and departmental records.

(7) No.

(8) and (9) Information at the level of detail requested would need to be extracted manually. The Minister is not prepared to commit resources to such an exercise. Some of the information may not be available.

(10) The Regulation Impact Statement will be scrutinised by the Office of Regulation Review.

Environment: Greenhouse Gas Abatement Program

(Question No. 2614)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 2 March 2004:

With reference to the Greenhouse Gas Abatement Program: As of the end of June 2003, how much of the expenditure on the program has been spent on: (a) funded projects; (b) administration; and (c) other government programmes.

Senator Ian Macdonald—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

(a) To the end of June 2003, there has been expenditure of $10.7m on Greenhouse Gas Abatement Program (GGAP) projects. To the end of April 2004, there has been expenditure of $22.0m on GGAP projects.

QUESTIONS ON NOTICE
(b) To the end of June 2003, there has been expenditure of $5.836m on salaries and administration for GGAP since 2000. To the end of April 2004, there has been expenditure of $7.3m on salaries and administration. This includes resources expended on project design and consultation with stakeholders in the initial years of the program.

(c) To the end of June 2003, there has been expenditure of $26.9m on the following other government programs: Domestic Greenhouse Policy Development, Greenhouse International Policy and Reporting and Greenhouse Sinks, National Carbon Accounting System, Cool Communities, and a Biofuels Market Barrier Study. To the end of April 2004, there has been expenditure of $52.8m on these programs and the 2003-04 Bridging Strategy to continue Safeguarding the Future programs for one year.

Environment: Greenhouse Gas Abatement Program
(Question No. 2616)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 2 March 2004:

With reference to the Greenhouse Gas Abatement Program:

(a) Has the Government considered using program funds to pay for the Commonwealth’s share of the $150 million joint Commonwealth/state commitment to reduce land clearing in Queensland; and (b) Has the Government considered using program funds for other government initiatives to reduce land clearing

Senator Ian Macdonald—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

(a) According to the Appropriation (Supplementary Measures) Act (No 2) 1999, the objective of the Greenhouse Gas Abatement Program (GGAP) is to reduce Australia’s net greenhouse gas emissions by supporting activities that are likely to result in substantial emission reductions or substantial sink enhancement. Emissions reductions can be achieved by measures to reduce rates of land clearing. The Government considered using GGAP funds in conjunction with funding from the Queensland Government to reduce land clearing in Queensland prior to the Queensland Government announcing that it would implement a land clearing proposal on a unilateral basis.

(b) No, the Government has not considered using GGAP funds for other government initiatives to reduce land clearing.

Environment: Greenhouse Gas Abatement Program
(Question No. 2617)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 2 March 2004:

With reference to the Greenhouse Gas Abatement Program: (a) As at 30 June 2003, what was the abatement value of the program, expressed as dollars per tonne of emissions abated; and (b) can details be provided of the activities that have been taken into account in determining the answer to (a).

Senator Ian Macdonald—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

(a) The average abatement value of the Greenhouse Gas Abatement Program (GGAP) as at 30 June 2003, based on projects approved through Rounds 1 and 2 of GGAP, is approximately $5.50 per tonne of CO2-e abated in 2008 to 2012. These estimates will be updated in the second half of 2004 when GGAP Round 3 is expected to be completed.

(b) The activities that have been taken into account in determining the answer to (a) involve waste coal mine gas capture and use to create energy; installing energy efficient turbines in a power station; replac-
ing old kilns in an alumina refinery with energy efficient stationary calciners; recovering hydrofluoro-
carbons; cogeneration; ethanol production and blending, storage and distribution infrastructure; farm
forestry; converting from oil to gas; efficient freight trains; and pre-drying lignite.

Environment: Greenhouse Gas Abatement Program
(Question No. 2618)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 2 March 2004:

With reference to the Greenhouse Gas Abatement Program: As at 30 June 2003, what tonnage of greenhouse gas emissions was abated as a result of the Program.

Senator Ian Macdonald—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

No estimate is available for the tonnage of abatement delivered by the Greenhouse Gas Abatement Programme (GGAP) as at 30 June 2003. Under the contractual arrangements for GGAP projects, project proponents are not required to provide abatement estimates for periods while projects are still being implemented. Once project implementation is complete, proponents are required to provide annual abatement estimates until the end of the Kyoto target period. This is in line with the objectives of the GGAP programme, which is intended to deliver large-scale abatement during the Kyoto target period of 2008-2012. Currently, no projects are complete.

The estimate for the GGAP project with Refrigerant Reclalm Australia is available due to the direct correlation between the volume of reclaimed refrigerants and abatement secured by the project. This project delivered 35,750 tonnes of CO2 equivalent abatement as at 30 June 2003.

Abatement estimates for GGAP that reflect projected outcomes from the 2004-05 Federal Budget (including the new measures) and projected estimates from ongoing GGAP projects (Rounds 1 and 2) and GGAP Round 3 are under preparation and will be released later this year.

Environment: Greenhouse Gas Abatement Program
(Question No. 2619)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 2 March 2004:

With reference to the Greenhouse Gas Abatement Program: Given that Australia’s Third National Communication to the United Nations Framework Convention on Climate Change states that the program will abate the equivalent of over 26 million tonnes of carbon dioxide in the first Kyoto commitment period, however the summary table at 4.1 states that the program will only lead to a reduction of 10.8 million tonnes by 2010: (a) What is the reason for the discrepancy; and (b) How much greenhouse gas abatement is now estimated for the program in: (i) the first commitment period, and (ii) the second commitment period.

Senator Ian Macdonald—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

(a) The projections estimate of 10.8 Mt for 2010 in Table 4.1 of the 2002 Third National Communication was the estimated annual figure for the Greenhouse Gas Abatement Program (GGAP) as a whole, including abatement anticipated from future funding rounds. The 26 Mt figure was the anticipated five year total for the period 2008-2012 for the announced GGAP Rounds 1 and 2 projects. Abatement from rounds 1 and 2 is a sub-set of total estimated abatement for the GGAP program as a whole.

(b) (i) The most recent official projections, undertaken for the 2003 national projections, estimated abatement for the GGAP program in 2010 to be 10.3 Mt, including abatement anticipated from future funding rounds.
Abatement estimates for the measures announced in the 2004-05 Federal Budget, including projected estimates from GGAP Rounds 1, 2 and 3, are under preparation and will be released later this year.

(b) (ii) There is no agreement internationally about whether there will be a second commitment period to the Kyoto Protocol, and if so, when it might start or how long it might last. Accordingly, no abatement figures are currently available for the second commitment period.

Environment: Oil Recycling

(Question No. 2622)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 2 March 2004:

With Reference to oil recycling:

(1) (a) What was the expenditure on the product stewardship arrangements for waste oil as at the end of the 2002-03 financial year; (b) what is the planned total expenditure for the program; and (c) can forward estimates be provided for all future program years.

(2) (a) As at the end of the 2002-03 financial year, how much waste oil had been recycled as a result of the product stewardship arrangements for waste oil; and (b) what proportion of the total amount of waste oil produced during that period does this represent.

Senator Ian Macdonald—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

(1) (a) There are two components to the expenditure on the product stewardship arrangements for waste oil; the transitional assistance funds, and the product stewardship benefits. Cumulative expenditure at the end of 2002-03 was $12.730 million, and $20.676 million, respectively.

(b) The planned total expenditure for the transitional assistance element of the program is $34.5 million. In respect to the benefit payments paid by the Australian Taxation Office, there is no total planned expenditure as the program is ongoing.

(c) The forward estimates for future years for the transitional assistance element of the program are: $6.9 million for 2004-05; $6.8 million for 2005-06; and $5.8 million for 2006-7. The forward estimates for the product stewardship benefits are; $15.9 million for 2004-05; $19 million for 2005-06; $21 million for 2006-07; and $24 million for 2007-08.

(2) (a) The total amount of waste oil recycled as a result of product stewardship arrangements at the end of the financial year 2002-03 was 446.7 million litres.

(b) Based on figures contained in a recent review by the Australian Academy of Technological Sciences and Engineering, to the end of financial year 2002-03, the proportion of total oil recycled under the scheme against total oil produced was 34%. The proportion of oil recycled against total oil that is potentially recoverable was 66%. Only 52% of total oil produced is potentially recoverable.

Environment: Photovoltaic Rebate Program

(Question No. 2623)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 2 March 2004:

With reference to the Photovoltaic Rebate Program:

(1) (a) For how many photovoltaic systems have rebates been provided through the program; and (b) can a breakdown be provided of the number of systems for which rebates have been provided in each year since the program’s inception, the number of systems per state, and the number of systems for each use, for example, household, community building, residential property developments.
(2) As at the 30 June 2003: (a) what tonnage of greenhouse gas emissions was abated as a result of the program; and (b) was the abatement value of the program, expressed as dollars per tonne of emissions abated.

**Senator Ian Macdonald**—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

(1) (a) As of 31 May 2004, the Photovoltaic Rebate Program has been responsible for the installation of 5,185 systems.

(b) The residential category in the following table includes both household and residential property developments.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>35 40 135 111 30</td>
<td>110 73 100 131 69</td>
<td>15 35 29 43 20</td>
<td>69 84 124 340 89</td>
<td>17 23 12 13 8</td>
<td>9 1 6 4 3</td>
<td>0 2 1 0 0</td>
<td>8 5 2 3 3</td>
</tr>
<tr>
<td>Community</td>
<td>480 357 225 192 77</td>
<td>319 194 130 115 52</td>
<td>340 302 188 30 0</td>
<td>75 11 9 15 7</td>
<td>37 22 1 2 0</td>
<td>80 48 25 32 8</td>
<td>2 5 1 0 0</td>
<td>1 1 0 0 0</td>
</tr>
</tbody>
</table>

**QUESTIONs ON NOTICE**
(2) (a) As of 30 June 2003, approximately 3,000 tonnes per annum of greenhouse gas emissions were abated as a result of the Photovoltaic Rebate Program.
(b) As of 30 June 2003, the annual abatement value of the program is $150 per tonne, based on the expected 20 year lifespan of each PV system.

Renewable Energy Development and Commercialisation Program
(Question No. 2624)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 2 March 2004:

With reference to the Renewable Energy Development and Commercialisation Program:
Does the Government still plan to spend $26 million on the program, as agreed with the Australian Democrats in 1999?

(a) if so:
(i) over how many years, including previous financial years, does the Government plan to spend the $26 million,
(ii) what is the actual value of the $26 million if expenditure is spread out over the number of years answered in (a)(i), and
(iii) can forward estimates be provided for all future program years; and

(b) if not:
(i) what is the planned total expenditure in relation to the program,
(ii) over how many years, including previous financial years, does the Government plan to spend the amount answered in (b)(i), and
(iii) can forward estimates be provided for all future program years.

Senator Ian Macdonald—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

Yes, the Government has continually demonstrated its commitment to the delivery of the full $26m for this Program. All funds under this program are fully committed under contract for payment to grantees against agreed milestones, together with related administrative costs.

(i) Over six years from 2000-01 to 2005-06.
(ii) Funding provided under the MBE legislation for the years 2000-01 to 2003-04 is fixed by the legislation in the price basis of respective years. Funding rephased to 2004-05 and beyond is expected to be price adjusted in relation to administrative funding, but remain fixed for grant funding.

<table>
<thead>
<tr>
<th>Actual</th>
<th>Actual</th>
<th>Actual</th>
<th>Forward Estimates</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget Before May 04</td>
<td>0.787</td>
<td>1.493</td>
<td>3.211</td>
<td>14.018</td>
</tr>
<tr>
<td>After May 04 Budget</td>
<td>0.787</td>
<td>1.493</td>
<td>3.211</td>
<td>9.074</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
Renewable Remote Power Generation Program
(Question No. 2625)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 2 March 2004:

With reference to the Renewable Remote Power Generation Program:

(1) Does the Government still plan to spend $264 million on the program, as agreed with the Australian Democrats in 1999:
   (a) if so:
       (i) over how many years, including previous financial years, does the Government plan to spend the $264 million,
       (ii) what is the actual value of the $264 million if expenditure is spread out over the number of years answered in (a)(i), and
       (iii) can forward estimates be provided for all future program years; and
   (b) if not:
       (i) what is the planned total expenditure in relation to the program,
       (ii) over how many years, including previous financial years, does the Government plan to spend the amount answered in (b)(i), and
       (iii) can forward estimates be provided for all future program years.

(2) Can details be provided of all grants awarded under the program, including:
   (a) the company and/or individual awarded;
   (b) the purpose of the grant;
   (c) the total amount of grant;
   (d) the amount of grant to be specifically spent on renewable energy technology as opposed to design, management, installation and other associated costs;
   (e) the estimated abatement value; and
   (f) which objectives of the program the project meets, for example, helping provide an effective electricity supply to remote users, assisting the development of the Australian renewable energy industry, helping meet the energy infrastructure needs of indigenous communities, and leading to long-term greenhouse gas reductions.

(3) As at the end of the 2002-03 financial year, what was the abatement value of the entire program, expressed in dollars per tonne of emissions abated.

(4) As at 30 June 2003, what was the greenhouse gas abatement value of the program.

(5) With reference to a submission to the Economics Legislation Committee inquiry into the Diesel Fuel Rebate Scheme Amendment Bill 2002 in which the Australian Greenhouse Office (AGO) stated that 'the extension of the Diesel Fuel Rebate to small retail/hospitality businesses could reduce the potential target market for the Commonwealth Renewable Remote Power Generation Program by up to 21 million litres or about 4% of total diesel fuel consumed, although accurate data on the diesel fuel used by these businesses is not available':
   (a) what does the AGO estimate has been the effect on the program of extending the rebate to small retail and/or hospitality businesses during the 2002-03 financial year; and
   (b) can an estimate be provided of the reduction of the target market, expressed in litres of diesel fuel.
Senator Ian Macdonald—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

(1) The Government remains committed to the provision of up to $264 million for the Renewable Remote Power Generation Program (RRPGP). The budget for the RRPGP is based on the actual amounts of relevant Diesel Fuel Excise (DFE) paid by off-grid, public power generators in the period 2000-01 to 2003-04. Thus the total budget will not be known with certainty until the relevant DFE for 2003-04 is certified in late 2004.

(a) (i) It is presently estimated that it will take about 10 years to fully expend the total RRPGP budget.

(ii) See answer to (1) above.

(iii) The May 2004 Budget published the following forward estimates.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>16.7</td>
<td>26.7</td>
<td>26.4</td>
<td>18.8</td>
<td>19.1</td>
<td></td>
</tr>
</tbody>
</table>

(2) (a) (b) (c) (e) See the attached table. It is not practicable to provide the details for the 2,441 applicants who have had rebates approved, under the generic sub-programs administered by the States. This information has been aggregated into totals by sub-program.

(d) For Major Projects, the details of the amount of the rebate provided for renewable generation equipment, as opposed to essential enabling equipment, is not available. In general, expenditure on renewable generation equipment must be at least 30% of the expenditure covered by the rebate.

(f) All projects are designed to meet each of the RRPGP objectives, except the objective of ‘helping to meet the energy infrastructure needs of indigenous communities’, which only applies where indigenous communities benefit from the project.

(3) As at 30 June 2003, the cost to the Australian Government of the estimated abatement from the approved projects was about $50 per tonne CO2 based on an expected 20 year lifespan of each renewable generation system.

(4) As at 30 June 2003, the estimated abatement of the approved projects was over 97,000 tonnes CO2 per year. This figure includes an estimated 67,500 tonnes CO2 per year for the proposed Derby Tidal project which has not proceeded.

(5) (a) This program is delivered through the States which have revised their estimates of renewable generation in this sector to a minimal amount over the life of the program.

(b) As stated in the Australian Greenhouse Office submission to the Economics Legislation Committee, it has been estimated that small retail/hospitality businesses consume at least 21 million litres of diesel per year for electricity generation in remote parts of Australia.
Renewable Remote Power Generation Program - Approved projects to end of December 2003

<table>
<thead>
<tr>
<th>Category</th>
<th>Title</th>
<th>Name of Applicant</th>
<th>Purpose of grant / rebate</th>
<th>Number approved</th>
<th>Value ($m)</th>
<th>diesel saved (Ml / yr)</th>
<th>GHG abatement (CO2 tonnes / year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>WA</td>
<td>Remote Area Power Supply</td>
<td>various</td>
<td>Install RE technology in remote area</td>
<td>260</td>
<td>8.576</td>
<td>1.335</td>
<td>3,605</td>
</tr>
<tr>
<td></td>
<td>Renewable Energy Water Pumping</td>
<td>various</td>
<td>Install RE technology in remote area</td>
<td>675</td>
<td>2.669</td>
<td>3.158</td>
<td>8,527</td>
</tr>
<tr>
<td></td>
<td>Esperance 3.6 MW wind</td>
<td>Western Power</td>
<td>Install RE technology in remote area</td>
<td>1</td>
<td>5.320</td>
<td>2.000</td>
<td>5,400</td>
</tr>
<tr>
<td></td>
<td>Rottnest 0.6 MW wind</td>
<td>Rottnest Island Authority</td>
<td>Install RE technology in remote area</td>
<td>1</td>
<td>1.000</td>
<td>0.400</td>
<td>1,080</td>
</tr>
<tr>
<td></td>
<td>Hopetoun 0.6 MW wind</td>
<td>Western Power</td>
<td>Install RE technology in remote area</td>
<td>1</td>
<td>1.340</td>
<td>0.400</td>
<td>1,080</td>
</tr>
<tr>
<td></td>
<td>RESLab (Renewable Energy Systems Test Centre)</td>
<td>Murdoch University</td>
<td>Remote area RE industry development</td>
<td>1</td>
<td>5.500</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td></td>
<td>Training in RE systems</td>
<td>ACRE</td>
<td>Remote area RE industry development</td>
<td>1</td>
<td>0.087</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td></td>
<td>Development of accreditation and standards seminar</td>
<td>SEIA</td>
<td>Remote area RE industry development</td>
<td>1</td>
<td>0.084</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>NT</td>
<td>Renewable Energy Rebate Program</td>
<td>various</td>
<td>Install RE technology in remote area</td>
<td>80</td>
<td>2.893</td>
<td>0.324</td>
<td>875</td>
</tr>
<tr>
<td></td>
<td>RERP water pumping</td>
<td>various</td>
<td>Install RE technology in remote area</td>
<td>55</td>
<td>0.353</td>
<td>0.085</td>
<td>230</td>
</tr>
<tr>
<td></td>
<td>Kings Canyon &amp; Bulman 0.28 MW PV</td>
<td>Power &amp; Water Corporation</td>
<td>Install RE technology in remote area</td>
<td>2</td>
<td>1.260</td>
<td>0.158</td>
<td>427</td>
</tr>
<tr>
<td></td>
<td>Solar Systems NT 0.72 MW concentrating PV</td>
<td>Solar Systems</td>
<td>Install RE technology in remote area</td>
<td>3</td>
<td>3.425</td>
<td>0.430</td>
<td>1,161</td>
</tr>
<tr>
<td>Category</td>
<td>Title</td>
<td>Name of Applicant</td>
<td>Purpose of grant / rebate</td>
<td>Number approved</td>
<td>Value ($m)</td>
<td>diesel saved (Ml / yr)</td>
<td>GHG abatement (CO₂ tonnes / year)</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------------------------------------------------------------------</td>
<td>-------------------</td>
<td>-------------------------------------------------------------</td>
<td>-----------------</td>
<td>------------</td>
<td>------------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>Industry Support</td>
<td>Industry support needs analysis &amp; framework design</td>
<td>NT Government</td>
<td>Remote area RE industry development</td>
<td>1</td>
<td>0.016</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td></td>
<td>RE standards training</td>
<td>SEIA</td>
<td>Remote area RE industry development</td>
<td>1</td>
<td>0.004</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Qld Sub-programs</td>
<td>Working Property Rebate Scheme</td>
<td>various</td>
<td>Install RE technology in remote area</td>
<td>11</td>
<td>1.224</td>
<td>0.142</td>
<td>383</td>
</tr>
<tr>
<td></td>
<td>Renewable Energy Diesel Replacement Scheme</td>
<td>various</td>
<td>Install RE technology in remote area</td>
<td>630</td>
<td>9.311</td>
<td>1.143</td>
<td>3,086</td>
</tr>
<tr>
<td></td>
<td>REDRS water pumping</td>
<td>various</td>
<td>Install RE technology in remote area</td>
<td>445</td>
<td>1.975</td>
<td>1.086</td>
<td>2,932</td>
</tr>
<tr>
<td>Industry Support</td>
<td>RE standards training</td>
<td>SEIA</td>
<td>Remote area RE industry development</td>
<td>1</td>
<td>0.013</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td></td>
<td>Database and website</td>
<td>SEIA</td>
<td>Remote area RE industry development</td>
<td>1</td>
<td>0.057</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td></td>
<td>Wind Mapping Assistance Program</td>
<td>various</td>
<td>Facilitate RE technology in remote area</td>
<td>4</td>
<td>0.080</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td></td>
<td>RE Feasibility Study Scheme</td>
<td>various</td>
<td>Facilitate RE technology in remote area</td>
<td>6</td>
<td>0.060</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>SA Sub-program</td>
<td>RRPGP in SA</td>
<td>various</td>
<td>Install RE technology in remote area</td>
<td>284</td>
<td>6.895</td>
<td>0.473</td>
<td>1,277</td>
</tr>
<tr>
<td>Industry Support</td>
<td>RE standards training</td>
<td>SEIA</td>
<td>Remote area RE industry development</td>
<td>1</td>
<td>0.002</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td></td>
<td>Electrical Inspectors training</td>
<td>GSES</td>
<td>Remote area RE industry development</td>
<td>1</td>
<td>0.007</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Category</td>
<td>Title</td>
<td>Name of Applicant</td>
<td>Purpose of grant / rebate</td>
<td>Number approved</td>
<td>Value (Sm)</td>
<td>diesel saved (MI/yr)</td>
<td>GHG abatement (CO2 tonnes/year)</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------------------</td>
<td>--------------------------------------------</td>
<td>-----------------------------------------------</td>
<td>-----------------</td>
<td>------------</td>
<td>----------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>Tas Major Project</td>
<td>King Island 1.7 MW wind</td>
<td>Hydro Tasmania</td>
<td>Install RE technology in remote area</td>
<td>1</td>
<td>1.910</td>
<td>1.065</td>
<td>2,876</td>
</tr>
<tr>
<td>Industry Support</td>
<td>RE Feasibility Studies</td>
<td>Tas Parks and Wildlife Service</td>
<td>Facilitate RE technology in remote area</td>
<td>1</td>
<td>0.015</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Industry Support</td>
<td>RE standards training</td>
<td>SEIA</td>
<td>Remote area RE industry development</td>
<td>1</td>
<td>0.002</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>NSW Sub-program</td>
<td>RRPGP in NSW</td>
<td>various</td>
<td>Install RE technology in remote area</td>
<td>1</td>
<td>0.218</td>
<td>0.012</td>
<td>32</td>
</tr>
<tr>
<td>Industry Support</td>
<td>RE standards training</td>
<td>SEIA</td>
<td>Remote area RE industry development</td>
<td>1</td>
<td>0.008</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Industry Support</td>
<td>Safety Booklet and Risk Assessment Proforma</td>
<td>GSES</td>
<td>Remote area RE industry development</td>
<td>1</td>
<td>0.010</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>AGO Departmental</td>
<td>Bushlight</td>
<td>ATSIC</td>
<td>RE support services to remote indigenous communities</td>
<td>1</td>
<td>8.000</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Antarctic Hydrogen Demonstration</td>
<td>Australian Antarctic Division</td>
<td>DoTaRS</td>
<td>Demonstrate RE essential enabling equipment</td>
<td>1</td>
<td>0.500</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Reef Feasibility Study for Cocos Island</td>
<td>DoTaRS</td>
<td>Facilitate RE technology in remote area</td>
<td>1</td>
<td>0.065</td>
<td>na</td>
<td>na</td>
<td></td>
</tr>
<tr>
<td>Reef Feasibility Study for Norfolk Island</td>
<td>Norfolk Island Government</td>
<td>Facilitate RE technology in remote area</td>
<td>1</td>
<td>0.122</td>
<td>na</td>
<td>na</td>
<td></td>
</tr>
</tbody>
</table>
Notes
Na not applicable - while some Industry Support projects will reduce GHG emissions, it is not feasible to estimate these with a meaningful level of accuracy.
1 GHG savings are estimates of tailpipe emission savings and do not include lifecycle emissions from producing diesel and transporting it to remote areas.
2 GHG savings are a minimum as some early applications under the generic sub-programs did not include an estimate of diesel savings.
3 Not all approved projects proceed and changes are possible between approval and installation.
4 Major Projects are defined as those seeking a rebate greater than $500,000.
**Australian Federal Police: E-Security National Agenda**  
(Question No. 2645)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 2 March 2004:

1. What changes have taken place in the Australian Federal Police (AFP) as a result of the Government’s ‘National e-security agenda’.
2. (a) How many full-time staff does the AFP employ to investigate and/or analyse threats to national e-security; and (b) at what Australian Public Service (APS) levels are they employed.
3. (a) How many part-time staff does the AFP employ to analyse and/or investigate threats to national e-security; and (b) at what APS levels are they employed.

Senator Ellison—The answer to the honourable senator’s question is as follows:

1. The Australian Federal Police (AFP) received $6.84m over four years commencing 2002-03 under the Government’s E-Security National Agenda Initiative. Within the AFP, E-Security is one small element of the broader High Tech Crime type, which incorporates crimes purely involving computer systems, such as denial of service attacks and hacking, and the use of technology to facilitate other crimes such as drug smuggling, terrorism and fraud. The funding received has been used to develop the AFP’s capacity to investigate these crimes through developing specific skills, including computer forensics and electronic evidence retrieval.

2. With the funding provided under the initiative, the AFP has appointed a Director to oversee the operations of the AHTCC. It has also funded four investigator positions, one intelligence position, four computer forensic staff and three specialists.

   The AFP operates under a flexible team’s model within a functional structure. Employees are directed to matters as they arise, in accordance with organisational priorities and operational requirements. It is therefore not useful to detail numbers of personnel dedicated to any particular crime type, as this will vary from time to time. It is not practical to compare AFP employment bands and salaries with APS levels, as AFP employment terms and conditions vary considerably to those which apply in the broader public service.

3. See the answer provided to (2).

**Veterans: Rent Assistance**  
(Question No. 2670)

Senator Mark Bishop asked the Minister representing the Minister for Veterans’ Affairs, upon notice, on 4 March 2004:

1. With reference to the Government’s package of additional benefits for veterans announced on 2 March 2004, why is rent assistance for war widows postponed until March 2005, as stated in the Minister’s press release.

2. Of the 45 000 veterans said to benefit from the exemption of disability pensions from the Centrelink means test, can a breakdown be provided showing: (a) Totally and Permanently Incapacitated (TPI), (b) Intermediate Rate, and (c) other veterans.

3. For those ex-service people in receipt of a Disability Support Pension from Centrelink who do not have any other income, what will be the net benefit from this measure for a single person.

4. Of the 19 000 persons estimated to benefit from the exemption of disability pension payments from the Centrelink means test, can a breakdown be provided showing: (a) age, (b) TPI, (c) Intermediate Rate, and (d) others.
QUESTIONS ON NOTICE


(6) Did the Minister and the Department of Family and Community Services refuse to amend the Act, resulting in the adoption of the DFISA alternative.

(7) What will be the cost of implementing the DFISA.

(8) What arrangements have been put in place between Centrelink and the department to exchange information on the rate of DFISA to be paid, and will there be a Memorandum of Understanding between Centrelink and the department on this matter.

(9) (a) Will calculations be based on the same payday; and (b) what delay, if any, will occur between supply of rates and actual payment.

(10) Given that only the above general rate of the special rate is to be indexed against the Consumer Price Index/Male Total Average Weekly Earnings, why was the whole special rate exempted from the Centrelink means test.

(11) Does the exemption of the entire special rate from the Centrelink means test effectively remove the traditional distinction between benefits paid to those with qualifying service and those without; if so, what is the justification for this change, and is this a calculated and deliberate removal of the distinction, at least in part.

(12) What is the average fortnightly increase to be paid to TPI recipients as the result of the indexation of the above general rate.

(13) (a) Does the Government intend to introduce legislation in relation to the measures in the 2 March 2004 announcement; if so, when; and (b) what are the likely commencement dates of payment for each benefit.

(14) How many dependant children of TPI veterans are there.

Senator Coonan—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

(1) The commencement date of the payment of rent assistance to war widows has been brought forward to 1 January 2005. This initiative will require a major data collection to verify up to date rent details for the approximately 11,500 war widows. The complexity of reprogramming and testing the rent assistance pension rules is compounded by the competing information technology priorities of implementing other major initiatives that also will provide significant benefits to the veteran community. These include general statutory increases, the implementation of the new Military Rehabilitation and Compensation Act 2004 changes and implementation of the Defence Force Income Support Allowance (DFISA) with effect from 20 September 2004.

(2) The question is confusing the two changes to the disability pension. There is no initiative to exempt disability pensions from the social security means test, see the answer to part (4) below. The specific initiative that refers to 45,000 veterans is the proposal to index amounts of disability pension in excess of the above general rate having regard to both movements in the Consumer Price Index and Male Total Average Weekly earnings.

As at 6 March 2004, approximately 43,970 persons were in receipt of above general rate disability pensions. These include approximately 28,423 special rate recipients including blind, totally and permanently incapacitated (T&PI) and totally and temporarily incapacitated (TTI) veterans; 981 intermediate rate veterans and 14,557 veterans on other levels of above general rate disability pension. Growth patterns indicate that this population will soon exceed 45,000.

(3) The actual rates of DFISA that will be payable as at 20 September 2004 are not currently available as they will be dependent on actual movements in the Consumer Price Index and Male Total Aver-
QUESTIONS ON NOTICE

Tuesday, 3 August 2004

...age Weekly Earnings. However, the net indicative benefits from DFISA based on the current rate for single disability support pensioners with no other income and not renting is as follows:

- $260.40 for special rate
- $164.88 for intermediate rate
- $127.38 for extreme disablement adjustment
- $68.92 for 100 per cent general rate
- $63.08 for 95 per cent general rate
- $57.23 for 90 per cent general rate
- $51.38 for 85 per cent general rate
- $45.54 for 80 per cent general rate
- $39.69 for 75 per cent general rate
- $33.84 for 70 per cent general rate
- $28.00 for 65 per cent general rate
- $22.15 for 60 per cent general rate
- $16.31 for 55 per cent general rate
- $10.46 for 50 per cent general rate
- $4.62 for 45 per cent general rate
- $0.00 for 0 to 40 per cent general rate

Single veterans who have a level of disability at 40 per cent or less, and who have no other income, already receive their full entitlement to disability support pension.

(4) Detailed age data is not available. Of the total population of social security payment recipients, including those who receive Age Pension, Disability Support Pension, Carer Allowance, Parenting Payment, Newstart Allowance and other payments, 950 have T&PI disability pension assessed, 75 have intermediate rate disability pension assessed and 18,940 have other rates of disability pension assessed. It should be noted that the numbers include both veterans and their partners.

(5) and (6) The DFISA is a supplement that will be available under the Veterans’ Entitlements Act 1986 (VEA) along with other veterans’ entitlements such as the disability pension, pharmaceutical allowance and treatment. As such, it is appropriate that it be delivered by the Department of Veterans’ Affairs (DVA) as are all veterans’ payments.

(7) It is estimated that the total cost of implementing DFISA will be $99.6 million over a five-year period. This is made up of $81.1 million of administered funds and $18.5 million dollars of departmental funds spread across the Department of Family and Community Services (FACS), Centrelink, and DVA.

(8) As part of the implementation process, DVA and Centrelink will negotiate a Memorandum of Understanding for the exchange of DFISA rate information.

(9) Payments of DFISA will be made on DVA’s paydays with other veterans’ entitlements payments. Entitlement will commence on 20 September 2004 and payment will reflect the daily entitlement from that time.

Centrelink and DVA’s paydays are not aligned. DVA pays all recipients fortnightly on a Thursday whereas Centrelink makes payments on each working day and paydays are specific to each recipient. There will be an interval between the Centrelink assessment of social security eligibility/payability, and payment of DFISA by DVA. It should be noted however that the Centrelink income support payments and DVA’s disability and DFISA payments will be calculated daily, effective from 20 September 2004.
(10) Income support payments may be made by DVA where the pensioner has qualifying service or by Centrelink where the pensioner does not have qualifying service. The Government has decided that benefit values for those without access to service pension will be placed on a common basis with those with eligibility for service pension under the VEA. This will be achieved by introducing a new payment known as the DFISA, which will supplement those income support payments which are affected by the inclusion of DVA disability pension in Centrelink assessments. It should also be noted that receipt of the DFISA will not be limited to veterans who are receiving a disability pension greater than the general rate.

The general rate disability pension is payable to people regardless of work capacity. The above general rate disability pension is paid to those more seriously disable, including those who can only work part time or not at all. It is therefore appropriate that only the above general rate disability pension is indexed by a wage index.

(11) Disability pension, including the special rate, has not been exempted under social security law. Distinctions between veterans with qualifying service (QS) and those without QS continue and, in particular, eligibility for service pension (which includes an earlier pension age for veterans), eligibility for the issue of a Gold Card at age 70 and specific service pension Gold Card treatment provisions for eligible veterans and the exclusion of disability pension from the service pension income test remain.

(12) There is only one amount that is the rate for T&PI pensioners, hence there is no ‘average’ increase. The special rate (including T&PI) will be increased from $762.60 to $778.20 per fortnight with respect to the first indexation date on 20 March 2004. This is an increase of $15.60 per fortnight on the September 2003 rate and $7.20 per fortnight higher than the special rate indexed by the Consumer Price Index alone.

(13) (a) and (b) Yes. The Veterans’ Entitlements (Clarke Review) Bill 2004 received Royal Assent on 30 June 2004. Several of the Government’s initiatives required amendment to the VEA. These are:

i. increase in funeral benefit which will apply in respect of those who died on or after 1 July 2004;

ii. extend operational service to minesweeping and bomb/mine clearance service after World War II that meets the qualifying service requirements which will commence with effect 1 April 2004.

iii. extend an ex-gratia payment of $25,000 to all surviving prisoners of war held captive during the Korean War, or their widows or widowers, who were alive on 1 July 2003;

iv. introduce the DFISA, to be paid by my department to eligible veterans receiving income support from Centrelink, which will commence on 20 September 2004;

v. with the payment of rent assistance an increase in income support payments for eligible war widows/widowers will commence in January 2005; and

vi. index the component above the general rate for special rate, intermediate rate and extreme disablement adjustment disability pensions having regard to movements in the Consumer Price Index and Male Total Average Weekly Earnings, which will commence after amending legislation is passed with effect from 20 March 2004.

(14) An exact number of dependant children of veterans who receive a special (T&PI) rate of disability pension is not known. T&PI veterans are not obliged to inform my department of this information and therefore any information recorded is not reliable.

**Australian Federal Police: Law Enforcement Powers**

(Question No. 2754)

**Senator Ludwig** asked the Minister for Justice and Customs, upon notice, on 26 March 2004:
What powers do Australian Federal Police have to enforce Commonwealth law within: (a) the 3 nautical miles of ocean immediately adjacent to Australian coastline; (b) Australia’s territorial sea; (c) the ‘contiguous zone’ of Australia’s exclusive economic zone; and (d) Australia’s exclusive economic zone.

Senator Ellison—The answer to the honourable senator’s question is as follows:

Many offences have extraterritorial application but the Australian Federal Police capacity to exercise powers to enforce those laws beyond the Australian coastline is dependent on the nature of the alleged activity, where that activity occurred and the jurisdictional reach of the particular legislation.

The Commonwealth Government participates in a national scheme which extends Australia’s criminal laws offshore. The Government’s legislative contribution to that scheme is the Crimes at Sea Act (Cth) 2000. The coastal States and the Northern Territory have complementary legislation. The national scheme does not use the terms territorial sea, contiguous zone or exclusive economic zone. Rather the scheme provides, in general terms, that State and Territory laws operate of their own force up to 12 nautical miles from shore. Thereafter, State and Territory laws are then applied as Commonwealth law from 12 to 200 nautical miles or to the continental shelf limit (whichever is further). Generally this means that Federal, State and Northern Territory law enforcement agencies, including the Australian Federal Police, have the power to enforce criminal law within the 200 nautical mile or continental shelf limit.

The national scheme also sets out the responsibilities of the Commonwealth and the States and Territories in the administration of criminal justice.

Aviation: Security
(Question No. 2770)

Senator O’Brien asked the Minister for Justice and Customs, upon notice, on 29 March 2004:

With reference to an article in the Herald Sun of 24 March 2004 which reports that security guards at Australian airports have been obstructed in their duties by private airport operators interfering with security operations and, in particular, an incident on 18 December 2004 in which a travel bag abandoned at Sydney Airport was found to contain traces of explosives:

(1) What investigations has the Government made in relation to these matters.

(2) (a) What meetings have occurred and what correspondence has there been between the Minister and Australian Protective Service personnel in Sydney and Melbourne in relation to security ‘incidents’ at Melbourne and Sydney airports;

(b) (i) who initiated the meetings, (ii) when were these held, and (iii) who attended;

(c) (i) who initiated the correspondence, (ii) when was it dated, and (iii) which parties corresponded;

(d) what were the outcomes of the meetings and correspondence; and

(e) can copies be provided of the records of the meetings and the correspondence between the Minister and the Australian Protective Service personnel; if not, why not.

(3) (a) What meetings have occurred and what correspondence has there been between the Minister and private airport operators from Melbourne and Sydney in relation to security incidents at Melbourne and Sydney airports;

(b) (i) who initiated the meetings, (ii) when were these held, and (iii) who attended;

(c) (i) who initiated the correspondence, (ii) when was it dated, and (iii) which parties corresponded;

(d) what were the outcomes of the meetings and correspondence; and
(e) can copies be provided of the records of the meetings and the correspondence between the Minister and private airport operators from Melbourne and Sydney airports.

Senator Ellison—The answer to the honourable senator’s questions is as follows:

(1) The Australian Protective Service (APS) is aware of the reports referred to in the newspaper. The article reflects a lack of understanding of how airport security operates, in particular, the Counter-Terrorism First Response (CTFR) role of the Australian Protective Service (APS).

A number of agencies have a role in assessing threats to unlawful interference to aviation. In the incident involving trace explosives located in a travel bag at Sydney Airport on 18 December 2003, the incident was managed utilising the full range of security services including the APS, Australian Federal Police (AFP), Department of Transport and Regional Services (DOTARS), and Sydney Airport Corporation Limited (SACL). The AFP secured the travel bag which was subsequently deemed not hazardous. No criminal activity was identified.

Concerning other “incidents” reported in the article:

(a) The stabbing incident at Melbourne Airport occurred in late 2001. The matter was appropriately handed over to the Victoria Police for investigation;

(b) The APS has no record of any alleged incident where a shootout was narrowly avoided during a mock terrorist exercise at Melbourne Airport;

(c) The claim that Adelaide Airport Management regularly monitors AFP communications is incorrect. However, the airport operator has access to APS communications at that location in order to direct the uniformed security force (APS) as provided under Section 3AF of the Air Navigation Act 1920;

(d) All formal allegations of harassment and assault on APS officers are referred to the AFP for investigation. No formal allegations of harassment or assault have been referred to the AFP.

The media report also claims the role of the APS at major airports is confused. This claim is incorrect. The APS has a CTFR role at these airports as mandated under Section 3AF of the Air Navigation Act 1920. This Section empowers airport operators to direct the uniformed security force (APS) to patrol the airport.

The APS has negotiated agreements and works closely with all airport operators.

(2) No such meetings have occurred.

(3) The AFP/APS is not aware of any such meetings having occurred.

Australian Customs Service

(Question No. 2776)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 29 March 2004:

(1) For each year since 1996, how many vessels has the Australian Customs Service (ACS) detected entering the Australian territorial sea without seeking appropriate authorisation from Australian authorities.

(2) For each year since 1996: (a) how many vessels that landed on Australian territory without seeking appropriate authorisation from Australian authorities has the ACS detected; and (b) in each case: (i) when was the vessel detected, (ii) where was the vessel when detected, and (iii) how did the ACS first became aware of the vessel’s presence on the mainland.

(3) Does the ACS maintain a record of all unauthorised foreign flagged vessels that have been detected in Australia’s territorial sea; if not, why not; if so, since 1996, have any unauthorised foreign flagged vessels been detected more than once.
(4) Can details be provided of all unauthorised foreign flagged vessels that have been detected more than once since 1996, showing: (a) the name of the vessel; (b) when and where it was detected; and (c) any action initiated by the ACS in relation to the vessels presence in the Australian territorial sea.

**Senator Ellison**—The answer to the honourable senator’s question is as follows:

(1) The 1982 United Nations Convention on the Law of the Sea (UNCLOS) provides that all ships have a right of innocent passage through territorial seas. In accordance with this Convention, there is no requirement for a foreign flagged vessel to seek authorisation from Australian authorities to enter the Australian territorial sea.

Under relevant legislation, including the Customs Act 1901, officers of the Australian Customs Service are able to exercise certain powers in relation to vessels and people suspected of unlawful activity within the Australian territorial sea.

These powers include the powers to detain, search and move a vessel or person.

The following table sets out the number of sightings of Foreign Fishing Vessels (FFVs) potentially fishing illegally in Australian waters, and the number of Suspect Illegal Entrant Vessels (SIEVs) detected in Australia’s territorial seas since 1998-99:

<table>
<thead>
<tr>
<th>Year</th>
<th>Foreign Fishing Vessels* potentially fishing illegally in Australian waters</th>
<th>Suspect Illegal Entrant Vessels detected in Australia’s territorial seas</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996-97</td>
<td>Not available</td>
<td>11</td>
</tr>
<tr>
<td>1997-98</td>
<td>Not available</td>
<td>18</td>
</tr>
<tr>
<td>1998-99</td>
<td>254</td>
<td>33</td>
</tr>
<tr>
<td>1999-00</td>
<td>185</td>
<td>71</td>
</tr>
<tr>
<td>2000-01</td>
<td>297</td>
<td>52</td>
</tr>
<tr>
<td>2001-02</td>
<td>474</td>
<td>23</td>
</tr>
<tr>
<td>2002-03</td>
<td>685</td>
<td>0</td>
</tr>
</tbody>
</table>

* Note: The great bulk of FFVs are similar in construction and carry no distinguishing markings. Defence and Coastwatch aircraft are unable therefore to identify individual FFVs, and data relating to sightings of FFVs will inevitably include some repeat sightings of the same vessel during successive sorties.

(2) Vessels are not required to seek authorization to land at a proclaimed port within Australian Territory. They are required to notify the Australian Customs Service of impending arrival 48 hours before coming into a proclaimed port, and then have 24 hours after arrival to report to Customs.

Under s.58 of the Customs Act 1901, vessels seeking to enter any place other than a proclaimed port or airport, for example because of weather or other reasonable cause, must first obtain Customs permission. Customs does not keep records of all vessels that have landed in other than a proclaimed port or airport, other than those that are alleged to have landed for the purpose of either people smuggling or attempting to import prohibited goods.

The following vessels have landed on Australian Territory since 2000, allegedly for the purposes of committing such offences. Data on vessels landing prior to 2000 are archived and extraction of records would involve significant resources.

<table>
<thead>
<tr>
<th>Date</th>
<th>Arrival Point</th>
<th>Circumstances</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/01/2000</td>
<td>Ashmore Islands</td>
<td>HMAS Wollongong sighted vessel aground on Ashmore Islands.</td>
</tr>
<tr>
<td>24/01/2000</td>
<td>247nm ENE of Sydney</td>
<td>Sighted by Coastwatch – drug operation</td>
</tr>
<tr>
<td>1/02/2000</td>
<td>Christmas Island</td>
<td>Vessel sighted as it was approaching the Christmas Island.</td>
</tr>
<tr>
<td>Date</td>
<td>Arrival Point</td>
<td>Circumstances</td>
</tr>
<tr>
<td>------------</td>
<td>---------------</td>
<td>-------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>16/02/2000</td>
<td>Christmas Island</td>
<td>Vessel sighted approaching Christmas Island.</td>
</tr>
<tr>
<td>6/03/2000</td>
<td>Ashmore Islands</td>
<td>Coastwatch sighted vessel in the process of unloading SUNCs by raft.</td>
</tr>
<tr>
<td>18/03/2000</td>
<td>Ashmore Islands (vessel not sighted)</td>
<td>Coastwatch sighted group of SUNCs on West Island of Ashmore Islands.</td>
</tr>
<tr>
<td>28/03/2000</td>
<td>Ashmore Islands</td>
<td>Coastwatch sighted vessel in lagoon of West Island of Ashmore Islands.</td>
</tr>
<tr>
<td>24/04/2000</td>
<td>Ashmore Islands</td>
<td>Coastwatch sighted vessel on West Island of Ashmore Islands.</td>
</tr>
<tr>
<td>9/05/2000</td>
<td>Ashmore Islands</td>
<td>Coastwatch sighted vessel at Ashmore Islands. Also reported by HMAS Bendigo.</td>
</tr>
<tr>
<td>16/05/2000</td>
<td>Ashmore Islands</td>
<td>Vessel sighted by ACV Botany Bay approaching Ashmore Islands.</td>
</tr>
<tr>
<td>1/06/2000</td>
<td>Ashmore Islands</td>
<td>Vessel sighted by ACV Wauri approaching lagoon at Ashmore Islands.</td>
</tr>
<tr>
<td>27/06/2000</td>
<td>Christmas Island</td>
<td>Vessel sighted at Christmas Island</td>
</tr>
<tr>
<td>10/07/2000</td>
<td>Ashmore Islands</td>
<td>Vessel sighted by ACV Wauri as it approached Ashmore Islands.</td>
</tr>
<tr>
<td>23/09/2000</td>
<td>Ashmore Islands</td>
<td>Vessel sighted on East Island by ACV Wauri tender</td>
</tr>
<tr>
<td>11/10/2000</td>
<td>Ashmore Islands</td>
<td>ACV Wauri crew sighted SUNCs on West Island of Ashmore</td>
</tr>
<tr>
<td>15/10/2000</td>
<td>Ashmore Islands</td>
<td>Vessel sighted by ACV Wauri entering Ashmore Islands lagoon.</td>
</tr>
<tr>
<td>17/12/2000</td>
<td>Ashmore Islands</td>
<td>Vessel sighted by Coastwatch 15/12/2000; monitored by Coastwatch and ACV radar until arrival at Ashmore Islands.</td>
</tr>
<tr>
<td>16/12/2000</td>
<td>Boigu Island (Torres Strait)</td>
<td>Boigu Island Community Police advised Queensland Police of vessel arrival.</td>
</tr>
<tr>
<td>18/12/2000</td>
<td>Ashmore Islands</td>
<td>Coastwatch sighted vessel aground on sandbar east of East Island at Ashmore Islands.</td>
</tr>
<tr>
<td>6/01/2001</td>
<td>Christmas Island</td>
<td>Vessel sighted at Christmas Island</td>
</tr>
<tr>
<td>8/03/2001</td>
<td>Ashmore Islands</td>
<td>Vessel sighted in the lagoon at Ashmore Islands by ACV Arnhem Bay.</td>
</tr>
<tr>
<td>24/03/2001</td>
<td>Ashmore Islands</td>
<td>Vessel sighted by ACV Wauri and HMAS Bunbury in the lagoon at Ashmore Islands.</td>
</tr>
<tr>
<td>25/03/2001</td>
<td>Christmas Island</td>
<td>Vessel sighted at Christmas Island</td>
</tr>
<tr>
<td>28/03/2001</td>
<td>Kerr Islet</td>
<td>Coastwatch aircraft sighted vessel aground at Kerr Islet in the Torres Strait.</td>
</tr>
<tr>
<td>18/04/2001</td>
<td>Landed Exmouth (not sighted)</td>
<td>Western Australian Police at Exmouth advised apprehension of Suspect Unlawful Non-citizens.</td>
</tr>
<tr>
<td>23/04/2001</td>
<td>Christmas Island</td>
<td>Vessel sighted at Christmas Island</td>
</tr>
<tr>
<td>27/04/2001</td>
<td>Vessel tracked from air and intercepted 3/5/2001 at Moreton Island near Brisbane</td>
<td>Drug operation</td>
</tr>
<tr>
<td>3/05/2001</td>
<td>Ashmore Islands</td>
<td>Vessel sighted by Coastwatch aground in vicinity of East Islet</td>
</tr>
<tr>
<td>9/05/2001</td>
<td>Christmas Island</td>
<td>Vessel sighted in Christmas Island harbour.</td>
</tr>
<tr>
<td>Date</td>
<td>Arrival Point</td>
<td>Circumstances</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>20/05/2001</td>
<td>Ashmore Islands (vessel not sighted)</td>
<td>Lone person sighted by ACV Wauri on West Island</td>
</tr>
<tr>
<td>4/06/2001</td>
<td>Bathurst Island</td>
<td>Vessel reported by local resident</td>
</tr>
<tr>
<td>7/07/2001</td>
<td>Gold Coast</td>
<td>Drug operation</td>
</tr>
<tr>
<td>25/07/2001</td>
<td>338 nautical miles off Point Bluff</td>
<td>Sighted by Coastwatch – drug operation</td>
</tr>
<tr>
<td>4/08/2001</td>
<td>Christmas Island</td>
<td>Vessel sighted at Christmas Island</td>
</tr>
<tr>
<td>13/08/2001</td>
<td>Ashmore Islands</td>
<td>Vessel sighted at the entrance to Ashmore Islands lagoon by ACV Arnhem Bay</td>
</tr>
<tr>
<td>16/08/2001</td>
<td>Christmas Island</td>
<td>Vessel sighted at Christmas Island</td>
</tr>
<tr>
<td>22/08/2001</td>
<td>Christmas Island</td>
<td>Vessel sighted at Christmas Island</td>
</tr>
<tr>
<td>10/09/2001</td>
<td>Ashmore Islands</td>
<td>Vessel sighted by ACV Arnhem Bay on Ashmore Islands.</td>
</tr>
<tr>
<td>15/09/2001</td>
<td>Cocos Island</td>
<td>Vessel sighted at Cocos Island.</td>
</tr>
<tr>
<td>9/12/2001</td>
<td>Cocos Island</td>
<td>Vessel sighted at Cocos Island.</td>
</tr>
<tr>
<td>28/05/2002</td>
<td>Ashmore Islands (vessel not sighted)</td>
<td>Campfire sighted on Ashmore Islands by ACV Arnhem Bay</td>
</tr>
<tr>
<td>9/04/2003</td>
<td>Dinghy landed at Boggaly Creek 14km west of Lorne Victoria</td>
<td>Sighted by Coastwatch – drug operation</td>
</tr>
<tr>
<td>1/07/2003</td>
<td>Port Hedland</td>
<td>Vessel reported by Port Authorities</td>
</tr>
<tr>
<td>4/11/2003</td>
<td>Melville Island</td>
<td>Vessel reported by Melville Islanders</td>
</tr>
<tr>
<td>4/03/2004</td>
<td>Ashmore Islands (vessel not sighted)</td>
<td>Vessel sighted by ACV Dame Roma Mitchell</td>
</tr>
</tbody>
</table>

(3) See my response to (1) above. There is no requirement for foreign flagged vessels in Australian territorial waters to be authorized. Records are kept of vessels intercepted committing an offence against relevant Border Protection legislation.

(4) See my response to (1) above. As there is no requirement for vessels to be authorized, records of this nature are not maintained.

**Environment: Salinity and Water Quality**

**(Question No. 2797)**

**Senator Bartlett** asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 30 March 2004:

Since November 2001 how much has the Government spent on addressing salinity, water quality and biodiversity issues in the 21 priority regions identified under the National Action Plan for Salinity and Water Quality.

**Senator Ian Macdonald**—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

The objectives of the National Action Plan for Salinity and Water Quality (‘the NAP’) are to prevent, stabilise and reverse trends in salinity and to improve water quality. Total Australian Government NAP expenditure in the 21 NAP priority regions since November 2001 has been $136.4 million as detailed in Table 1.

This funding has been matched by State and Territory governments. As required under the NAP, the expenditure has been principally for salinity and water quality improvements but in many cases has biodiversity benefits.

QUESTIONS ON NOTICE
Table 1: Sum of Investment from NAP in Salinity, Biodiversity and Water Quality Outcomes.

<table>
<thead>
<tr>
<th></th>
<th>Nov01/June02 $m</th>
<th>2002/03 $m</th>
<th>2003/04* $m</th>
<th>Total $m</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAP</td>
<td>16.4</td>
<td>55.4</td>
<td>64.6</td>
<td>136.4</td>
</tr>
</tbody>
</table>

* July 2003 to mid-June 2004

Genetically Modified Organisms
(Question No. 2818)

Senator Brown asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 2 April 2004:

(a) Has the European Union moved to ban the use of antibiotic resistance marker genes in genetically modified organisms; and (b) will the Australian Government also ban this practice.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(a) The Minister is not in a position to comment on specific European Union policy and suggests that the best place to obtain such information is with the European Commission’s Delegation to Australia. Ph. (02) 6271 2777.

(b) There is no scientific justification for a blanket ban on the use of antibiotic resistance marker genes in genetically modified organisms. The Gene Technology Regulator considers each application for dealings with genetically modified organisms on a case-by-case basis. The Gene Technology Regulator will not issue a licence for dealings with a genetically modified organism unless she is satisfied that any risks can be managed in such a way as to protect the health and safety of people and the environment.

Fisheries: Illegal Fishing
(Question No. 2824)

Senator Greig asked the Minister for Fisheries, Forestry and Conservation, upon notice, on 6 April 2004:

(1) For each of the financial years 2000-01, 2001-02 and 2002-03, how much did the Commonwealth spend on tracking catch from foreign vessels that were believed to have been operating illegally in Australian or Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) waters.

(2) For the 2003-04 financial year to date, how much has the Commonwealth spent on tracking catch from foreign vessels that were believed to have been operating illegally in Australian or CCAMLR waters.

Senator Ian Macdonald—The answer to the honourable senator’s question is as follows:

(1) I am unable to provide an answer to your question because the tracking of catch from foreign vessels believed to have been operating illegally in Australian or CCAMLR waters involves several departments and agencies including the Department of Agriculture, Fisheries and Forestry, the Department of Foreign Affairs and Trade, the Australian Antarctic Division and the Australian Fisheries Management Authority. Catch tracking also involves Australia’s Embassies and High Commissions overseas which make representations from Australia to foreign Governments.

Environment: Natural Heritage Trust
(Question No. 2854)

Senator Allison asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 19 April 2004:
(1) For each of the financial years 1996-97, 1997-98, 1998-99, 1999-2000, 2000-01, 2001-02 and 2002-03, how much was spent on advertising and marketing under the Natural Heritage Trust (NHT).

(2) For the 2003-04 financial year to date, how much has been spent on advertising and marketing under the NHT.

(3) (a) For each of the financial years 1996-97, 1997-98, 1998-99, 1999-2000, 2000-01, 2001-02 and 2002-03, how much did the Commonwealth spend on advertising and marketing in relation to the NHT; (b) for the 2003-04 financial year to date, how much has the Commonwealth spent on advertising and marketing in relation to the NHT; and (c) for the 2004-05 financial year, how much has the Commonwealth budgeted for advertising and marketing under the NHT.

(4) How much of each State and Territory’s matching investments in the NHT in the financial years 2002-03 and 2003-04 has been for advertising and marketing purposes (including advertising and marketing components included in in-kind contributions).

Senator Ian Macdonald—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

(1) The advertising and marketing component of the Natural Heritage Trust (‘the Trust’) commenced in 1998. The States and Territories have not contributed financially towards the Trust’s advertising and marketing costs. The Australian Government has spent the following on advertising and marketing costs for the Trust:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996-97</td>
<td>Nil</td>
</tr>
<tr>
<td>1997-98</td>
<td>Nil</td>
</tr>
<tr>
<td>1998-99</td>
<td>$1,740,000</td>
</tr>
<tr>
<td>1999-2000</td>
<td>$2,635,000</td>
</tr>
<tr>
<td>2000-01</td>
<td>$3,494,891</td>
</tr>
<tr>
<td>2001-02</td>
<td>$2,663,386</td>
</tr>
<tr>
<td>2002-03</td>
<td>$527,217</td>
</tr>
</tbody>
</table>

(2) As of 4 May 2004, the Australian Government had spent $168,835 in the 2003-04 financial year on advertising and marketing costs for the Trust.

(3) (a) Please see the response to Part 1 of this question.

(b) Please see the response to Part 2 of this question.

(c) As of 4 May 2004, the advertising and marketing budget for the Trust for 2004-05 had not been approved.

(4) The States and Territories have not nominated advertising and marketing activities as part of their matching arrangements under the Trust.

Environment: Natural Heritage Trust

(Question No. 2855)

Senator Allison asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 19 April 2004:

(1) For each of the financial years 2004-05, 2005-06, and 2006-07, how much has the Commonwealth committed to provide for regional investments in New South Wales under the Natural Heritage Trust (NHT).

(2) For each of the financial years 2004-05, 2005-06, and 2006-07, how much has the Commonwealth committed to provide for State-wide and within-state investments in New South Wales under the NHT.
QUESTIONS ON NOTICE

(3) Under the NHT, for each of the financial years 2002-03 and 2003-04;
   (a) How much has the Commonwealth spent on regional investments in New South Wales;
   (b) How much has the Commonwealth spent on State-wide and within-state investments in New South Wales;
   (c) How much has the New South Wales Government provided in matching regional investments;
   (d) What is the value of the in-kind contributions provided by the New South Wales Government for regional investments;
   (e) How much has the New South Wales Government provided in matching State-wide and within-state investments; and
   (f) What is the value of the in-kind contributions provided by the New South Wales Government for State-wide and within-state investments.

(4) Can details be provided of all in-kind contributions provided by the New South Wales Government in the financial years 2002-03 and 2003-04 that were costed using a salary multiplier (including the nature of the contribution, estimated value of the contribution and the salary multiplier that was used).

(5) Can details be provided of all matching investments provided by the New South Wales Government under the NHT in the financial years 2002-03 and 2003-04 that related to projects that had either commenced prior to the relevant NHT investment period (i.e. the period in which investment is taken to be an investment under the NHT) or in relation to which the New South Wales Government had announced funding prior to the relevant investment period.

Senator Ian Macdonald—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

(1) The Australian Government has committed to provide funding for regional investments in New South Wales (NSW) under the Natural Heritage Trust (‘the Trust’) of:
   - $32.630m in 2004-05
   - $32.840m in 2005-06
   - $30.210m in 2006-07

(2) Funding commitments for State-wide investments in NSW under the Trust for 2004-05, 2005-06, and 2006-07 have not been announced.

(3) (a) The Bilateral Agreement between the Australian Government and the State of New South Wales to deliver the extension of the Trust was executed on 14 August 2003. Therefore, the Australian Government did not make any investments in NSW in 2002-03 in regional delivery under the Trust extension. As of 30 April 2004 the Australian Government has spent $21.382 million on regional investments.
   (b) As of 30 April 2004, the Australian Government has spent $150,000 in 2003-04 on State-wide investments.
   (c) & (d) NSW is required to match the Australian Government Trust contribution at the regional level (not activity by activity). The Australian Government has not requested the NSW Government to make any distinction between ‘cash’ and in-kind contributions up to this time.

Matching funding was not required in 2002-03 as there was no Australian Government Trust investment. Matching funding was required in 2003-04 for Interim Priority Projects and Regional Investment Strategies. As at 30 April 2004 the Australian Government has approved $20.659 million Trust funding for Interim Priority Projects, and $9.380 million for Regional Investment Strategies in 2003-04. NSW has committed matching contributions of $30.214 million for Interim Priority
Projects and $40.161 million for Regional Investment Strategies as shown in the attached tables 1 and 2.

(e) & (f) Matching funding for State-wide investments was not required in 2002-03 as there was no Australian Government investment. As at 30 April 2004 the NSW Government has provided $150,000 in cash matching for State-wide investments.

(4) In-kind contributions have been calculated on a project-by-project basis for 76 Interim Priority Projects. NSW Government matching contributions do not provide a breakdown between cash and in-kind contributions. Guidelines setting out how salary multipliers are to be used in costing in-kind contributions were made available to assist the NSW Government in developing matching contributions. The regional bodies hold the detailed information on the calculations that underpin the in-kind component of State Government contributions to the Trust projects within investment strategies and are required to report on receipt of State Matching Trust contributions in their annual reports. Annual reports for 2003-04 have not yet been received.

(5) The Australian Government/NSW Government Bilateral Agreement states that matching funding arrangements will not normally apply to projects that have already commenced. However, funding that has already been announced may be considered eligible if it is directly attributable to the region in question, directly relevant to the activities in the regional investment strategy being funded, and is directed towards jointly agreed activities in the region in question. The activities accepted as matching funding, and that are detailed in Table 3, had either commenced or been announced before the relevant Trust investment period. These activities were high priorities within the regional plans that had commenced, using NSW Government funds, before Trust funds were available.

Table 1 – NSW matching contribution to NHT Interim Priority Projects

<table>
<thead>
<tr>
<th>NSW Catchment Management Board Region</th>
<th>Australian Government NHT Contribution</th>
<th>NSW Matching Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Border Rivers</td>
<td>$565,000</td>
<td>$648,250</td>
</tr>
<tr>
<td>Gwydir</td>
<td>$287,000</td>
<td>$703,701</td>
</tr>
<tr>
<td>Namoi</td>
<td>$244,000</td>
<td>$415,600</td>
</tr>
<tr>
<td>Western</td>
<td>$355,213</td>
<td>$685,093</td>
</tr>
<tr>
<td>Lower Murray Darling</td>
<td>$841,250</td>
<td>$1,308,650</td>
</tr>
<tr>
<td>Murray</td>
<td>$1,151,083</td>
<td>$1,370,000</td>
</tr>
<tr>
<td>Murrumbidgee</td>
<td>$1,380,000</td>
<td>$1,470,750</td>
</tr>
<tr>
<td>Lachlan</td>
<td>$973,700</td>
<td>$1,234,615</td>
</tr>
<tr>
<td>Central West</td>
<td>$622,645</td>
<td>$930,510</td>
</tr>
<tr>
<td>Hunter</td>
<td>$1,246,535</td>
<td>$1,735,569</td>
</tr>
<tr>
<td>Warragamba</td>
<td>$1,212,275</td>
<td>$3,139,860</td>
</tr>
<tr>
<td>Central Coast</td>
<td>$1,037,250</td>
<td>$1,552,505</td>
</tr>
<tr>
<td>Lower North Coast</td>
<td>$925,807</td>
<td>$926,400</td>
</tr>
<tr>
<td>Mid-North Coast</td>
<td>$1,946,358</td>
<td>$2,743,450</td>
</tr>
<tr>
<td>Upper North Coast</td>
<td>$1,787,200</td>
<td>$1,936,600</td>
</tr>
<tr>
<td>Hawkesbury/Nepean</td>
<td>$1,165,890</td>
<td>$1,453,068</td>
</tr>
<tr>
<td>Northern Rivers</td>
<td>$2,088,300</td>
<td>$4,030,225</td>
</tr>
<tr>
<td>Sydney Harbour</td>
<td>$260,100</td>
<td>$475,963</td>
</tr>
<tr>
<td>Southern Sydney</td>
<td>$191,800</td>
<td>$286,600</td>
</tr>
<tr>
<td>South-East</td>
<td>$1,237,520</td>
<td>$1,515,126</td>
</tr>
<tr>
<td>Southern</td>
<td>$1,141,053</td>
<td>$1,653,021</td>
</tr>
<tr>
<td>Total</td>
<td>$20,659,979</td>
<td>$30,214,356</td>
</tr>
</tbody>
</table>
### Table 2 – NSW matching contribution to Regional Investment Strategies for 2003-04

<table>
<thead>
<tr>
<th>NSW Catchment Management Authority</th>
<th>Australian Government NHT Funds for Activities</th>
<th>NSW Matching Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Border Rivers/ Gwydir</td>
<td>$377,000</td>
<td>$3,272,000</td>
</tr>
<tr>
<td>Central West</td>
<td>$609,000</td>
<td>$6,060,000</td>
</tr>
<tr>
<td>Hunter/Central Rivers</td>
<td>$2,100,000</td>
<td>$2,463,000</td>
</tr>
<tr>
<td>Lachlan</td>
<td>$609,000</td>
<td>$6,607,000</td>
</tr>
<tr>
<td>Lower Murray Darling</td>
<td>$236,000</td>
<td>$991,700</td>
</tr>
<tr>
<td>Murray</td>
<td>$277,000</td>
<td>$5,573,336</td>
</tr>
<tr>
<td>Murrumbidgee</td>
<td>$559,000</td>
<td>$4,649,500</td>
</tr>
<tr>
<td>Namoi</td>
<td>$377,000</td>
<td>$1,136,400</td>
</tr>
<tr>
<td>Northern Rivers</td>
<td>$2,500,000</td>
<td>$2,990,000</td>
</tr>
<tr>
<td>Southern Rivers</td>
<td>$1,500,000</td>
<td>$3,168,147</td>
</tr>
<tr>
<td>Western</td>
<td>$236,000</td>
<td>$3,280,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$9,380,000.00</strong></td>
<td><strong>$40,161,083</strong></td>
</tr>
</tbody>
</table>

### Table 3 - Details of matching investments that relate to projects that had either commenced or been announced prior to the relevant NHT investment period

<table>
<thead>
<tr>
<th>Region</th>
<th>Project Description</th>
<th>Related Management Actions in Catchment Blueprints</th>
<th>State Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Border Rivers</td>
<td>Native Vegetation Mapping 2 x 100,000 map sheets in the Border Rivers CMB region, as part of 7 sheets produced from three north west catchments.</td>
<td>Delivers part of the Management Action “Collate and map resources inventories and information about existing natural resources and ancillary culture, heritage and industry”.</td>
<td>$260,000</td>
</tr>
<tr>
<td>Central Coast</td>
<td>Lake Macquarie Rehabilitation Under the Integrated Three-Year Action Plan arising from the Premier’s Lake Macquarie Task Force. Key activities are: Catchment works (revegetation, foreshore stabilisation, stormwater treatment) Lake remediation (to address water flows and nearshore “ooze”) Entrance channel erosion (focusing on Pelican and Swansea) Monitoring Education and community reporting.</td>
<td>All of the components of the Lake Macquarie Rehabilitation project are based on implementing elements of the Central Coast Catchment Management Board’s Blueprint for the catchments of Lake Macquarie, Tuggerah Lakes and Brisbane Water as they apply to Lake Macquarie. The proposed Stage 2 Lake Macquarie Action Plan also addresses the Blueprint’s First Order Objectives and Targets. The Specific Management Targets addressed include A1, A2, A4, L1, T2 and T3. The proposed Lake Macquarie Action Plan also addresses significant components of the following priorities from the Blueprint: 1, 2, 3, 4, 5, 8, 11, 12, 13, 15, 16, 21, 22, 23, 27, 29, 36, 39, 49 and 55.</td>
<td>$985,000</td>
</tr>
<tr>
<td>Region</td>
<td>Project Description</td>
<td>Related Management Actions in Catchment Blueprints</td>
<td>State Funding</td>
</tr>
<tr>
<td>------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Hunter</td>
<td>Estuary and Coastal Management Programs Hexham Swamp project.</td>
<td>Delivers part of Management Action 32 “Implement, through the establishment of partnerships, wetland protection and rehabilitation projects in priority areas”.</td>
<td>$900,000</td>
</tr>
<tr>
<td>Lower North Coast</td>
<td>Native Vegetation Management Fund Funds provided for the implementation of property and management agreements as provided under Parts 5 and 7 of the NVCA 1997. One of the key criteria for considering applications for this funding is that priority is given to target vegetation identified in the catchment blueprint.</td>
<td>Delivers part of Management Action 11 “Develop and implement a comprehensive incentive program which encourages landholders and land managers to manage protect or rehabilitate land to address priority issues identified in this plan”. Delivers part of Management Action 29 “Develop and promote incentives for conservation agreements in priority areas or regional corridors, key habitats and wetlands as defined in Action 5”.</td>
<td>$172,000</td>
</tr>
<tr>
<td></td>
<td>Estuary and Coastal Management Programs Key activities under these plans are: Catchment works (revegetation, foreshore stabilisation, stormwater treatment). Lake remediation to address water flows and nearshore “ooze”. Entrance channel erosion Monitoring. Education and community reporting.</td>
<td>Delivers part of Management Action 2 “Implement those parts of natural resource management plans that contribute to the achievement of Catchment Management Targets including Estuary and Coastal Management Plans …”: Various components of these plans are also reflected in Management Actions 5, 6 and 27.</td>
<td>$183,000</td>
</tr>
<tr>
<td>Murray</td>
<td>Native Vegetation Mapping 7 x 100,000 map sheets in the Murray CMB region.</td>
<td>Delivers part of Management Actions Cadell (CD-01, 02, 03, 06, 08) and Tuppal (TU-01, 02, 03, 05, 08)..</td>
<td>$900,000</td>
</tr>
<tr>
<td>Murrumbidgee</td>
<td>Murrumbidgee Catchment Geomorphic Assessment Involves the assessment of priority reaches and major tributaries of the Murrumbidgee. The assessment will trial more rapid techniques described in the AUSRIVAS Physical As-</td>
<td>Delivers parts of the following management Actions: Pr MA3, WMA1, BMA12, WMA10, BMA13, BMA15, WMA7, WMA3 and BMA18.</td>
<td>$350,000</td>
</tr>
<tr>
<td>Region</td>
<td>Project Description</td>
<td>Related Management Actions in Catchment Blueprints</td>
<td>State Funding</td>
</tr>
<tr>
<td>-----------------</td>
<td>---------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td></td>
<td>sessment Protocol. DLWC will bring to the project existing geomorphic assessments performed using the River Styles (TM) methodology.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Integrated Monitoring of Environmental Flows project. The Murrumbidgee IMEF program has been running for five years. It integrates a number of biodiversity projects including a major wetlands monitoring project, a rocky riffles component, and a fish survey. The wetlands project measures inundation rates related to aquatic plants, invertebrates, frogs and water birds. This represents a major biodiversity knowledge base for the Murrumbidgee floodplains. The rocky riffles project investigates the impact of environmental flows below the major storages and pristine tributaries using river processes and biodiversity indicators. The fish survey provides baseline information for environmental flow management consistent with the NSW Fish Survey. The on-going commitment to IMEF is documented as a performance indicator as part of the recently gazetted Water Sharing Plan for the Murrumbidgee Regulated River.</td>
<td>Delivers part of Management Action WMA14 “Complete and commence implementation of Water Sharing Plans by December 1, 2007” Delivers part of Management Action BMA10. “Manage hydrological regimes in the regulated water system”</td>
<td>$437,500</td>
</tr>
<tr>
<td>Mid North Coast</td>
<td>Acid Sulfate Soils Implementing 'hotspots' program (working with farmers regarding rehabilitation and management of</td>
<td>Delivers part of Management Action 2 “Implement first stage Acid Sulfate Soils “hot spot” remediation projects with participating landowners”.</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>Region</td>
<td>Project Description</td>
<td>Related Management Actions in Catchment Blueprints</td>
<td>State Funding</td>
</tr>
<tr>
<td>----------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Upper North Coast</td>
<td>Estuary Management Program Working with Councils to develop plans for management of coasts and estuaries: Clarence, Coffs and Bellinger estuaries and creeks and Intermittently Closing and Opening Lagoons (ICOLS).</td>
<td>Delivers part of Management Action 76 “Support development and completion of Estuary Management Plans in the Clarence, Coffs Coastal Waterways and Bellingen by 2004”.</td>
<td>$150,000</td>
</tr>
<tr>
<td></td>
<td>Develop Regional Vegetation Management Plans Plan development plus implementation of advisory recommendations (as distinct from regulatory recommendations) of draft vegetation plans on use of native timbers, and helping farmers understand and accept plans and the limitations arising from them. Includes incentives program.</td>
<td>Delivers a number of vegetation management actions including 3, 4, 5, 7, 9, 10, 11 and 13.</td>
<td>$200,000</td>
</tr>
</tbody>
</table>

**Environment: Natural Heritage Trust**

*(Question No. 2856)*

Senator Allison asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 19 April 2004:

1. For each of the financial years 2004-05, 2005-06, and 2006-07, how much has the Commonwealth committed to provide for regional investments in Queensland under the Natural Heritage Trust (NHT).

2. For each of the financial years 2004-05, 2005-06, and 2006-07, how much has the Commonwealth committed to provide for state-wide and within-state investments in Queensland under the NHT.

3. Under the NHT, for each of the financial years 2002-03 and 2003-04:
   (a) How much has the Commonwealth spent on regional investments in Queensland;
   (b) How much has the Commonwealth spent on state-wide and within-state investments in Queensland;
   (c) How much has the Queensland Government provided in matching regional investments;
   (d) What is the value of the in-kind contributions provided by the Queensland Government for regional investments;

QUESTIONS ON NOTICE
(e) How much has the Queensland Government provided in matching state-wide and within-state investments; and

(f) What is the value of the in-kind contributions provided by the Queensland Government for state-wide and within-state investments.

(4) Can details be provided of all in-kind contributions provided by the Queensland Government in the financial years 2002-03 and 2003-04 that were costed using a salary multiplier (including the nature of the contribution, estimated value of the contribution and the salary multiplier that was used).

(5) Can details be provided of all matching investments provided by the Queensland Government under the NHT in the financial years 2002-03 and 2003-04 that related to projects that had either commenced prior to the relevant NHT investment period (i.e. the period in which investment is taken to be an investment under the NHT) or in relation to which the Queensland Government had announced funding prior to the relevant investment period.

**Senator Ian Macdonald**—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

1. The Australian Government has committed to provide funding for regional investments in Queensland under the Natural Heritage Trust (‘the Trust’) of:
   - $26.04m in 2004-05;
   - $28.55m in 2005-06; and
   - $28.60m in 2006-07.

2. The funding commitment for State-wide investments in Queensland under the Natural Heritage Trust for 2004-05 is $1.39m. The commitments for the 2005-06 and 2006-07 financial years have not been announced.

3. (a) The Interim Financial Agreement between the Australian Government and the State of Queensland to deliver the Natural Heritage Trust Extension in Queensland was executed on 27 June 2003. Therefore, the Australian Government did not make any investments in NSW in 2002-03 in regional delivery under the Trust extension. As of 31 May 2004, the Australian Government has spent $26.517m on regional investments in the 2003-04 financial year.

   (b) As of 31 May 2004, the Australian Government had not expended any monies in the 2003-04 financial year on State-wide investments. However, the Australian Government has approved State-wide investments to the value of $890,000.

   (c) & (d) The Queensland Government is required to match the Australian Government Trust contribution at the regional level, rather than on an activity basis. Matching funding was not required in the 2002-03 financial year as there was no Australian Government investment under the regional component of the Trust in Queensland. Matching funding from Queensland was required in the 2003-04 financial year to match the $26.517m Australian Government investment. Queensland have identified $22m of in-kind activities to match the Australian Government contribution. The Queensland in-kind matching contributions for each region are detailed in Table 1.
### Table 1 – Natural Heritage Trust funding commitments including the Queensland Government’s matching contribution.

<table>
<thead>
<tr>
<th>Regional body</th>
<th>NHT2 Facilitator &amp; Coordinator funding</th>
<th>Foundation Funding</th>
<th>Priority Action Proposals</th>
<th>Cross Regional PAPs **</th>
<th>Queensland’s matching contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qld Murray Darling</td>
<td>$786,600</td>
<td>$0</td>
<td>$440,000</td>
<td>$140,000</td>
<td>$842,421</td>
</tr>
<tr>
<td>South West</td>
<td>$1,084,175</td>
<td>$100,000</td>
<td>$500,000</td>
<td>$0</td>
<td>$1,248,443</td>
</tr>
<tr>
<td>Condamine Alliance</td>
<td>$717,400</td>
<td>$100,000</td>
<td>$550,000</td>
<td>$280,000</td>
<td>$997,015</td>
</tr>
<tr>
<td>Southeast Queensland</td>
<td>$1,205,845</td>
<td>$615,000</td>
<td>$946,000</td>
<td>$0</td>
<td>$1,677,932</td>
</tr>
<tr>
<td>Burnett Mary</td>
<td>$1,060,616</td>
<td>$130,000</td>
<td>$500,000</td>
<td>$0</td>
<td>$1,099,862</td>
</tr>
<tr>
<td>Desert Channels</td>
<td>$1,166,834</td>
<td>$500,000</td>
<td>$215,000</td>
<td>$841,000</td>
<td>$1,666,900</td>
</tr>
<tr>
<td>Fitzroy</td>
<td>$496,000</td>
<td>$200,000</td>
<td>$509,000</td>
<td>$0</td>
<td>$749,300</td>
</tr>
<tr>
<td>Mackay Whitsunday</td>
<td>$746,000</td>
<td>$537,400</td>
<td>$412,600</td>
<td>$968,500</td>
<td>$1,304,300</td>
</tr>
<tr>
<td>Burdekin</td>
<td>$1,195,509</td>
<td>$181,000</td>
<td>$194,500</td>
<td>$0</td>
<td>$3,475,727</td>
</tr>
<tr>
<td>Southern Gulf</td>
<td>$668,375</td>
<td>$580,000</td>
<td>$543,000</td>
<td>$0</td>
<td>$1,511,157</td>
</tr>
<tr>
<td>Northern Gulf</td>
<td>$748,750</td>
<td>$530,000</td>
<td>$320,000</td>
<td>$0</td>
<td>$1,866,139</td>
</tr>
<tr>
<td>Wet Tropics</td>
<td>$1,262,200</td>
<td>$600,000</td>
<td>$553,000</td>
<td>$390,000</td>
<td>$2,811,998</td>
</tr>
<tr>
<td>Cape York *</td>
<td>$222,793</td>
<td>$450,000</td>
<td>$2,002,903</td>
<td>$0</td>
<td>$1,806,910</td>
</tr>
<tr>
<td>Torres Strait</td>
<td>$0</td>
<td>$700,000</td>
<td>$600,000</td>
<td>$0</td>
<td>$700,000</td>
</tr>
<tr>
<td>Totals</td>
<td>$11,361,097</td>
<td>$5,123,400</td>
<td>$8,286,003</td>
<td>$2,619,500</td>
<td>$21,758,104</td>
</tr>
</tbody>
</table>

* The figure for recommended priority action proposal includes the $300,000 previously agreed for Cape York weeds and feral animals plus the $572,903.

** Cross regional projects are listed against the lead region.

(e) & (f) Matching funding for state-wide investments was not required in the 2002-03 financial year as there was no Australian Government investment in the State-wide component in Queensland in that financial year. As of 31 May 2004, the Queensland Government had identified $890,000 in-kind matching contributions for State-wide investments.

(4) The salaries component of the various recognised matching funding activities was costed by the Queensland Government at approximately $8.8m in the 2003-04 financial year. The Queensland Government then applied a multiplier of 2, in accordance with the formula agreed by the Programs Committee of the Natural Resource Management Ministerial Council.

In-kind contributions can be valued using either the actual costs for each activity or the use of a salary multiplier as a proxy.

(5) Matching funding for State-wide investments was not required in the 2002-03 financial year as there was no Australian Government investment in this component in Queensland in that financial year.

The framework for matching contributions under the Trust states that matching funding arrangements will not normally apply to projects the States and Territories have already announced they will proceed with. For new and already announced funding by the States and Territories to be eligible as matching funding it must be:

(a) directly attributed to the region in question;

(b) directly relevant to the activities in the regional investment strategy being funded; and

(c) for jointly agreed activities for the region in question.
The Queensland Government’s activities detailed above in the responses to (3) c;d and e;f, and that were accepted as matching funding, were assessed as eligible against these criteria.

**Environment: Natural Heritage Trust**

(Question No. 2857)

**Senator Allison** asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 19 April 2004:

1. For each of the financial years 2004-05, 2005-06, and 2006-07, how much has the Commonwealth committed to provide for regional investments in South Australia under the Natural Heritage Trust (NHT).

2. For each of the financial years 2004-05, 2005-06, and 2006-07, how much has the Commonwealth committed to provide for state-wide and within-state investments in South Australia under the NHT.

3. Under the NHT, for each of the financial years 2002-03 and 2003-04:
   (a) how much has the Commonwealth spent on regional investments in South Australia;
   (b) how much has the Commonwealth spent on state-wide and within-state investments in South Australia;
   (c) how much has the South Australian Government provided in matching regional investments;
   (d) what is the value of the in-kind contributions provided by the South Australian Government for regional investments;
   (e) how much has the South Australian Government provided in matching state-wide and within-state investments; and
   (f) what is the value of the in-kind contributions provided by the South Australian Government for state-wide and within-state investments.

4. Can details be provided of all in-kind contributions provided by the South Australian Government in the financial years 2002-03 and 2003-04 that were costed using a salary multiplier (including the nature of the contribution, estimated value of the contribution and the salary multiplier that was used).

5. Can details be provided of all matching investments provided by the South Australian Government under the NHT in the financial years 2002-03 and 2003-04 that related to projects that had either commenced prior to the relevant NHT investment period (i.e. the period in which investment is taken to be an investment under the NHT) or in relation to which the South Australian Government had announced funding prior to the relevant investment period.

**Senator Ian Macdonald**—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

1. The Australian Government has committed to provide funding in South Australia (SA) under the regional component of the Natural Heritage Trust (‘the Trust’) of $14.32m in the 2004-05 financial year, $15.7m in 2005-06 and $15.73m in 2006-07.

   The Australian Government has committed to provide funding in SA under the regional competitive component of the Trust of $0.918m in the 2004-05 financial year and $0.528m in the 2005-06 financial year. As of 24 June 2004, the Australian Government had not committed funding in SA under this component for the 2006-07 financial year.

2. Funding commitments for State-wide investments in SA under the Trust for the 2004-05, 2005-06, and 2006-07 financial years have not been announced.
(3) (a) The Australian Government invested $8.8m under the regional investment component of the
Trust in SA in the 2002-03 financial year. As of 24 June 2004, the Australian Government had in-
vested $6.26m under this component in SA in the 2003-04 financial year.
(b) The Australian Government did not make any investment in SA in the 2002-03 financial year
under the State-wide component of the Trust. As of 24 June 2004, the Australian Government had
invested $0.49m under this component in the 2003-04 financial year.
(c) Interim Trust funding of $12.77m was approved for regional investment in the 2002-03 and
2003-04 financial years. The agreed matching funding provided by SA was $15.62m.
(d) All matching funding provided by SA for regional investments ($15.62m) has been in the form
of in-kind contributions.
(e) As of 24 June 2004, the SA government has provided in-kind matching funding of $0.521m
(f) All matching funding provided by SA for State-wide investments ($0.521m) has been in the
form of in-kind contributions.

(4) The SA Government’s matching funding in the 2002-03 and 2003-04 financial years was based on
actual expenditure. The arrangement did not entail the use of a salary multiplier.

(5) A list of SA Trust matching projects provided by the South Australian Government for the 2002-03
financial year is provided at Attachment A.

ATTACHMENT A - SA MATCHING PROJECTS

<table>
<thead>
<tr>
<th>Region</th>
<th>ID Number</th>
<th>Agency</th>
<th>Project name</th>
<th>State Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aboriginal Lands</td>
<td>24</td>
<td>DEH</td>
<td>DEH contribution to the Nature Foundation</td>
<td>$8,750.00</td>
</tr>
<tr>
<td>Aboriginal Lands</td>
<td>118</td>
<td>DEH</td>
<td>ESP - Plant Research Officer (14)</td>
<td>$8,000.00</td>
</tr>
</tbody>
</table>
| Aboriginal Lands  | 166       | DEH    | Maralinga Tjarutja Land and Biodiversity Manage-
ment                                              | $200,000.00  |
| Aboriginal Lands  | 168       | DEH    | Great Victoria Desert Biological Survey           | $61,000.00   |
| Aboriginal Lands  | 170       | DEH    | Coast and Marine Grants - Great Australian Bight Ma-
rine Park                                         | $83,000.00   |
<p>| Aboriginal Lands  | 185       | DEH    | Regional Ecologist - Outback Areas                | $88,573.00   |
| Aboriginal Lands  | 206       | DEH    | Biological Monitoring                             | $12,765.00   |
| Aboriginal Lands  | 117       | DEH    | ESP Coordinator (8)                               | $3,500.00    |
| Aboriginal Lands  | 44        | DWLBC  | Regional INRM Technical Support                   | $83,500.00   |
| Aboriginal Lands  | 25        | DWLBC  | Biodiversity Conservation Programs                 | $11,250.00   |
| Aboriginal Lands  | 32        | DWLBC  | SA Landcare Coordination                          | $9,937.50    |
| Aboriginal Lands  | 34        | DWLBC  | Revegetation Extension Management                 | $19,500.00   |
| Aboriginal Lands  | 37        | DWLBC  | Land management Information Services              | $17,750.00   |</p>
<table>
<thead>
<tr>
<th>Region</th>
<th>ID Number</th>
<th>Agency</th>
<th>Project name</th>
<th>State Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aboriginal Lands</td>
<td>176</td>
<td>DWLBC</td>
<td>water resource assessment and development of management and allocation advice</td>
<td>$79,375.00</td>
</tr>
<tr>
<td>Aboriginal Lands</td>
<td>47</td>
<td>DWLBC</td>
<td>Regional NRM Capacity Building through Youth</td>
<td>$11,250.00</td>
</tr>
<tr>
<td>Aboriginal Lands</td>
<td>2</td>
<td>DWLBC</td>
<td>APCC- Wild Rabbit Control #189</td>
<td>$4,050.00</td>
</tr>
<tr>
<td>Aboriginal Lands</td>
<td>196</td>
<td>DWLBC</td>
<td>Native Vegetation Council Fund</td>
<td>$19,110.00</td>
</tr>
<tr>
<td>Aboriginal Lands</td>
<td>35</td>
<td>DWLBC</td>
<td>Land Condition Monitoring</td>
<td>$34,375.00</td>
</tr>
<tr>
<td>Aboriginal Lands</td>
<td>199</td>
<td>PIRSA</td>
<td>Enterprise Development and Community Capacity Development - Aboriginal Lands</td>
<td>$581,328.00</td>
</tr>
<tr>
<td>Aboriginal Lands</td>
<td>198</td>
<td>PIRSA</td>
<td>Community Education and Training, Establishment of Service Area’s - Aboriginal Lands</td>
<td>$366,216.00</td>
</tr>
<tr>
<td>Aboriginal Lands</td>
<td>27</td>
<td>Planning SA</td>
<td>Metropolitan and Regional Open Space Funds/One Million Trees</td>
<td>$19,600.00</td>
</tr>
<tr>
<td>Aboriginal Lands</td>
<td>209</td>
<td>Tourism SA</td>
<td>Tourism Impact Management - Great Australian Bight Marine Park</td>
<td>$900,000.00</td>
</tr>
<tr>
<td>Aboriginal Lands Total</td>
<td></td>
<td></td>
<td></td>
<td>$2,622,829.50</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>148</td>
<td>DEH</td>
<td>Venus Bay</td>
<td>$84,000.00</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>117</td>
<td>DEH</td>
<td>ESP Coordinator (8)</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>118</td>
<td>DEH</td>
<td>ESP - Plant Research Officer (14)</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>126</td>
<td>DEH</td>
<td>Regional Ecologists (26) - Eyre Peninsula</td>
<td>$93,049.00</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>147</td>
<td>DEH</td>
<td>Ark on Eyre Regional Co-ordination</td>
<td>$80,000.00</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>150</td>
<td>DEH</td>
<td>Biological Survey</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>160</td>
<td>DEH</td>
<td>Coast &amp; Marine</td>
<td>$125,120.00</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>24</td>
<td>DEH</td>
<td>DEH contribution to the Nature Foundation</td>
<td>$8,750.00</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>22</td>
<td>DEH</td>
<td>Marine Protected Areas</td>
<td>$138,600.00</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>132</td>
<td>DEH</td>
<td>Heritage Agreement Fencing (18) - Eyre Peninsula Biodiversity Conservation Programs</td>
<td>$127,500.00</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>25</td>
<td>DWLBC</td>
<td>Development of water allocation and catchment plans</td>
<td>$11,250.00</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>111</td>
<td>DWLBC</td>
<td>Land management Information Services</td>
<td>$150,000.00</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>37</td>
<td>DWLBC</td>
<td>Assessment services. Note this for assessment for clearance applications only</td>
<td>$17,750.00</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>28</td>
<td>DWLBC</td>
<td>SA Landcare Coordination</td>
<td>$123,430.20</td>
</tr>
<tr>
<td></td>
<td>32</td>
<td>DWLBC</td>
<td></td>
<td>$9,937.50</td>
</tr>
<tr>
<td>Region</td>
<td>ID Number</td>
<td>Agency</td>
<td>Project name</td>
<td>State Funds</td>
</tr>
<tr>
<td>--------</td>
<td>-----------</td>
<td>--------</td>
<td>--------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>34</td>
<td>DWLBC</td>
<td>Revegetation Extension Management</td>
<td>$19,500.00</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>35</td>
<td>DWLBC</td>
<td>Land Condition Monitoring</td>
<td>$34,375.00</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>38</td>
<td>DWLBC</td>
<td>Land Management Planning</td>
<td>$20,400.00</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>41</td>
<td>DWLBC</td>
<td>Soil and Rootzone Improvements</td>
<td>$12,000.00</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>44</td>
<td>DWLBC</td>
<td>Regional INRM Technical Support</td>
<td>$150,300.00</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>2</td>
<td>DWLBC</td>
<td>APCC- Wild Rabbit Control #189</td>
<td>$24,300.00</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>48</td>
<td>DWLBC</td>
<td>Dryland Salinity</td>
<td>$20,620.53</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>176</td>
<td>DWLBC</td>
<td>water resource assessment and development of management and allocation advice</td>
<td>$79,375.00</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>196</td>
<td>DWLBC</td>
<td>Native Vegetation Council Fund</td>
<td>$39,690.00</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>47</td>
<td>DWLBC</td>
<td>Regional NRM Capacity Building through Youth</td>
<td>$11,250.00</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>210</td>
<td>EPWCMB</td>
<td>Delivering the EP Water Catchment Boards Plan (ON HOLD FOR 03/04)</td>
<td>$0.00</td>
</tr>
<tr>
<td>Eyre Peninsula</td>
<td>27</td>
<td>Planning SA</td>
<td>Metropolitan and Regional Open Space Funds/One Million Trees</td>
<td>$19,600.00</td>
</tr>
<tr>
<td>Eyre Peninsula Total</td>
<td></td>
<td></td>
<td></td>
<td>$1,432,297.23</td>
</tr>
<tr>
<td>Kangaroo Island</td>
<td>22</td>
<td>DEH</td>
<td>Marine Protected Areas</td>
<td>$138,600.00</td>
</tr>
<tr>
<td>Kangaroo Island</td>
<td>24</td>
<td>DEH</td>
<td>DEH contribution to the Nature Foundation</td>
<td>$8,750.00</td>
</tr>
<tr>
<td>Kangaroo Island</td>
<td>118</td>
<td>DEH</td>
<td>ESP - Plant Research Officer (14)</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>Kangaroo Island</td>
<td>117</td>
<td>DEH</td>
<td>ESP Coordinator (8)</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>Kangaroo Island</td>
<td>25</td>
<td>DWLBC</td>
<td>Biodiversity Conservation Programs</td>
<td>$11,250.00</td>
</tr>
<tr>
<td>Kangaroo Island</td>
<td>28</td>
<td>DWLBC</td>
<td>Assessment services. Note this for assessment for clearance applications only</td>
<td>$123,430.20</td>
</tr>
<tr>
<td>Kangaroo Island</td>
<td>32</td>
<td>DWLBC</td>
<td>SA Landcare Coordination</td>
<td>$9,937.50</td>
</tr>
<tr>
<td>Kangaroo Island</td>
<td>34</td>
<td>DWLBC</td>
<td>Revegetation Extension Management</td>
<td>$19,500.00</td>
</tr>
<tr>
<td>Kangaroo Island</td>
<td>35</td>
<td>DWLBC</td>
<td>Land Condition Monitoring</td>
<td>$34,375.00</td>
</tr>
<tr>
<td>Kangaroo Island</td>
<td>37</td>
<td>DWLBC</td>
<td>Land management Information Services</td>
<td>$17,750.00</td>
</tr>
<tr>
<td>Kangaroo Island</td>
<td>21</td>
<td>DWLBC</td>
<td>Support for development of Regional NRM Plans</td>
<td>$36,300.00</td>
</tr>
<tr>
<td>Kangaroo Island</td>
<td>41</td>
<td>DWLBC</td>
<td>Soil and Rootzone Improvements</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>Kangaroo Island</td>
<td>44</td>
<td>DWLBC</td>
<td>Regional INRM Technical Support</td>
<td>$54,275.00</td>
</tr>
</tbody>
</table>

**QUESTIONS ON NOTICE**
<table>
<thead>
<tr>
<th>Region</th>
<th>ID Number</th>
<th>Agency</th>
<th>Project name</th>
<th>State Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kangaroo Island</td>
<td>47</td>
<td>DWLBC</td>
<td>Regional NRM Capacity Building through Youth</td>
<td>$11,250.00</td>
</tr>
<tr>
<td>Kangaroo Island</td>
<td>48</td>
<td>DWLBC</td>
<td>Dryland Salinity water resource assessment and development of management and allocation advice</td>
<td>$20,620.53</td>
</tr>
<tr>
<td>Kangaroo Island</td>
<td>176</td>
<td>DWLBC</td>
<td>Native Vegetation Council Fund</td>
<td>$38,220.00</td>
</tr>
<tr>
<td>Kangaroo Island</td>
<td>196</td>
<td>DWLBC</td>
<td>Land Management Planning Metropolitan and Regional Open Space Funds/One Million Trees</td>
<td>$19,200.00</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>22</td>
<td>DEH</td>
<td>Marine Protected Areas</td>
<td>$138,600.00</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>118</td>
<td>DEH</td>
<td>ESP - Plant Research Officer (14)</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>24</td>
<td>DEH</td>
<td>DEH contribution to the Nature Foundation</td>
<td>$8,750.00</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>117</td>
<td>DEH</td>
<td>ESP Coordinator (8)</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>41</td>
<td>DWLBC</td>
<td>Soil and Rootzone Improvements</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>44</td>
<td>DWLBC</td>
<td>Regional INRM Technical Support</td>
<td>$133,600.00</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>34</td>
<td>DWLBC</td>
<td>Revegetation Extension Management</td>
<td>$19,500.00</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>39</td>
<td>DWLBC</td>
<td>Partnership projects</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>38</td>
<td>DWLBC</td>
<td>Land Management Planning</td>
<td>$19,200.00</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>37</td>
<td>DWLBC</td>
<td>Land management Information Services</td>
<td>$17,750.00</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>35</td>
<td>DWLBC</td>
<td>Land Condition Monitoring</td>
<td>$34,375.00</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>32</td>
<td>DWLBC</td>
<td>SA Landcare Coordination Assessment services. Note this for assessment for clearance applications only</td>
<td>$9,937.50</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>28</td>
<td>DWLBC</td>
<td>$123,430.20</td>
<td></td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>47</td>
<td>DWLBC</td>
<td>Regional NRM Capacity Building through Youth</td>
<td>$11,250.00</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>25</td>
<td>DWLBC</td>
<td>Biodiversity Conservation Programs</td>
<td>$11,250.00</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>48</td>
<td>DWLBC</td>
<td>Dryland Salinity</td>
<td>$20,620.53</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>21</td>
<td>DWLBC</td>
<td>Support for development of Regional NRM Plans</td>
<td>$36,300.00</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>18</td>
<td>DWLBC</td>
<td>Targeted Irrigation Development</td>
<td>$123,754.00</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>2</td>
<td>DWLBC</td>
<td>APCC- Wild Rabbit Control #189</td>
<td>$28,350.00</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>196</td>
<td>DWLBC</td>
<td>Native Vegetation Council Fund</td>
<td>$39,690.00</td>
</tr>
<tr>
<td>Region</td>
<td>ID Number</td>
<td>Agency</td>
<td>Project name</td>
<td>State Funds</td>
</tr>
<tr>
<td>------------------------</td>
<td>-----------</td>
<td>------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>176</td>
<td>DWLBC</td>
<td>water resource assessment and development of management and allocation advice</td>
<td>$79,375.00</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>111</td>
<td>DWLBC</td>
<td>Development of water allocation and catchment plans</td>
<td>$90,000.00</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>96</td>
<td>NABCWMB</td>
<td>Improve water quality</td>
<td>$1,059,000.00</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>88</td>
<td>OCWMB</td>
<td>Maintenance and enhancement of water quality</td>
<td>$473,500.00</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>50</td>
<td>PCWMB</td>
<td>To improve and maintain water quality in the catchment</td>
<td>$2,277,000.00</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>52</td>
<td>PCWMB</td>
<td>To protect and restore aquatic ecosystems</td>
<td>$335,000.00</td>
</tr>
<tr>
<td>Mt Lofty</td>
<td>27</td>
<td>Planning SA</td>
<td>Metropolitan and Regional Open Space Funds/One Million Trees</td>
<td>$562,800.00</td>
</tr>
<tr>
<td>Mt Lofty Total</td>
<td></td>
<td></td>
<td></td>
<td>$5,685,532.23</td>
</tr>
<tr>
<td>Northern Yorke Ag</td>
<td>159</td>
<td>DEH</td>
<td>Regional Ecologists (26) - Northern and Yorke Agricultural Districts</td>
<td>$81,285.00</td>
</tr>
<tr>
<td>Districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern Yorke Ag</td>
<td>118</td>
<td>DEH</td>
<td>ESP - Plant Research Officer (14)</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>Districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern Yorke Ag</td>
<td>160</td>
<td>DEH</td>
<td>Coast &amp; Marine</td>
<td>$121,440.00</td>
</tr>
<tr>
<td>Districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern Yorke Ag</td>
<td>24</td>
<td>DEH</td>
<td>DEH contribution to the Nature Foundation</td>
<td>$8,750.00</td>
</tr>
<tr>
<td>Districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern Yorke Ag</td>
<td>22</td>
<td>DEH</td>
<td>Marine Protected Areas</td>
<td>$46,200.00</td>
</tr>
<tr>
<td>Districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern Yorke Ag</td>
<td>117</td>
<td>DEH</td>
<td>ESP Coordinator (8)</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>Districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern Yorke Ag</td>
<td>21</td>
<td>DWLBC</td>
<td>Support for development of Regional NRM Plans</td>
<td>$37,400.00</td>
</tr>
<tr>
<td>Districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern Yorke Ag</td>
<td>47</td>
<td>DWLBC</td>
<td>Regional NRM Capacity Building through Youth</td>
<td>$11,250.00</td>
</tr>
<tr>
<td>Districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern Yorke Ag</td>
<td>37</td>
<td>DWLBC</td>
<td>Land management Information Services</td>
<td>$17,750.00</td>
</tr>
<tr>
<td>Districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern Yorke Ag</td>
<td>25</td>
<td>DWLBC</td>
<td>Biodiversity Conservation Programs</td>
<td>$11,250.00</td>
</tr>
<tr>
<td>Districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern Yorke Ag</td>
<td>28</td>
<td>DWLBC</td>
<td>Assessment services. Note this for assessment for clearance applications only SA Landcare Coordination</td>
<td>$123,430.20</td>
</tr>
<tr>
<td>Districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern Yorke Ag</td>
<td>32</td>
<td>DWLBC</td>
<td>Support for development of Regional NRM Plans</td>
<td>$9,937.50</td>
</tr>
<tr>
<td>Districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern Yorke Ag</td>
<td>34</td>
<td>DWLBC</td>
<td>Revegetation Extension Management</td>
<td>$19,500.00</td>
</tr>
<tr>
<td>Districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern Yorke Ag</td>
<td>35</td>
<td>DWLBC</td>
<td>Land Condition Monitoring</td>
<td>$34,375.00</td>
</tr>
<tr>
<td>Districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern Yorke Ag</td>
<td>38</td>
<td>DWLBC</td>
<td>Land Management Planning</td>
<td>$20,400.00</td>
</tr>
<tr>
<td>Districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>Region</th>
<th>ID Number</th>
<th>Agency</th>
<th>Project name</th>
<th>State Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern Yorke Ag Districts</td>
<td>2</td>
<td>DWLBC</td>
<td>APCC- Wild Rabbit Control #189</td>
<td>$4,050.00</td>
</tr>
<tr>
<td>Northern Yorke Ag Districts</td>
<td>44</td>
<td>DWLBC</td>
<td>Regional INRM Technical Support</td>
<td>$133,600.00</td>
</tr>
<tr>
<td>Northern Yorke Ag Districts</td>
<td>48</td>
<td>DWLBC</td>
<td>Dryland Salinity</td>
<td>$20,620.53</td>
</tr>
<tr>
<td>Northern Yorke Ag Districts</td>
<td>111</td>
<td>DWLBC</td>
<td>Development of water allocation and catchment plans, water resource assessment and development of management and allocation advice</td>
<td>$90,000.00</td>
</tr>
<tr>
<td>Northern Yorke Ag Districts</td>
<td>176</td>
<td>DWLBC</td>
<td>Metropolitan and Regional Open Space Funds/One Million Trees</td>
<td>$19,600.00</td>
</tr>
<tr>
<td>Northern Yorke Ag Districts Total</td>
<td></td>
<td></td>
<td></td>
<td>$1,046,403.23</td>
</tr>
<tr>
<td>Rangelands</td>
<td>152</td>
<td>DEH</td>
<td>Biodiversity Planning (2) - Rangelands</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>Rangelands</td>
<td>117</td>
<td>DEH</td>
<td>ESP Coordinator (8)</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>Rangelands</td>
<td>145</td>
<td>DEH</td>
<td>Regional Ecologists (26) - Rangelands</td>
<td>$88,573.00</td>
</tr>
<tr>
<td>Rangelands</td>
<td>160</td>
<td>DEH</td>
<td>Coast &amp; Marine</td>
<td>$121,440.00</td>
</tr>
<tr>
<td>Rangelands</td>
<td>24</td>
<td>DEH</td>
<td>DEH contribution to the Nature Foundation</td>
<td>$8,750.00</td>
</tr>
<tr>
<td>Rangelands</td>
<td>207</td>
<td>DEH</td>
<td>Protection of Mound Springs</td>
<td>$125,000.00</td>
</tr>
<tr>
<td>Rangelands</td>
<td>118</td>
<td>DEH</td>
<td>ESP - Plant Research Officer (14)</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>Rangelands</td>
<td>4</td>
<td>DWLBC</td>
<td>APCC-Feral Goats #191</td>
<td>$35,976.00</td>
</tr>
<tr>
<td>Rangelands</td>
<td>48</td>
<td>DWLBC</td>
<td>Dryland Salinity</td>
<td>$21,491.82</td>
</tr>
<tr>
<td>Rangelands</td>
<td>34</td>
<td>DWLBC</td>
<td>Revegetation Extension Management</td>
<td>$19,500.00</td>
</tr>
<tr>
<td>Rangelands</td>
<td>25</td>
<td>DWLBC</td>
<td>Biodiversity Conservation Programs</td>
<td>$11,250.00</td>
</tr>
<tr>
<td>Rangelands</td>
<td>28</td>
<td>DWLBC</td>
<td>Assessment services. Note this for assessment for clearance applications only</td>
<td>$82,286.80</td>
</tr>
<tr>
<td>Rangelands</td>
<td>32</td>
<td>DWLBC</td>
<td>SA Landcare Coordination</td>
<td>$9,937.50</td>
</tr>
<tr>
<td>Rangelands</td>
<td>35</td>
<td>DWLBC</td>
<td>Land Condition Monitoring</td>
<td>$34,375.00</td>
</tr>
<tr>
<td>Rangelands</td>
<td>37</td>
<td>DWLBC</td>
<td>Land management Information Services</td>
<td>$17,750.00</td>
</tr>
<tr>
<td>Rangelands</td>
<td>2</td>
<td>DWLBC</td>
<td>APCC- Wild Rabbit Control #189</td>
<td>$4,050.00</td>
</tr>
<tr>
<td>Region</td>
<td>ID Number</td>
<td>Agency</td>
<td>Project name</td>
<td>State Funds</td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------</td>
<td>--------</td>
<td>------------------------------------------------------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Rangelands</td>
<td>47</td>
<td>DWLBC</td>
<td>Regional NRM Capacity Building through Youth</td>
<td>$11,250.00</td>
</tr>
<tr>
<td>Rangelands</td>
<td>111</td>
<td>DWLBC</td>
<td>Development of water allocation and catchment plans</td>
<td>$90,000.00</td>
</tr>
<tr>
<td>Rangelands</td>
<td>176</td>
<td>DWLBC</td>
<td>water resource assessment and development of management and allocation advice</td>
<td>$79,375.00</td>
</tr>
<tr>
<td>Rangelands</td>
<td>196</td>
<td>DWLBC</td>
<td>Native Vegetation Council Fund</td>
<td>$38,220.00</td>
</tr>
<tr>
<td>Rangelands</td>
<td>44</td>
<td>DWLBC</td>
<td>Regional INRM Technical Support</td>
<td>$116,900.00</td>
</tr>
<tr>
<td>Rangelands</td>
<td>27</td>
<td>Planning SA</td>
<td>Metropolitan and Regional Open Space Funds/One Million Trees</td>
<td>$19,600.00</td>
</tr>
<tr>
<td>Rangelands Total</td>
<td></td>
<td></td>
<td></td>
<td>$997,225.12</td>
</tr>
<tr>
<td>SA Murray Darling</td>
<td>138</td>
<td>DEH</td>
<td>Regional Ecologists (26) - Murray Darling Basin</td>
<td>$81,285.00</td>
</tr>
<tr>
<td>Basin</td>
<td>24</td>
<td>DEH</td>
<td>DEH contribution to the Nature Foundation</td>
<td>$8,750.00</td>
</tr>
<tr>
<td>SA Murray Darling</td>
<td>117</td>
<td>DEH</td>
<td>ESP Coordinator (8)</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>Basin</td>
<td>118</td>
<td>DEH</td>
<td>ESP - Plant Research Officer (14)</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>SA Murray Darling</td>
<td>35</td>
<td>DWLBC</td>
<td>Land Condition Monitoring</td>
<td>$34,375.00</td>
</tr>
<tr>
<td>Basin</td>
<td>176</td>
<td>DWLBC</td>
<td></td>
<td>$79,375.00</td>
</tr>
<tr>
<td>SA Murray Darling</td>
<td>48</td>
<td>DWLBC</td>
<td>Dryland Salinity</td>
<td>$20,620.53</td>
</tr>
<tr>
<td>Basin</td>
<td>47</td>
<td>DWLBC</td>
<td>Regional NRM Capacity Building through Youth</td>
<td>$11,250.00</td>
</tr>
<tr>
<td>SA Murray Darling</td>
<td>44</td>
<td>DWLBC</td>
<td>Regional INRM Technical Support</td>
<td>$50,100.00</td>
</tr>
<tr>
<td>Basin</td>
<td>41</td>
<td>DWLBC</td>
<td>Soil and Rootzone Improvements</td>
<td>$12,000.00</td>
</tr>
<tr>
<td>SA Murray Darling</td>
<td>40</td>
<td>DWLBC</td>
<td>Market Based Instruments</td>
<td>$120,000.00</td>
</tr>
<tr>
<td>Basin</td>
<td>2</td>
<td>DWLBC</td>
<td>APCC- Wild Rabbit Control #189</td>
<td>$4,050.00</td>
</tr>
<tr>
<td>SA Murray Darling</td>
<td>37</td>
<td>DWLBC</td>
<td>Land management Information Services</td>
<td>$17,750.00</td>
</tr>
<tr>
<td>Basin</td>
<td>34</td>
<td>DWLBC</td>
<td>Revegetation Extension Management</td>
<td>$19,500.00</td>
</tr>
<tr>
<td>SA Murray Darling</td>
<td>32</td>
<td>DWLBC</td>
<td>SA Landcare Coordination</td>
<td>$9,937.50</td>
</tr>
<tr>
<td>Region</td>
<td>ID Number</td>
<td>Agency</td>
<td>Project name</td>
<td>State Funds</td>
</tr>
<tr>
<td>------------------------</td>
<td>-----------</td>
<td>--------------</td>
<td>-------------------------------------------------------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>SA Murray Darling</td>
<td>28</td>
<td>DWLBC</td>
<td>Assessment services. Note this for assessment for clearance applications only</td>
<td>$123,430.20</td>
</tr>
<tr>
<td>Basin</td>
<td></td>
<td></td>
<td>Biodiversity Conservation Programs</td>
<td>$11,250.00</td>
</tr>
<tr>
<td></td>
<td>25</td>
<td>DWLBC</td>
<td>Land Management Planning</td>
<td>$20,400.00</td>
</tr>
<tr>
<td></td>
<td>38</td>
<td>DWLBC</td>
<td>Native Vegetation Council Fund</td>
<td>$39,690.00</td>
</tr>
<tr>
<td></td>
<td>196</td>
<td>DWLBC</td>
<td>Development of water allocation and catchment plans</td>
<td>$90,000.00</td>
</tr>
<tr>
<td></td>
<td>111</td>
<td>DWLBC</td>
<td>Metropolitan and Regional Open Space Funds/One Million Trees</td>
<td>$19,600.00</td>
</tr>
<tr>
<td></td>
<td>27</td>
<td>Planning SA</td>
<td>Riverland Wetlands Monitoring for Management</td>
<td>$263,600.00</td>
</tr>
<tr>
<td></td>
<td>182</td>
<td>RMWCMB</td>
<td>Enhancement of Lake Merri Riparian and Floodplain Vegetation</td>
<td>$87,000.00</td>
</tr>
<tr>
<td></td>
<td>188</td>
<td>RMWCMB</td>
<td>Coordinated implementation of wetland management and monitoring from Lock 1 to</td>
<td>$159,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>the Lakes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>181</td>
<td>RMWCMB</td>
<td>An integrated approach to River Murray Flow and Wetland Management</td>
<td>$52,300.00</td>
</tr>
<tr>
<td></td>
<td>180</td>
<td>RMWCMB</td>
<td>Nigra Creek scoping study and management plan</td>
<td>$36,200.00</td>
</tr>
<tr>
<td></td>
<td>179</td>
<td>RMWCMB</td>
<td>Regional Support Program for Land and Water Management - Riverland Region</td>
<td>$225,000.00</td>
</tr>
<tr>
<td></td>
<td>178</td>
<td>RMWCMB</td>
<td>A partnership approach to irrigator self-auditing in Angus Bremer</td>
<td>$31,900.00</td>
</tr>
<tr>
<td></td>
<td>177</td>
<td>RMWCMB</td>
<td>Regional Support Program - Land and Water Management - Lower Lakes</td>
<td>$73,000.00</td>
</tr>
<tr>
<td></td>
<td>187</td>
<td>RMWCMB</td>
<td>Implementation of accredited wetland management plans in priority areas along</td>
<td>$74,700.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>the R Murray</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>SA Murray Darling Basin Total</td>
<td>$1,787,563.23</td>
</tr>
<tr>
<td>South East</td>
<td>118</td>
<td>DEH</td>
<td>ESP - Plant Research Officer (14)</td>
<td>$8,000.00</td>
</tr>
<tr>
<td></td>
<td>117</td>
<td>DEH</td>
<td>ESP Coordinator (8)</td>
<td>$3,500.00</td>
</tr>
<tr>
<td></td>
<td>127</td>
<td>DEH</td>
<td>Wetlands Waterlink - Environmental Management of the Surface Waters of the</td>
<td>$156,802.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>South East</td>
<td></td>
</tr>
</tbody>
</table>
## QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>Region</th>
<th>ID Number</th>
<th>Agency</th>
<th>Project name</th>
<th>State Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>South East</td>
<td>153</td>
<td>DEH</td>
<td>Regional Ecologists (26) - South East</td>
<td>$81,285.00</td>
</tr>
<tr>
<td>South East</td>
<td>157</td>
<td>DEH</td>
<td>Wyndgate (29) - South East</td>
<td>$30,000.00</td>
</tr>
<tr>
<td>South East</td>
<td>24</td>
<td>DEH</td>
<td>DEH contribution to the Nature Foundation</td>
<td>$8,750.00</td>
</tr>
<tr>
<td>South East</td>
<td>20</td>
<td>DWLBC</td>
<td>Smart Irrigation</td>
<td>$122,825.00</td>
</tr>
<tr>
<td>South East</td>
<td>48</td>
<td>DWLBC</td>
<td>Dryland Salinity</td>
<td>$20,620.53</td>
</tr>
<tr>
<td>South East</td>
<td>38</td>
<td>DWLBC</td>
<td>Land Management Planning Assessment services. Note this for assessment for clearance applications only</td>
<td>$123,430.20</td>
</tr>
<tr>
<td>South East</td>
<td>28</td>
<td>DWLBC</td>
<td>Land Condition Monitoring</td>
<td>$34,375.00</td>
</tr>
<tr>
<td>South East</td>
<td>35</td>
<td>DWLBC</td>
<td>Land management Information Services</td>
<td>$17,750.00</td>
</tr>
<tr>
<td>South East</td>
<td>25</td>
<td>DWLBC</td>
<td>Biodiversity Conservation Programs</td>
<td>$11,250.00</td>
</tr>
<tr>
<td>South East</td>
<td>32</td>
<td>DWLBC</td>
<td>SA Landcare Coordination</td>
<td>$9,937.50</td>
</tr>
<tr>
<td>South East</td>
<td>34</td>
<td>DWLBC</td>
<td>Revegetation Extension Management</td>
<td>$19,500.00</td>
</tr>
<tr>
<td>South East</td>
<td>37</td>
<td>DWLBC</td>
<td>Land management Information Services</td>
<td>$17,750.00</td>
</tr>
<tr>
<td>South East</td>
<td>41</td>
<td>DWLBC</td>
<td>Soil and Rootzone Improvements</td>
<td>$12,000.00</td>
</tr>
<tr>
<td>South East</td>
<td>44</td>
<td>DWLBC</td>
<td>Regional INRM Technical Support</td>
<td>$112,725.00</td>
</tr>
<tr>
<td>South East</td>
<td>2</td>
<td>DWLBC</td>
<td>APCC- Wild Rabbit Control #189</td>
<td>$12,150.00</td>
</tr>
<tr>
<td>South East</td>
<td>47</td>
<td>DWLBC</td>
<td>Regional NRM Capacity Building through Youth</td>
<td>$11,250.00</td>
</tr>
<tr>
<td>South East</td>
<td>111</td>
<td>DWLBC</td>
<td>Development of water allocation and catchment plans</td>
<td>$90,000.00</td>
</tr>
<tr>
<td>South East</td>
<td>176</td>
<td>DWLBC</td>
<td>water resource assessment and development of management and allocation advice</td>
<td>$79,375.00</td>
</tr>
<tr>
<td>South East</td>
<td>196</td>
<td>DWLBC</td>
<td>Native Vegetation Council Fund</td>
<td>$39,690.00</td>
</tr>
<tr>
<td>South East</td>
<td>27</td>
<td>Planning SA</td>
<td>Metropolitan and Regional Open Space Funds/One Million Trees</td>
<td>$19,600.00</td>
</tr>
<tr>
<td>South East</td>
<td>78</td>
<td>SECWMB</td>
<td>Managing ecosystems and biodiversity</td>
<td>$99,000.00</td>
</tr>
<tr>
<td>South East</td>
<td>80</td>
<td>SECWMB</td>
<td>Raising community awareness and involvement</td>
<td>$94,000.00</td>
</tr>
<tr>
<td>South East</td>
<td>84</td>
<td>SECWMB</td>
<td>Monitoring catchment health</td>
<td>$96,000.00</td>
</tr>
<tr>
<td>South East</td>
<td>76</td>
<td>SECWMB</td>
<td>Protecting water quality</td>
<td>$49,000.00</td>
</tr>
<tr>
<td><strong>South East Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$1,383,215.23</strong></td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$15,614,999.00</strong></td>
</tr>
</tbody>
</table>
Environment: Natural Heritage Trust
(Question No. 2858)

Senator Allison asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 19 April 2004:

(1) For each of the financial years 2004-05, 2005-06, and 2006-07, how much has the Commonwealth committed to provide for regional investments in WA under the NHT.

(2) For each of the financial years 2004-05, 2005-06, and 2006-07, how much has the Commonwealth committed to provide for statewide and within state investments in WA under the NHT.

(3) Under the NHT, for each of the financial years 2002-03 and 2003-04:
   (a) how much has the Commonwealth spent on regional investments in WA;
   (b) how much has the Commonwealth spent on statewide and within state investments in WA;
   (c) how much has the WA Government provided in matching regional investments;
   (d) what is the value of the in-kind contributions provided by the WA Government for regional investments;
   (e) how much has the WA Government provided in matching state-wide and within-state investments; and
   (f) what is the value of the in-kind contributions provided by the WA Government for state-wide and within state investments.

(4) Can details be provided of all in-kind contributions provided by the WA Government in the financial years 2002-03 and 2003-04 that were costed using a salary multiplier (including the nature of the contribution, estimated value of the contribution and the salary multiplier that was used).

(5) Can details be provided of all matching investments provided by the WA Government under the NHT in the financial years 2002-03 and 2003-04 that related to projects that had either commenced prior to the relevant NHT investment period (ie. the period in which investment is taken to be an investment under the NHT) or in relation to which the WA Government had announced funding prior to the relevant investment period.

Senator Ian Macdonald—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

(1) The Australian Government has committed to provide funding for regional investments in Western Australia under the National Heritage Trust (‘the Trust’) of:
   $20.83M in 2004-05
   $22.84M in 2005-06
   $22.88M in 2006-07

(2) Funding commitments for state-wide investments in Western Australia under the Natural Heritage Trust for 2004-05, 2005-06 and 2006-07 have not been announced.

(3) | | 2002-03 | 2003-04 |
---|---|---|---|
(a) Australian Government expenditure on regional investments in WA | $8.90M | $13.01M |
(b) Australian Government expenditure on state-wide and within-state investments in WA | $0.71M - Statewide | $0.71M - Statewide |
(c) WA matching funding for regional investments

(d) value of the in-kind contributions provided by WA for regional investments

WA chose to provide all matching funding ‘in-kind’, ie. $61M, and did not differentiate ‘regional’ from ‘statewide’ investment.

(e) how much has WA provided in matching state-wide and within-state investments

WA has chosen to provide all matching funding ‘in-kind’, ie. $35.42M, and did not differentiate ‘regional’ from ‘statewide’ investment.

(f) value of the in-kind contributions provided by WA for state-wide and within-state investments

WA chose to provide all matching funding ‘in-kind’, ie. $61M, and did not differentiate ‘regional’ from ‘statewide’ investment.

(4) Western Australian State agencies have advised that no salary multipliers were used in the calculation of the State’s in kind contributions.

(5) Details of matching investments provided by the WA Government under the NHT in 2002-2003 and 2003-2004 are shown below in Tables 1 and 2 respectively.

Table 1 – 2002-2003 WA State Matching Funding that relates to projects that had commenced prior to the relevant investment period

<table>
<thead>
<tr>
<th>Project title</th>
<th>Region</th>
<th>2002-03</th>
<th>2003-04</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>$61.00M</td>
<td>$35.42M</td>
</tr>
<tr>
<td>Kimberley Integrated Range Development</td>
<td>Rangelands</td>
<td>492332</td>
<td></td>
</tr>
<tr>
<td>Integrated Range Development</td>
<td>Swan</td>
<td>508000</td>
<td>725500</td>
</tr>
<tr>
<td>Resource Management and Protection - SRR</td>
<td>Avon</td>
<td>69790</td>
<td>34895</td>
</tr>
<tr>
<td>Resource Assessment &amp; Monitoring</td>
<td>Northern Agriculture</td>
<td>139580</td>
<td>174476</td>
</tr>
<tr>
<td>Nutrient Management</td>
<td>South Coast</td>
<td>139580</td>
<td>139580</td>
</tr>
<tr>
<td>Agricultural Resource Management</td>
<td>South West</td>
<td>150427</td>
<td>225640</td>
</tr>
<tr>
<td>- Northern Region</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural Resource Management</td>
<td></td>
<td>495278</td>
<td></td>
</tr>
<tr>
<td>- Avon Region</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural Resource Management</td>
<td></td>
<td>783103</td>
<td></td>
</tr>
<tr>
<td>- South Coast Region</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salinity Management</td>
<td></td>
<td>814608</td>
<td></td>
</tr>
<tr>
<td>Agricultural Resource Management</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- South West Region</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marine conservation</td>
<td></td>
<td>328971</td>
<td>234979</td>
</tr>
<tr>
<td>Habitat protection and biodiversity recovery</td>
<td></td>
<td>234979</td>
<td>234979</td>
</tr>
<tr>
<td>Salinity management for biodiversity and natural diversity recovery catchments</td>
<td></td>
<td>140987</td>
<td>661460</td>
</tr>
<tr>
<td>Establishment of a CAR terrestrial reserve system and marine conservation marine system</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assess environmental impacts on water resources</td>
<td></td>
<td>4382207</td>
<td>730368</td>
</tr>
<tr>
<td>Measure and monitor water quality and quantity</td>
<td></td>
<td>730368</td>
<td>730368</td>
</tr>
</tbody>
</table>

Table 2 – 2003-2004 WA State Matching Funding that relates to projects that had commenced prior to the relevant investment period

<table>
<thead>
<tr>
<th>Project title</th>
<th>Region</th>
<th>2002-03</th>
<th>2003-04</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kimberley Integrated Range Development</td>
<td>Rangelands</td>
<td>492332</td>
<td></td>
</tr>
<tr>
<td>Integrated Range Development</td>
<td>Swan</td>
<td>508000</td>
<td>725500</td>
</tr>
<tr>
<td>Resource Management and Protection - SRR</td>
<td>Avon</td>
<td>69790</td>
<td>34895</td>
</tr>
<tr>
<td>Resource Assessment &amp; Monitoring</td>
<td>Northern Agriculture</td>
<td>139580</td>
<td>174476</td>
</tr>
<tr>
<td>Nutrient Management</td>
<td>South Coast</td>
<td>139580</td>
<td>139580</td>
</tr>
<tr>
<td>Agricultural Resource Management</td>
<td>South West</td>
<td>150427</td>
<td>225640</td>
</tr>
<tr>
<td>- Northern Region</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural Resource Management</td>
<td></td>
<td>495278</td>
<td></td>
</tr>
<tr>
<td>- Avon Region</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural Resource Management</td>
<td></td>
<td>783103</td>
<td></td>
</tr>
<tr>
<td>- South Coast Region</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salinity Management</td>
<td></td>
<td>814608</td>
<td></td>
</tr>
<tr>
<td>Agricultural Resource Management</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- South West Region</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marine conservation</td>
<td></td>
<td>328971</td>
<td>234979</td>
</tr>
<tr>
<td>Habitat protection and biodiversity recovery</td>
<td></td>
<td>234979</td>
<td>234979</td>
</tr>
<tr>
<td>Salinity management for biodiversity and natural diversity recovery catchments</td>
<td></td>
<td>140987</td>
<td>661460</td>
</tr>
<tr>
<td>Establishment of a CAR terrestrial reserve system and marine conservation marine system</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assess environmental impacts on water resources</td>
<td></td>
<td>4382207</td>
<td>730368</td>
</tr>
<tr>
<td>Measure and monitor water quality and quantity</td>
<td></td>
<td>730368</td>
<td>730368</td>
</tr>
</tbody>
</table>
### QUESTIONS ON NOTICE

#### Table 1 – 2003-2004 WA State Matching Funding that relates to projects that had commenced prior to the relevant investment period

<table>
<thead>
<tr>
<th>Project title</th>
<th>Region</th>
<th>Rangelands</th>
<th>Swan</th>
<th>Avon</th>
<th>Northern Agriculture</th>
<th>South Coast</th>
<th>South West</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support and advice to catchment and regional groups for salinity management</td>
<td></td>
<td>9989</td>
<td>128809</td>
<td>52725</td>
<td>500461</td>
<td>549968</td>
<td></td>
</tr>
<tr>
<td>Waterways management, protection, restoration and capacity building and support to Natural Resource Management processes, strategies and implementation</td>
<td></td>
<td>178464</td>
<td>2729493</td>
<td>198874</td>
<td>161740</td>
<td>472182</td>
<td>717186</td>
</tr>
<tr>
<td>Wetland protection, management, restoration and capacity building</td>
<td></td>
<td>3688</td>
<td>39840</td>
<td>11022</td>
<td>11065</td>
<td>11065</td>
<td>11065</td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td>9,883,169</td>
<td>8,759,076</td>
<td>10,526,003</td>
<td>5,691,924</td>
<td>8,036,062</td>
<td>18,106,391</td>
</tr>
</tbody>
</table>

#### Table 2 – 2003-2004 WA State Matching Funding that relates to projects that had commenced prior to the relevant investment period

<table>
<thead>
<tr>
<th>Project title</th>
<th>Region</th>
<th>Rangelands</th>
<th>Swan</th>
<th>Avon</th>
<th>Northern Agriculture</th>
<th>South Coast</th>
<th>South West</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kimberley Integrated Range Development</td>
<td></td>
<td>401001</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Integrated Range Development Resource Management and Protection - SRR</td>
<td></td>
<td>488963</td>
<td>793000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Resource Assessment &amp; Monitoring</td>
<td></td>
<td>66159</td>
<td>33080</td>
<td>132318</td>
<td>165398</td>
<td>132318</td>
<td>132318</td>
</tr>
<tr>
<td>Nutrient Management</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>174448</td>
<td>261673</td>
<td></td>
</tr>
<tr>
<td>Agricultural Resource Management - Northern Region</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>521016</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural Resource Management - Avon Region</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>828320</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural Resource Management - South Coast Region</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>886634</td>
<td></td>
</tr>
<tr>
<td>Salinity Management</td>
<td></td>
<td>398660</td>
<td></td>
<td>284757</td>
<td>284757</td>
<td>170854</td>
<td>797375</td>
</tr>
<tr>
<td>Agricultural Resource Management - South West Region</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marine conservation</td>
<td></td>
<td>449138</td>
<td>519603</td>
<td>330288</td>
<td>330288</td>
<td>330269</td>
<td></td>
</tr>
<tr>
<td>Protection of coastal ecosystems</td>
<td></td>
<td>627909</td>
<td>1088660</td>
<td>0</td>
<td>155240</td>
<td>1612540</td>
<td>2014867</td>
</tr>
<tr>
<td>Habitat protection and biodiversity recovery</td>
<td></td>
<td>977717</td>
<td>946460</td>
<td>666033</td>
<td>977716</td>
<td>768699</td>
<td>831091</td>
</tr>
<tr>
<td>Salinity management for biodiversity and natural diversity recovery catchments</td>
<td></td>
<td>2631779</td>
<td></td>
<td>526356</td>
<td>526356</td>
<td>526356</td>
<td>526356</td>
</tr>
<tr>
<td>Establishment of a CAR terrestrial reserve system and marine conservation</td>
<td></td>
<td>1425406</td>
<td>237568</td>
<td>237568</td>
<td>237568</td>
<td>237568</td>
<td></td>
</tr>
<tr>
<td>Assessment of marine system</td>
<td></td>
<td>35555</td>
<td>71110</td>
<td>71110</td>
<td>35555</td>
<td>197728</td>
<td>196314</td>
</tr>
<tr>
<td>Assess environmental impacts on water resources</td>
<td></td>
<td>109147</td>
<td>1250241</td>
<td>14308</td>
<td>38671</td>
<td>90760</td>
<td>318921</td>
</tr>
<tr>
<td>Support and advice to catchment and regional groups for salinity management</td>
<td></td>
<td>0</td>
<td>10921</td>
<td>140829</td>
<td>57645</td>
<td>547165</td>
<td>601291</td>
</tr>
</tbody>
</table>
Environment: Sunrise Gas Development Proposal
(Question No. 2859)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 19 April 2004:

With reference to the environmental impact statement for the Sunrise gas development proposal:
(1) What on-site, including seabed, studies were carried out, when and by whom.
(2) Over what period were these studies carried out.
(3) (a) What baseline studies were carried out; and (b) how will potential changes be monitored and by whom.
(4) What in-site studies were carried out on migratory species and which species; if studies were not carried out, why not.

Senator Ian Macdonald—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

(1) and (2) Two environmental surveys were specifically commissioned for the Sunrise Gas Project which examined the proposed platform location, two alternative pipeline routes and three shallower banks to the south of the platform location. These surveys were conducted by Bowman Bishaw Gorham (BBG) in June 2000 and April/May 2001.

These studies were undertaken in the context of the findings of previous work in the broader region conducted by BBG and the Australian Institute of Marine Science (AIMS) at the Big Bank Shoals, the Bayu-Undan field and Sahul Shelf which found similar continental shelf assemblages to those described at Sunrise.

(3) (a) The environmental surveys by BBG form part of the baseline information for monitoring the environmental impact of the Sunrise Gas Project. In addition the proponent will undertake a supplementary marine survey prior to any construction activity. The survey will cover the project footprint area and a number of nearby shoals.

(b) This baseline information will form the basis of ongoing environmental monitoring for any impacts resulting from the Sunrise Gas Project during the life of the project and for a period following decommissioning. Monitoring will be undertaken by appropriately qualified environmental scientists employed or contracted by the proponent. The environmental health and safety performance of the Sunrise Gas Project will be managed and subject to audit by the Northern Territory Department of Industry and Resource Development as the designated authority under the Petroleum (Submerged Lands) Act 1967.

(4) While individuals of nine migratory species (three whale and six turtle species) listed under the EPBC Act may occur on occasion in the Sunrise Gas Project area none of these species utilise the

QUESTIONS ON NOTICE
area as an important breeding or feeding habitat, nor is the proposed site of the project on any recognised important migration route for these species. The potential impact of the Sunrise development on these species was therefore predicted to be negligible and on site studies were not deemed to be necessary.

**Fisheries: High Seas Fishing Permits**

(Question No. 2865)

Senator Greig asked the Minister for Fisheries, Forestry and Conservation, upon notice, on 28 April 2004:

(1) Which companies have licenses that allow them to bottom trawl on the high seas.

(2) (a) Which vessels are authorised to bottom trawl on the high seas under these licenses; (b) where are these vessels operating; (c) which species are they targeting; (d) how much did they catch in 2001-02 and 2002-03; and (e) what is the duration of the licences.

(3) Which companies have licenses that allow them to bottom trawl on sea mounts on the high seas.

(4) (a) Which vessels are authorised to bottom trawl on sea mounts on the high seas under these licenses; (b) where are these vessels operating; (c) which species are they targeting; (d) how much did they catch in 2001-02 and 2002-03; and (e) what is the duration of the licences.

(5) Which companies have licenses that allow them to bottom trawl on sea mounts in Australian waters.

(6) (a) Which vessels are authorised to bottom trawl on sea mounts on the high seas under these licenses; (b) where are these vessels operating; (c) which species are they targeting; (d) how much did they catch in 2001-02 and 2002-03; and (e) what is the duration of the licences.

(7) What exploratory licences have been issued to bottom trawl on sea mounts on the high seas and in Australian waters.

Senator Ian Macdonald—The answer to the honourable senator’s question is as follows:

(1) Information on ownership of high seas fishing permits is not currently publicly available from the Australian Fisheries Management Authority (AFMA), reflecting commercial confidentiality and privacy concerns. However with the recent passage of legislation amending the Fisheries Management Act 1991 and the Fisheries Administration Act 1991, two registers covering High Seas Fishing and General Permits are to be created. The High Seas Register will include such information as name and address of the owner(s) of the boat and the nature of the fishing permit. Both registers will be available for inspection by the public.

AFMA is currently building these registers and advising permit holders of the nature of the information required.

(2) (a) Vessel information will be available on the public registers.

(b) Please see Attachment A.

(c) Please see Attachment A.

(d) Please see Attachment A.

(e) Fishing licences are normally issued for 1 year.

(3) Information on the nature of fishing permits will be available on the public registers. AFMA fishing permits do not include a specific authorisation for bottom trawling on seamounts.

(4) (a) Vessel information will be available on the public registers.

(b) Please see Attachment A.

(c) Please see Attachment A.
(d) Please see Attachment A.
(e) Licences are normally issued for 1 year.

(5) There are a number of domestic fisheries where fishing permits potentially enable demersal trawling on seamounts i.e. the area of access provided for on the permits covers seamounts (apart from those seamounts excluded from fishing under other legislation). These fisheries are the South East Trawl, Great Australian Bight, Western Deep Water Trawl, East Coast Deep Water Trawl, South Tasman Rise and Coral Sea Fishery. Of these fisheries, public registers currently exist for the SET and GAB and lists of the permit holders entitled to fish in these fisheries together with the names of nominated vessels are at Attachments B and C.

(6) (a) Refer to the answer to Question 5. AFMA fishing permits do not include a specific authorisation for bottom trawling on seamounts.
(b) Please see Attachment D.
(c) Please see Attachment D.
(d) Please see Attachment D.
(e) Licences are normally issued for 1 year.

(7) Two exploratory permits for trawling (not seamount specific) were issued under the Norfolk Island Offshore Demersal Finfish Fishery Exploratory Management Report for 2001-2003. These have now expired and there are currently none on issue. During the same period, no exploratory permits for high seas trawling have been issued.

ATTACHMENT A

The following tables provide a summary of catch by high seas trawlers for the period 2001/02 (Table a) and 2002/03 (Table b). In addressing the Question on Notice a number of assumptions were made regarding the data, namely:

(a) All fishing outside of Australia’s Exclusive Economic Zone is on seamounts or oceanic ridges
(b) Area of operations - in the years 2001/02 and 2002/03, this can be broken into three areas:
   1. Indian Ocean: Either south of Madagascar and on the Ninety Ridge.
   2. Southern Ocean: South Tasman Rise
   3. Pacific Ocean: Lord Howe Rise or West Norfolk Ridge

Table a. Catch in tonnes on the High Seas by area by trawling for 2001/2002

<table>
<thead>
<tr>
<th></th>
<th>INDIAN</th>
<th>PACIFIC</th>
<th>SOUTHERN</th>
<th>All</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alfonsino</td>
<td>1195</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>1196</td>
</tr>
<tr>
<td>Black shark</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Cardinal fish</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Orange roughy</td>
<td>239</td>
<td>156</td>
<td>395</td>
<td></td>
</tr>
<tr>
<td>Ribaldo</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Southern boarfish</td>
<td>&lt;1</td>
<td></td>
<td>&lt;1</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Mixed shark</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Smooth oreo</td>
<td></td>
<td>12</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Spiky oreo</td>
<td>&lt;1</td>
<td>14</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1195</td>
<td>240</td>
<td>182</td>
<td>1617</td>
</tr>
</tbody>
</table>
### Table b. Catch in tonnes on the High Seas by area by trawling for 2002/2003

<table>
<thead>
<tr>
<th>Fish Type</th>
<th>Indian</th>
<th>Pacific</th>
<th>Southern</th>
<th>All</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alfonsino</td>
<td>422</td>
<td>2</td>
<td>&lt;1</td>
<td>424</td>
</tr>
<tr>
<td>Black shark</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Blue eye (Indian)</td>
<td>34</td>
<td></td>
<td></td>
<td>34</td>
</tr>
<tr>
<td>Blue grenadier</td>
<td>&lt;1</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Boarfish</td>
<td>&lt;1</td>
<td></td>
<td>&lt;1</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Crab</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Orange roughy</td>
<td>44</td>
<td>9</td>
<td>53</td>
<td></td>
</tr>
<tr>
<td>Southern boarfish</td>
<td>&lt;1</td>
<td></td>
<td>&lt;1</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Ruby fish</td>
<td>9</td>
<td></td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>Smooth oreo</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Spiky oreo</td>
<td>1</td>
<td>3</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>465</td>
<td>47</td>
<td>13</td>
<td>525</td>
</tr>
</tbody>
</table>

### ATTACHMENT B

South East Trawl Fishery

<table>
<thead>
<tr>
<th>Operator Name</th>
<th>Vessel Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>A RAPTIS &amp; SONS PTY LTD</td>
<td>NORDIC PEARL</td>
</tr>
<tr>
<td>A RAPTIS &amp; SONS PTY LTD</td>
<td>TERRITORY PEARL</td>
</tr>
<tr>
<td>AJKA PTY LTD</td>
<td></td>
</tr>
<tr>
<td>AJKA PTY LTD</td>
<td>ADRIATIC PEARL</td>
</tr>
<tr>
<td>ALLAN WYNE &amp; CAROL ANNE HOBSON</td>
<td>DEE JAY</td>
</tr>
<tr>
<td>ANTONIO IANNI</td>
<td>IMMACOLATA</td>
</tr>
<tr>
<td>ANTONIO MUSUMECI</td>
<td>GIUSEPPA</td>
</tr>
<tr>
<td>AUSTRAL FISHERIES PTY LTD</td>
<td>AUSTRAL LEADER</td>
</tr>
<tr>
<td>AUSTRAL FISHERIES PTY LTD</td>
<td>TEENA B</td>
</tr>
<tr>
<td>AUSTRALIAN FISHING ENTERPRISES PTY LTD</td>
<td>GAIL JEANETTE 3</td>
</tr>
<tr>
<td>BAGNATO HOLDINGS PTY LTD</td>
<td>DON DIEGO</td>
</tr>
<tr>
<td>BANNISTER QUEST PTY LTD</td>
<td></td>
</tr>
<tr>
<td>BEN BOYD FISHING CO PTY LTD</td>
<td>TULLABERGA</td>
</tr>
<tr>
<td>BENJAMIN INNES</td>
<td>SEABERU</td>
</tr>
<tr>
<td>BERNARD J KENNEDY</td>
<td>CRIANDA</td>
</tr>
<tr>
<td>BRENDA P KELLEHER AND NORMAN BRINKMAN</td>
<td></td>
</tr>
<tr>
<td>C PUGLISI &amp; SONS</td>
<td>DEE JAY II</td>
</tr>
<tr>
<td>C PUGLISI &amp; SONS</td>
<td>MELISA</td>
</tr>
<tr>
<td>CAPE HOOD PTY LTD</td>
<td>CORVINA</td>
</tr>
<tr>
<td>CAPE HOOD PTY LTD</td>
<td>SAXON PROGRESS</td>
</tr>
<tr>
<td>CHARISSSA PTY LTD</td>
<td></td>
</tr>
<tr>
<td>CHRISTINE M SECKOLD</td>
<td>CHARISSA</td>
</tr>
<tr>
<td>CHRISTOPHER &amp; ANNE NEWMAN</td>
<td>BEN BOYD</td>
</tr>
<tr>
<td>CULL FISHERIES PTY LTD</td>
<td>ANNE LOUISE</td>
</tr>
<tr>
<td>CUNNINGHAM FISHERIES PTY LTD</td>
<td>COOVARA</td>
</tr>
<tr>
<td>D R &amp; L V ALLEN AND M P CONNALLY</td>
<td>BALLINA STAR</td>
</tr>
<tr>
<td>DARREN JOHN &amp; JOANNE FRANCIS REGGARDO</td>
<td>LADY JANE NEWMAN</td>
</tr>
<tr>
<td>DESTOUNIS FISHING PTY LTD</td>
<td>NAOMI B</td>
</tr>
<tr>
<td>DOMENICO BAGNATO</td>
<td>KIRRAWA</td>
</tr>
<tr>
<td>EDEN FISH PACKING &amp; EXPORT P/L</td>
<td>MARK M</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>Operator Name</th>
<th>Vessel Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>EMPRESS PEARL PTY LTD</td>
<td>EMPRESS PEARL</td>
</tr>
<tr>
<td>ERIKSSON TRAWLING PTY LTD</td>
<td>GAME REASON</td>
</tr>
<tr>
<td>EW, VC, &amp; D JONES</td>
<td>SOUTHERN HUNTER</td>
</tr>
<tr>
<td>F &amp; B COSTA &amp; F &amp; M PUGLISI</td>
<td>SHAYLENE B</td>
</tr>
<tr>
<td>F &amp; H TRAWLING CO</td>
<td>SHIRA</td>
</tr>
<tr>
<td>F C. NEWMAN &amp; M A M NEWMAN</td>
<td>ST ANDREW</td>
</tr>
<tr>
<td>F, C &amp; SG CAMPISI</td>
<td></td>
</tr>
<tr>
<td>F, E, A, A &amp; R LA MACCHIA</td>
<td>SANTA ROSA A</td>
</tr>
<tr>
<td>FERDINANDO MUSUMECI</td>
<td>SAN GIUSEPPE STAR</td>
</tr>
<tr>
<td>FRANCESCO PIRRELLO (JNR)</td>
<td></td>
</tr>
<tr>
<td>FRIEND FISHING PTY LTD</td>
<td>NEREIS</td>
</tr>
<tr>
<td>G, G, M, B &amp; A PUGLISI</td>
<td>GRACIE P</td>
</tr>
<tr>
<td>GARRIE T HENNESS</td>
<td>JODY ANN</td>
</tr>
<tr>
<td>GAZAK HOLDINGS PTY LTD</td>
<td>MOIRA ELIZABETH</td>
</tr>
<tr>
<td>H M FISHING CO PTY LTD</td>
<td>CURALO</td>
</tr>
<tr>
<td>IAN F ROBINSON</td>
<td>TARPEENA</td>
</tr>
<tr>
<td>INGRID M BRINKMAN</td>
<td>SAXON ONWARD</td>
</tr>
<tr>
<td>IRONNET PTY LTD</td>
<td>RUBICON</td>
</tr>
<tr>
<td>J &amp; N JARVIS PTY LTD &amp; DEWEBB PTY LTD</td>
<td>IMLAY</td>
</tr>
<tr>
<td>J &amp; N JARVIS PTY LTD &amp; DEWEBB PTY LTD</td>
<td></td>
</tr>
<tr>
<td>J, F, C R &amp; A LAVALLE</td>
<td>SHOALHAVEN</td>
</tr>
<tr>
<td>JACK MIRIKLIS MARINE PTY LTD</td>
<td>DERWENT VENTURE</td>
</tr>
<tr>
<td>JAMES A SUTHERLAND ENTERPRISE</td>
<td></td>
</tr>
<tr>
<td>JOE DIMENTO</td>
<td>KIMBARA</td>
</tr>
<tr>
<td>JOHN C GUILLOT</td>
<td>LADY CHERYL</td>
</tr>
<tr>
<td>JOHN CHARLES &amp; CHERYL ANN GUILLOT</td>
<td>WESTERN ALLIANCE</td>
</tr>
<tr>
<td>JOHN E GRAY</td>
<td>ANNE MARIE IV</td>
</tr>
<tr>
<td>JOHN F MASON &amp; LYNN CHEUNG</td>
<td></td>
</tr>
<tr>
<td>JOSEPH G PUGLISI</td>
<td>KO DEE CUE</td>
</tr>
<tr>
<td>JUBB PTY LTD</td>
<td>KENDON B</td>
</tr>
<tr>
<td>JUBB PTY LTD</td>
<td>SHELLEY H</td>
</tr>
<tr>
<td>KEVIN J GRAY</td>
<td>ANNE MARIE V</td>
</tr>
<tr>
<td>KILLARA RIVER PTY LTD</td>
<td></td>
</tr>
<tr>
<td>LAURITZ NEAL THOMSEN</td>
<td>TAURANGA</td>
</tr>
<tr>
<td>LORJONA PTY LTD</td>
<td>BARAMEDA</td>
</tr>
<tr>
<td>LORJONA PTY LTD</td>
<td>KAP FARVEL</td>
</tr>
<tr>
<td>MELINA T PTY LTD</td>
<td>SANTA MARIA STAR</td>
</tr>
<tr>
<td>MICHAEL J &amp; JENNETTE A PUGLISI</td>
<td>TORINA M</td>
</tr>
<tr>
<td>NEIL ANTHONY INNES</td>
<td>ROBIN ELIZABETH</td>
</tr>
<tr>
<td>NEIL JOHN &amp; MICHAEL NEIL KELLY</td>
<td>JAMES KERLIN</td>
</tr>
<tr>
<td>NEIL REGGARDO</td>
<td>ISLAND LEADER</td>
</tr>
<tr>
<td>NEVILLE P &amp; HELEN M ROCKLIFF</td>
<td></td>
</tr>
<tr>
<td>OCEAN FRESH FISHERIES PTY LTD</td>
<td>MEGISTI STAR F</td>
</tr>
<tr>
<td>OCEAN FRESH FISHERIES PTY LTD</td>
<td>PETERSEN</td>
</tr>
<tr>
<td>P &amp; D CLARKE &amp; G HUTCHISON</td>
<td>KENDEAN</td>
</tr>
<tr>
<td>P W ADAMS PTY LTD</td>
<td>WELLINGTON CAPE</td>
</tr>
<tr>
<td>PARKHILL FISHERIES PTY LTD</td>
<td>BRIGAND</td>
</tr>
<tr>
<td>PAUL BAGNATO</td>
<td>SEA PORT</td>
</tr>
<tr>
<td>PETER BELL</td>
<td>WENDY BELLE</td>
</tr>
<tr>
<td>Operator Name</td>
<td>Vessel Name</td>
</tr>
<tr>
<td>---------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>PETER G &amp; UNA M ROCKLIFF</td>
<td>PETER G &amp; UNA M ROCKLIFF</td>
</tr>
<tr>
<td>PETER M LE MAITRE</td>
<td>MARLEY POINT</td>
</tr>
<tr>
<td>PETUNA SEALORD PTY LTD</td>
<td>HUON PETREL</td>
</tr>
<tr>
<td>PRESMINT PTY LTD</td>
<td>JOSEPHINE JEAN</td>
</tr>
<tr>
<td>R, J &amp; P LAGANA</td>
<td>CARMELA T</td>
</tr>
<tr>
<td>RACOVOLIS AMALGAMATED FISH AGENTS P/L</td>
<td>SAN TANGAROA</td>
</tr>
<tr>
<td>RACOVOLIS AMALGAMATED FISH AGENTS P/L</td>
<td>SAPPHIRE-STAR</td>
</tr>
<tr>
<td>RACOVOLIS AUSTRALIA P/L &amp; D &amp; L BRADBURY T/A</td>
<td>SAPPHIRE-STAR</td>
</tr>
<tr>
<td>RICHARD D, ROSS &amp; PAUL BAGNATO</td>
<td>ANTONIA</td>
</tr>
<tr>
<td>ROCCHRIS PTY LTD</td>
<td>SILENT VICTORY</td>
</tr>
<tr>
<td>ROCCO PIRRELLO</td>
<td>ROCKFISH I</td>
</tr>
<tr>
<td>ROGER MICHAEL FOURTER</td>
<td>OSPREY IV</td>
</tr>
<tr>
<td>S, S &amp; J SOTIRAKIS</td>
<td>CASTELLA ROSA</td>
</tr>
<tr>
<td>SALVATORE, LUCIA, VINCENZO &amp; ANTHONY</td>
<td>FRANCESCA</td>
</tr>
<tr>
<td>BAGNATO</td>
<td></td>
</tr>
<tr>
<td>SANTO, JOE &amp; TONY BATTAGLIOLO</td>
<td>ARAKIWA</td>
</tr>
<tr>
<td>SARRIBA PTY LTD</td>
<td>BELRIBA</td>
</tr>
<tr>
<td>SARRIBA PTY LTD</td>
<td>SARRIBA</td>
</tr>
<tr>
<td>SARUNIC &amp; SONS PTY LTD</td>
<td>SARUNIC &amp; SONS TRUST NO.2</td>
</tr>
<tr>
<td>SEAFISH TASMANIA PTY LTD</td>
<td>ELLIDI</td>
</tr>
<tr>
<td>SHAYNE LESLIE BARLING &amp; ANNMARIE FRIEND</td>
<td>TAMBO BAY</td>
</tr>
<tr>
<td>SIMOAN PTY LTD</td>
<td>SALT RIVER</td>
</tr>
<tr>
<td>SIMON K TIDSWELL</td>
<td>VERONICA S</td>
</tr>
<tr>
<td>STEPHEN WILLIAM JOHN FARQUHAR</td>
<td>PASADENA STAR</td>
</tr>
<tr>
<td>T &amp; DP GUARNACCIA PTY LTD &amp; HUNT MORREY PTY LTD</td>
<td>LADY MIRIAM NEWMAN</td>
</tr>
<tr>
<td>TANILBA BAY FISHERIES PTY LTD</td>
<td>TANILBA BAY</td>
</tr>
<tr>
<td>THEODORUS &amp; MIRANDA VAN BOOM, LUCAS &amp; MARGARET HILL</td>
<td>YUKON</td>
</tr>
<tr>
<td>TOBERFISH PTY LTD</td>
<td>ZEEHAAN</td>
</tr>
<tr>
<td>VINCENZO &amp; ANTONIO IANNI</td>
<td>SAN DIEGO</td>
</tr>
<tr>
<td>VINCENZO, LUCIA &amp; ROCCO MUSUMECI</td>
<td>ILLAWARRA STAR</td>
</tr>
<tr>
<td>W M &amp; J E CULL PTY LTD</td>
<td>SANDGROPER</td>
</tr>
<tr>
<td>WAYNE L CHEERS</td>
<td>NUNGURNER</td>
</tr>
<tr>
<td>WILLIAM R WATTS</td>
<td>MIRANDA BAY</td>
</tr>
<tr>
<td>WILLIAM R WATTS</td>
<td>NEPELLE</td>
</tr>
<tr>
<td>WILLIAM ROSE PTY LTD</td>
<td>CELTIC ROSE</td>
</tr>
<tr>
<td>WOODSTEIN PTY LTD</td>
<td>VICTORY II</td>
</tr>
</tbody>
</table>
ATTACHMENT C
GAB SFR Holders and nominated vessels as at 21 May 2004

<table>
<thead>
<tr>
<th>Client Name</th>
<th>Vessel Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>A RAPTIS &amp; SONS PTY LTD</td>
<td>NORDIC PEARL</td>
</tr>
<tr>
<td>A RAPTIS &amp; SONS PTY LTD</td>
<td>NOBLE PEARL</td>
</tr>
<tr>
<td>A RAPTIS &amp; SONS PTY LTD</td>
<td>TERRITORY PEARL</td>
</tr>
<tr>
<td>AUSTRAL FISHERIES PTY LTD</td>
<td>TEENA B</td>
</tr>
<tr>
<td>LUCKY S FISHING PTY LTD</td>
<td>PETUNA EXPLORER</td>
</tr>
<tr>
<td>OCEAN FRESH FISHERIES PTY LTD</td>
<td>OCEAN FRESH</td>
</tr>
<tr>
<td>OCEAN FRESH FISHERIES PTY LTD</td>
<td>MEGISTI STAR F</td>
</tr>
<tr>
<td>SARRIBA PTY LTD</td>
<td>RIBA I</td>
</tr>
<tr>
<td>VALENTE HOLDINGS P/L</td>
<td>SOUTHERN VOYAGER</td>
</tr>
<tr>
<td>VALENTE HOLDINGS P/L</td>
<td>SANTO ROCCO DI BAGNARA</td>
</tr>
</tbody>
</table>

ATTACHMENT D
The following tables provide a summary of catch by domestic trawlers within the EEZ for the period 2001/02 (Table a) and 2002/03 (Table b). In addressing this request a number of assumptions were made regarding the data, namely:

(a) All fishing in waters less than 100m has been excluded
(b) seamounts within the EEZ have been selected based on bathometry available to AFMA
(c) Area of operations - in the years 2001/02 and 2002/03, this can be broken into three areas:
   1. Indian Ocean : no domestic seamounts fished.
   2. Southern Ocean: South Tasman Rise, Cascade Plateau or south of Maatsuyker island
   3. Pacific Ocean: Lord Howe Rise or West Norfolk Ridge within EEZ

Table a. Catch in tonnes in the EEZ by area by trawling for 2001/2002

<table>
<thead>
<tr>
<th></th>
<th>PACIFIC</th>
<th>SOUTHERN</th>
<th>All</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alfonsino</td>
<td>64</td>
<td>&lt;1</td>
<td>64</td>
</tr>
<tr>
<td>Bar rockcod</td>
<td>2</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Black shark</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Blue eye</td>
<td>15</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Blue grenadier</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Cods</td>
<td>&lt;1</td>
<td></td>
<td>&lt;1</td>
</tr>
<tr>
<td>Dories</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Elephantfish</td>
<td>&lt;1</td>
<td></td>
<td>&lt;1</td>
</tr>
<tr>
<td>Gemfish</td>
<td>11</td>
<td></td>
<td>11</td>
</tr>
<tr>
<td>Hapuku</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Hussar</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Northwest ruby fish</td>
<td>&lt;1</td>
<td></td>
<td>&lt;1</td>
</tr>
<tr>
<td>Orange roughy</td>
<td>&lt;1</td>
<td>414</td>
<td>414</td>
</tr>
<tr>
<td>Platypus shark</td>
<td>&lt;1</td>
<td></td>
<td>&lt;1</td>
</tr>
<tr>
<td>Ribaldo</td>
<td>&lt;1</td>
<td></td>
<td>&lt;1</td>
</tr>
<tr>
<td>Smooth oreo</td>
<td>121</td>
<td>121</td>
<td>121</td>
</tr>
<tr>
<td>Spiky oreo</td>
<td>70</td>
<td>70</td>
<td>70</td>
</tr>
<tr>
<td>Total</td>
<td>78</td>
<td>621</td>
<td>699</td>
</tr>
</tbody>
</table>
Table b. Catch in tonnes in the EEZ by area by trawling for 2002/2003

<table>
<thead>
<tr>
<th>Species</th>
<th>PACIFIC</th>
<th>SOUTHERN</th>
<th>All</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alfonsino</td>
<td>127</td>
<td>127</td>
<td></td>
</tr>
<tr>
<td>Bar rockcod</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Blue eye</td>
<td>4</td>
<td>16</td>
<td>20</td>
</tr>
<tr>
<td>Blue grenadier</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Boarfish</td>
<td>7</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Gemfish</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Ghost shark</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Hapuku</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Northwest ruby fish</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Ocean perch</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Oilfish</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Orange roughy</td>
<td>&lt;1</td>
<td>1284</td>
<td>1284</td>
</tr>
<tr>
<td>Mixed fish</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Ribaldo</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Southern boarfish</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Smooth oreo</td>
<td>211</td>
<td>211</td>
<td></td>
</tr>
<tr>
<td>Spiky oreo</td>
<td>42</td>
<td>42</td>
<td></td>
</tr>
<tr>
<td>Spurdog</td>
<td>&lt;1</td>
<td>&lt;1</td>
<td>&lt;1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>142</td>
<td>1553</td>
<td>1695</td>
</tr>
</tbody>
</table>

**Roads: Scoresby Freeway**

(Question No. 2868)

*Senator Allison* asked the Minister for Local Government, Territories and Roads, upon notice, on 3 May 2004:

1. How much has the department budgeted for advertising in relation to the Scoresby Freeway in 2002-03 and in 2003-04.
2. How much of this money has been spent to date.
3. What was the cost of the press advertising in the period 23 April to 25 April 2004.
4. (a) What resources have been allocated from other departments for advertising in relation to the Scoresby Freeway in 2002-03 and in 2003-04; and (b) how much has been spent to date.

*Senator Ian Campbell*—The answer to the honourable senator’s question is as follows:

1. (1) and (2) No separate provision was made in the departmental budget for 2002-03 or 2003-04 for advertising in relation to the Scoresby Freeway. However, in April 2004, an additional $5 million was provided to the Department for a communications campaign relating to Australian Government expenditure on roads. $116,702 of these funds has been spent on advertisements relating to the Scoresby Freeway.
2. (3) The advertisements that appeared in the press in the period 23 April to 25 April 2004 cost $116,702.
3. (4) (a) and (b) I have no information on expenditure by other Australian Government agencies for this purpose.
Australian Federal Police: Investigations
(Question No. 2874)

**Senator Ludwig** asked the Minister representing the Attorney-General, upon notice, on 6 May 2004:

(1) For each year from 1991 to the present, how many investigations associated with the unlawful handling of Commonwealth Government information by Australian Public Service (APS) personnel have been undertaken by the Australian Federal Police (AFP).

(2) How many of these investigations have resulted in briefs of evidence being handed to the Commonwealth Director of Public Prosecutions.

(3) For each year from 1991 to the present: (a) how many APS personnel have been charged with offences associated with the unlawful disclosure of Commonwealth Government information; and (b) how many APS personnel have been convicted of these offences.

(4) For each year from 2000 to the present, how many staff hours has the AFP allocated to investigations into the unlawful handling of Commonwealth Government information by APS personnel.

**Senator Ellison**—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) Since 1991 the AFP has moved through the development of several computer storage systems. Only selected data was migrated from one system to the next, therefore information on the number of investigations undertaken by the AFP between 1991 and 1996 is unavailable. The number of investigations undertaken since 1997 is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>1997</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004 YTD</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>16</td>
<td>23</td>
<td>8</td>
<td>14</td>
<td>13</td>
<td>12</td>
<td>16</td>
<td>9</td>
<td>111</td>
</tr>
</tbody>
</table>

(2) Investigations associated with the unlawful handling of Commonwealth Government information (including by APS personnel) falls under Section 70 of the Crimes Act 1914. According to the Commonwealth Director of Public Prosecutions (CDPP), since 1 July 1991 the AFP has referred 30 matters to the CDPP relating to offences under Section 70 of the Crimes Act 1914.

(3) (a) Since 1 July 1991 the CDPP has commenced 30 prosecutions from referrals by the AFP. (b) Since 1 July 1991 there have been 22 successful convictions.

(4) The following table shows the hours worked by AFP members on these investigations.

<table>
<thead>
<tr>
<th>Year</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004 YTD</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6,480</td>
<td>9,727</td>
<td>7,549</td>
<td>5,060</td>
<td>4,171</td>
<td>32,987</td>
</tr>
</tbody>
</table>

Attorney-General’s: Legal Professional Privilege
(Question No. 2878)

**Senator Ludwig** asked the Minister representing the Attorney-General, upon notice, on 6 May 2004:

With reference to reviews conducted on behalf of the department by legal firms, particularly those in relation to legal privilege:

(1) Do all contracts in the Attorney-General’s portfolio for reviews or other consultancy work by private legal firms contain clauses which deal with issues of legal professional privilege; if so, how does the department deal with this issue, and can examples be provided; if not why not.
(2) Has legal professional privilege been raised by law firms in response to inquiries and/or questions concerning the progress of a consultancy or review asked by the department; if so, can details be provided on where and when the issue was raised and what steps if any were taken by the department to gain the information initially sought.

(3) How can the department be assured that a conflict has not arisen if privilege is invoked.

(4) What mechanisms are in place to ensure conflicts and issues of privilege can be resolved.

(5) (a) How does the department deal with conflicts if legal professional privilege is raised; and
(b) does the department have any guidelines in relation to this issue; if so, can a copy be provided; if not, why not.

(6) In relation to the Copyright Digital Agenda Review undertaken by the law firm Phillips Fox, in respect of which legal privilege was cited in an answer given by the department to a question on notice:
(a) were there any provisions in relation to legal professional privilege written into the contract for the consultancy with Phillips Fox for the Copyright Digital Review Agenda; if so, what were these provisions; if not, why not;
(b) did the Phillips Fox contract with the department deal with the issue of privilege in relation to its consultancy; if not, why not; and
(c) have there been any instances where the department has failed to obtain information about the consultancy process because Phillips Fox has claimed legal professional privilege; if so, can details be provided.

(7) In relation to an article in Lawyers Weekly, in which the Minister for Justice and Customs, Senator Ellison, speaking for the Attorney-General said that ‘specification of actual or perceived conflicts was a mandatory criterion of the Request for Tender’: If legal privilege can be claimed by law firms undertaking consultancy work for Commonwealth departments, how can the Attorney General’s department substantiate that there are no actual or perceived conflicts of interest

Senator Ellison—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) Contracts in the Attorney-General’s Department for reviews or other consultancy work by private law firms do not generally contain clauses that deal with legal professional privilege because this is not necessary. Law firms tendering for Departmental work cannot generally refuse to disclose the names of their clients on the grounds of legal professional privilege when responding to questions from the Department regarding possible conflicts of interest. However, during tendering processes law firms may make a business decision not to provide the names of clients, which could lead to the Department not considering them suitable to undertake the work.

(2) No data is collected centrally on the incidence of legal professional privilege relating to any aspect of legal firms using legal professional privilege in response to inquiries of progress under the consultancy or review, since the issue does not generally arise. As progress reporting generally occurs during the full life cycle of consultancies and reviews, such data would be difficult and time consuming to compile.

(3) The claiming of legal professional privilege does not usually arise in relation to questions of conflict of interest (see the response to question 1 above).

(4) The claiming of legal professional privilege does not usually arise in relation to questions of conflict of interest (see the response to question 1 above).

(5) (a) The claiming of legal professional privilege does not usually arise in relation to questions of conflict of interest (see the response to question 1 above).
(b) No. The claiming of legal professional privilege does not usually arise in relation to questions of conflict of interest (see the response to question 1 above).

(6) It is possible that a misunderstanding has resulted from the reference to legal professional privilege in answers to previous Questions on Notice concerning Phillips Fox and the copyright Digital Agenda review, in particular, the answer to Question on Notice 2203 and the management plan that formed Attachment A to the answer to Question on Notice 2753. To the extent that there is any misunderstanding this answer seeks to clarify the matter.

As stated in the answer to Question on Notice 2203, in its tender Phillips Fox disclosed the names of clients that Phillips Fox acted for that Phillips Fox assessed as having an interest in the proper and efficient operation of Australia’s copyright system and, possibly, an interest in making submissions to the review. The names of these clients were supplied to the Attorney-General’s Department in confidence for the purpose of assessing the conflict of interest requirement of the tender process. Although Attachment A to the answer to Question on Notice 2753 included the annotation [List of relevant Phillips Fox Clients – subject to Legal Professional Privilege] this should more correctly have stated that the list of client names was confidential information. The management plan formed part of the Phillips Fox tender which was confidential information under the Agreement between the Commonwealth and Phillips Fox.

Legal professional privilege was also referred to in the answer to Question on Notice 2203 concerning which Government departments and agencies had engaged Phillips Fox to perform legal work for them. In its tender Phillips Fox advised the Attorney-General’s Department that the firm acted for ‘a number of Commonwealth and State departments and other public sector agencies’. The fact that no more specific details were supplied by Phillips Fox about these clients related more to the fact that the work being done for those clients was not such that would give rise to any particular conflict of interest in relation to the work being tendered for and, therefore, it was not necessary to provide more specific information.

(a) No. No such provisions were included as it was not identified by either party as an issue requiring inclusion. The contract included provisions dealing with conflict of interest requirements and confidentiality.

(b) No. Phillips Fox were not contracted as the Department’s legal advisers. Phillips Fox were contracted to conduct research and analysis of the digital agenda reforms from legal, economic and technical points of view. The successful tenderer happened to be a law firm but was not required to be so. The relationship between the Department and Phillips Fox was governed by the consultancy Agreement.

(c) No.

(7) As stated in the answer to Question on Notice 2753, conflict of interest was a mandatory criterion for tenders in respect of the copyright Digital Agenda review. The claiming of legal professional privilege does not usually arise in relation to questions of conflict of interest (see the response to question 1 above).

**Telstra**

(Question No. 2886)

**Senator Brown** asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 6 May 2004:

(1) Is it correct that a promise was given in writing from the office of the then Minister for Communications, Information Technology and the Arts, Senator Alston, that all claims from the group ‘Casualties of Telstra’ would be settled before the end of 1999.

(2) Are there any claims still outstanding that date back to 1999 or earlier.
Senator Kemp—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable senator’s question:

(1) A search has been conducted of records held by the Office of the Minister for Communications, Information Technology and the Arts and the Department of Communications, Information Technology and the Arts for such a document. No evidence of the alleged undertaking has been located.

(2) Telstra has advised that claims made by all sixteen ‘Casualties of Telstra’ were resolved by July 1999, by negotiated settlement or arbitration. Telstra advised that negotiated settlements were made with three ‘Casualties of Telstra’ in April 1999 and the final claim was settled in July 1999.

Telstra further advised that one of the ‘Casualties of Telstra’, Valkobi Pty Ltd, commenced proceedings in the Supreme Court of Victoria seeking damages or the setting aside of the arbitration award made in Valkobi’s favour in June 1996. Telstra has advised that it is defending these proceedings.

Science: Cooperative Research Centres

(Question No. 2896)

Senator Brown asked the Minister representing the Minister for Science, upon notice, 10 May 2004:

With reference to the recent decisions by the Cooperative Research Centres Committee on stage 1 of the 2004 selection round:

(1) (a) Can a list be provided of the meetings, including time, place and duration, at which issues relating to mining and energy applications were discussed; and (b) for each meeting, what was the nature of the discussion.

(2) (a) Can the Minister confirm that the Chief Scientist, Dr Robin Batterham, absented himself from all meetings when issues relating to mining and energy applications were discussed and that no related documents were provided to him; and (b) can details be provided.

(3) (a) What was the process by which applications were assessed; and (b) for each application, who carried out the assessment and who reviewed it.

Senator Vanstone—The Minister for Science has provided the following answer to the honourable senator’s question:

(1) (a) Stage 1 applications for the 2004 CRC Selection Round, including mining and energy applications, were discussed at the CRC Committee meeting on 22 and 23 April 2004. The meeting was held at the Department of Education, Science and Training offices in Canberra. Proceedings took place from 9:30am to 5:00pm on Thursday, 22 April and from 9:00am to 2:30pm on Friday 23 April 2004.

(b) At the meeting, the CRC Committee considered applications in Stage 1 of the selection process in accordance with the published 2004 Selection Round Guidelines for Applicants.

(2) (a) and (b) Dr Batterham was not required to absent himself from the meetings during discussion of mining and energy applications and he received all related documents. This was in accordance with the CRC Committee’s conflict of interest rules and the Committee’s decision to accept the ‘firewall’ arrangements that have been put in place at Rio Tinto in relation to CRC matters.

(3) (a) The applications were assessed in accordance with the 2004 Selection Round Guidelines for Applicants. The committee decisions were made by consensus decision making.

(b) All applications were assessed by the CRC Committee. The Committee’s assessments were not reviewed.
**Education: Literacy and Numeracy Benchmarks**

(Question No. 2897)

**Senator Allison** asked the Minister representing the Minister for Education, Science and Training, upon notice, on 10 May 2004:

1. (a) In what capacity is Dr Kevin Donnelly employed by the Minister for Employment and Workplace Relations; and (b) what are his current responsibilities.
2. Does the Minister agree with Dr Donnelly’s statement, reported in the Sunday *Herald Sun* of 2 May 2004 that ‘An education mafia has been running our system for years’.
3. Does the Minister agree that schools should adopt rote learning of multiplication tables, poems and historical dates, as promoted by Dr Donnelly.
4. Does the Minister agree with Dr Donnelly’s reported statement that ‘National literacy and numeracy benchmarks are flawed and, compared to overseas benchmarks, set at a lower level’.

**Senator Vanstone**—The Minister for Education, Science and Training has provided the following answer to the honourable Senator’s question:

1. (a) and (b) These questions will be answered by the Minister for Employment and Workplace Relations.
2. Dr Donnelly is entitled to his own views. A number of commentators have made observations about the influence of particular groups on education policy and practice. For example, the opposition of the teacher unions to basic skills testing is well known.
3. While the Australian Government has a strong interest in the reporting of student achievement against common national standards, the State and Territory government and non-government education authorities determine the curricula undertaken in schools. In the syllabus and curriculum documents currently used in the States and Territories, there is a clear recognition that children need to recall or mentally determine basic multiplication and division facts. By the end of Year 4, it is generally assumed by these documents that all children will be able to recall multiplication facts up to 10 X 10 and to work out division facts from known multiplication facts.

Educators agree that children are disadvantaged from a speed point of view if they don’t have number facts at their fingertips. These number facts can be established through some memorisation practice, as well as activities such as:

- Providing opportunities for children to develop their own informal calculation strategies. Children might know that 6 x 5 is 30, but do not recall that 7 x 5 is 35. However, they can reason that the answer will be 5 more than 6 x 5;
- Providing opportunities for children to compare different calculation methods; and
- Encouraging children to look at the reasonableness of their answers.

4. No. The Minister does not agree with Dr Donnelly’s reported statement that the benchmarks are flawed and set at a lower standard than overseas benchmarks.

Every State and Territory undertakes rigorous standardised literacy and numeracy testing at Years 3, 5 and 7. These tests address the full range of the curriculum and the full range of students’ ability. This ensures that teachers teach to the full curriculum, encouraging excellence while at the same time ensuring that all children have essential literacy and numeracy skills. The national comparable benchmark data is extracted from these State tests.

The national benchmark standards, as agreed by all Ministers, represent the minimum acceptable standard of literacy and numeracy that a student must have at a particular year level for the student...
to continue to make progress at school. As such, the benchmarks do not seek to describe the full curriculum or the full range of student achievement. The benchmarks have a strong equity component, with an expectation that all students should attain at least the level of skill they need to access further schooling.

Six studies were undertaken by the Australian Council for Educational Research from 1997 to 1999, to compare Australia’s draft literacy and numeracy benchmarks with standards overseas. These studies were commissioned to inform the development of the final benchmarks and for use in reviewing the benchmarks at a later date. Student performance on items from the Third International Mathematics and Science Study (TIMSS) was also considered.

Comparisons drawn between the Australian benchmarks and standards from other countries need to be treated carefully.

Overall, the studies found that the Australian benchmarks are set at a lower level than standards in other countries, because Australian benchmarks are minimum acceptable standards. Unlike the Australian benchmarks, most countries do not explicitly state that all students are expected to achieve a minimum standard in terms of actual performance, but instead set more aspirational standards.

The Australian benchmarks cover a smaller range of skills, because they are designed to include only essential elements needed by students to make progress at school (and elements agreed by all States/Territories). Most overseas documents examined were broader, more curriculum-oriented documents.

**Iraq**

(Question No. 2903)

**Senator Brown** asked the Minister for Defence, upon notice, on 11 May 2004:

(1) In the recent battle for Fallujah, in Iraq, how many armed services personnel and civilians were killed or injured.

(2) What measures has the Australian Government taken to ascertain how many civilians died or were injured and the immediate circumstances that led to those deaths and injuries.

**Senator Hill**—The answer to the honourable senator’s question is as follows:

(1) and (2) No formed Australian Defence Force units were involved in this action. Questions related to the military and civilian casualties of operations in Fallujah should be referred directly to the United States Government.

**Australian Federal Police: Investigations**

(Question No. 2904)

**Senator Jacinta Collins** asked the Minister for Justice and Customs, upon notice, on 12 May 2004:

For each of the following years: 1997, 1998, 1999, 2000, 2001, 2002 and 2003, and for the year 2004 to date:

(1) How many investigations has the Australian Federal Police (AFP) conducted into suspected leaks of information in respect of federal government departments and agencies.

(2) How many AFP staff hours were spent on investigating these suspected leaks (if precise figures are not available, please provide estimates).

(3) What was the cost of legal fees incurred by the AFP in relation to the investigation of these suspected leaks (if precise figures are not available, please provide estimates).
(4) Did the AFP incur any costs other than those described in the answers to parts (2) and (3) in relation to the investigation of these suspected leaks; if so, what was the total (if precise figures are not available, please provide estimates).

**Senator Ellison**—The answer to the honourable senator’s question is as follows:
The AFP has provided the figures that answer the honourable senator’s question. Where possible the data has been collated from the AFP computer systems. I am informed the AFP changed computer systems in 1999 and only selected data was migrated across to the new recording system. Therefore, the number of investigations reported against 1997 and 1998 (Question 1) is based on data that cannot now be interrogated for its accuracy. The recording of hours worked on particular investigations (Question 2) did not commence until 2000. Consequently there are no such records for the preceding years.

<table>
<thead>
<tr>
<th></th>
<th>1997</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004 YTD</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>16</td>
<td>23</td>
<td>8</td>
<td>14</td>
<td>13</td>
<td>12</td>
<td>16</td>
<td>9</td>
<td>111</td>
</tr>
</tbody>
</table>

(2) Financial Year figures (hours)

<table>
<thead>
<tr>
<th></th>
<th>1997</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004 YTD</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>6,480</td>
<td>9,727</td>
<td>7,549</td>
<td>5,060</td>
<td>4,171</td>
<td></td>
<td>32,987</td>
</tr>
</tbody>
</table>

N/A - No information available

(3) The prosecution of these offences is the responsibility of the Commonwealth Director of Public Prosecutions (CDPP) and the majority of legal costs would be borne by that department. The legal costs attributed to the AFP are not recorded separately and can not be reported on in this context.

(4) The total cost incurred by the AFP, incorporating witness expenses, is $183,118. This figure does not include the dollar amounts for employee costs referred to in the answer to question 2. Similar financial data is not available for the financial years 1997/98 and 1998/99.

**Australian Customs Service: Public Awareness Campaign**

(Question No. 2924)

**Senator Ludwig** asked the Minister for Justice and Customs, upon notice, on 12 May 2004:

With reference to the article in the Australian Customs Service (ACS) journal, Manifest (Volume 6, Number 2, dated September 2003) entitled ‘Customs launches new awareness campaign’:

(1) What is the official name of the public awareness campaign launched by the ACS to inform the community, trading industry and other key stakeholders of the crucial role it plays in protecting Australia’s borders, as referred to in the article.

(2) Does this campaign include the public information campaign to promote the ACS hotline in regional and remote areas.

(3) Between what dates will this campaign run.

(4) Why was this campaign launched.

(5) Given that the article mentions that this campaign ‘has been developed in response to questions about the organisation’s role abilities and activities’: (a) who asked these questions; and (b) in what form were they asked.

(6) Does the ACS have any record of these questions being asked.

(7) Is there any documentary evidence that such questions have been asked of the ACS; if so, can a copy of this evidence or any other evidence that establishes that such questions were asked be provided.
(8) Given that the article also states that ‘Increasingly the community wants to know how Customs is doing its job of managing the security and integrity of the Australian border while allowing legitimate people and cargo to move in and out of the country’, on what basis does the ACS make that claim.

(9) Is there any documentary evidence that there has been such an increase in the community’s desire for this information; if so, can this evidence or any other evidence that supports this conclusion be provided.

(10) Can a copy be provided of all the visual, audio and print material produced for this campaign; if not, why not.

(11) Why were measures to counter terrorism made a focus of the campaign.

(12) Can a list be provided of all broadcasters or other media organisations who have been paid to broadcast information as part of this campaign, including the campaign to promote the ACS hotline in regional and remote areas.

(13) What is the location of each of these broadcasters.

(14) On what basis were the organisations contracted to broadcast information as part of this campaign selected.

Senator Ellison—The answer to the honourable senator’s question is as follows:

(1) Customs Border Awareness Campaign.

(2) Yes.

(3) I launched the campaign in March 2003. It will continue through 2004-05.

(4) In 2001 the Joint Committee of Public Accounts and Audit completed an inquiry into Customs Coastwatch (JCPAA Report No. 384 “Review of Coastwatch”, August 2001). The committee recommended, and in September 2002 the Government agreed, that “Coastwatch should undertake a comprehensive campaign to inform the public of its role in protecting Australia’s borders. The campaign should be focussed on the effectiveness of Coastwatch and how Coastwatch contributes to the outcomes of its client agencies.” As Coastwatch is a program of the Australian Customs Service (Customs), the agency developed a wider-ranging campaign about its border protection role. Coastwatch is a focus of the campaign, set in this broader context.

(5) (a) See (4) above.

(b) See (4) above.

(6) See (4) above.

(7) See (4) above.

(8) See (4) above.

(9) See (4) above.

(10) Yes. Copies of all materials will be provided to the honourable senator. Audio material and most printed material is also available for download from the Customs website under the heading “Protecting our Borders”.

(11) While Customs is not primarily a security agency it has a significant role to play, in partnership with several Federal and State agencies, in countering terrorism by enhancing the security of Australia’s borders. This role is one aspect of the campaign.

(12) No broadcasters were paid to broadcast information as part of this campaign. Customs employed a public relations agency to create and distribute to radio stations Customs Hotline “Community Service Announcements” (CSAs). No payments were made by Customs or the agency to individual
radio stations to broadcast these messages. A list of the broadcasters who agreed to broadcast these announcements will be provided to the honourable senator.

(13) The agency reported that over 100 radio stations in all states and territories agreed to air the announcements.

(14) See (12) above.

(15) See (12) above.

**Environment: Renewable Natural Fibres**

*(Question No. 2933)*

**Senator Brown** asked the Minister representing the Minister for Trade, upon notice, on 18 May 2004:

(1) Are there any projections available concerning the future global consumption of annually renewable natural fibres.

(2) Is the Minister aware of the potential economic, social and environmental benefits of the commercial production of these types of fibres.

(3) What level of assistance is the Government providing this industry.

**Senator Ian Macdonald**—As the matter falls under the Agriculture, Fisheries and Forestry portfolio, the Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) **Global Consumption of Natural Fibres.**

Details of the current and future global consumption of wool and cotton are as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Consumption (Mil tonnes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002/03</td>
<td>1.35</td>
</tr>
<tr>
<td>2003/04(f)</td>
<td>1.33</td>
</tr>
<tr>
<td>2004/05(p)</td>
<td>1.37</td>
</tr>
</tbody>
</table>

(f) Forecast
(p) Projection

Source: The Woolmark Company.

**Cotton**

Reflecting improved world income and a subsequent increase in the demand for textiles, world consumption of raw cotton is expected to increase by 1 per cent in 2004/05 to 21.4 Mil tonnes.

(2) **Economic, Social and Environmental Benefits of Natural Fibre Production**

**Wool**

The main economic benefits include production of about 450,000 tonnes of greasy wool (in 2003/04) and export earnings for Australia of around $3 billion. Wool production, largely through providing rural employment and incomes, also brings social benefits.

With respect to the environment, wool is a low input, renewable and solar generated source of fibre, as opposed to synthetics. Providing that sheep are correctly managed, sheep grazing is compatible with biodiversity conservation. For example, sheep in the rangelands harvest food from the native vegetation, instead of the native vegetation being replaced by exotic grasses and plants. In addition, Australian Wool Innovation Ltd (the wool industry's R&D organisation) has provided functional, accurate and beneficial drought management programs to woolgrowers such as Better Pasture Plants, which are aimed at enhancing the environment.
Like wool, the cotton industry, with a Gross Value of Production in 2002-03 of $1.15 billion, provides a wide range of economic (such as exports, regional trade and employment) and social (support to regional communities) benefits. The cotton industry has implemented a Best Management Practices (BMP) program that brings positive benefits to the environment.

With respect to other potential renewable fibres, such as hemp, we understand that such crops are not commercially viable at present.

(3) Level of Assistance Government Provides Industry

Wool

The Government provides the wool industry with support for R&D, through Australian Wool Innovation Ltd, equal to 0.5% of the gross value of wool production (GVP). This direct contribution from the Commonwealth of about 14 million is in addition to the 2% levy on wool production that is also used to fund R&D. The total budget for wool R&D amounts to around $70 million.

Cotton

Like wool, the Government also provides direct funding through the Cotton Research and Development Corporation (CRDC) equal to 0.5% of GVP ($7.2 million in 2002/03). This Commonwealth contribution is in addition to a levy on cotton production that funds the CRDC.

Military Detention: Australian Citizens

(Question No. 2937)

Senator Brown asked the Minister representing the Attorney-General, upon notice, on 21 May 2004

With reference to the answer to question on notice no. 2679 (Senate, Hansard, 11 May 2004, p. 22933):

(1) What were the representations the Government made to the United States of America (US) about the admissibility of evidence in the military commission process.

(2) Did the Government, in the course of those representations or otherwise, raise the matter of the admissibility of statements in the military commission; if so (a) what were the representations the Government made to the US on those matters; and (b) what was the response; if not, why not.

(3) Did the Government, in the course of those representations or otherwise, make reference to the Conventions against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment, and in particular to Article 15 of that convention; if so: (a) what were the representations the Government made to the US on those matters; and (b) what was the response; if not, why not.

Senator Ellison—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) The Government made several representations to the United States about the military commission process, including representations about the admissibility of evidence. The Government informed the United States that it would like the rules governing the admissibility of evidence to reflect, as far as possible, the procedures utilised by the United States criminal courts. The Government’s understanding is that the procedures utilised by United States criminal courts would restrict the admissibility of evidence obtained as a result of coercive methods and the question of admissibility could be raised in court proceedings.

(2) Subsequent to its original representations, the Government has raised with United States authorities the matter of the admissibility of statements in the military commission. The Government asked United States authorities to confirm the Government’s understanding that the way in which evidence was obtained can be considered by the military commission when deciding whether evidence is admissible (that is, would it have probative value to a reasonable person). The United States au-
Australian Customs Service
(Question No. 2943)

Senator O’Brien asked the Minister for Justice and Customs, upon notice, on 31 May 2004:

(1) How many foreign vessels suspected of undertaking illegal fishing activities in Australian waters were sighted by Australian Customs Service (ACS) vessels inside Australia’s territorial waters in each month of 2002.

(2) How many of those vessels were located in waters to the north of Australia.

(3) In relation to the vessels located to the north of Australia, what action was taken by the ACS vessel.

Senator Ellison—The answer to the honourable senator’s question is as follows:

(1) In 2002, Australian Customs Vessels (ACVs) responded to * 394 Foreign Fishing Vessels (FFVs) sighted inside Australia’s Exclusive Economic Zone. The majority of sightings responded to by ACVs were initially made by Coastwatch aircraft.

(2) All FFVs were located in waters to the north of Australia, extending from the Kimberley Coast to Torres Strait.

(3) Of those FFVs responded to by ACVs, 50 were apprehended for illegal fishing activity and towed/escorted to mainland ports for processing by authorities. The remainder:

- had fishing gear and catch confiscated in accordance with administrative forfeiture provisions under the Fisheries Legislation, or
- were issued with warnings; or
- were not fishing illegally.

* Summary of FFVs sighted by ACVs in the northern waters in 2002:

<table>
<thead>
<tr>
<th>Month</th>
<th>Number of sightings responded to</th>
<th>Action taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan</td>
<td>20</td>
<td>7 Apprehensions</td>
</tr>
<tr>
<td>Feb</td>
<td>9</td>
<td>3 Apprehensions</td>
</tr>
<tr>
<td>Mar</td>
<td>25</td>
<td>1 Apprehension</td>
</tr>
<tr>
<td>Apr</td>
<td>24</td>
<td>3 Apprehensions</td>
</tr>
<tr>
<td>May</td>
<td>11</td>
<td>Nil Apprehensions</td>
</tr>
<tr>
<td>Jun</td>
<td>18</td>
<td>Nil Apprehensions</td>
</tr>
<tr>
<td>Jul</td>
<td>27</td>
<td>Nil Apprehensions</td>
</tr>
<tr>
<td>Aug</td>
<td>36</td>
<td>2 Apprehensions</td>
</tr>
<tr>
<td>Sep</td>
<td>90</td>
<td>8 Apprehensions</td>
</tr>
<tr>
<td>Oct</td>
<td>86</td>
<td>11 Apprehensions</td>
</tr>
<tr>
<td>Nov</td>
<td>23</td>
<td>9 Apprehensions</td>
</tr>
<tr>
<td>Dec</td>
<td>25</td>
<td>6 Apprehensions</td>
</tr>
<tr>
<td>Total</td>
<td>394</td>
<td>50 Apprehensions</td>
</tr>
</tbody>
</table>
Trade: Imports  
(Question No. 2944)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 31 May 2004:

(1) Was a document titled ‘Revised draft import risk analysis for bananas from the Philippines’, dated 18 May 2004, distributed by the department to households in federal electorates where there are commercial banana-growing operations.

(2) In which federal electorates, and specifically in which local government areas within those electorates, was the material distributed.

(3) (a) Did the Minister or his office approve the distribution of this material; and (b) why was the material distributed.

(4) (a) How many households received the material; (b) what was the cost of preparing, printing and distributing this material; and (c) who met those costs.

(5) Has the Government sent similar material relating to the import risk assessments for both pig meat and apples to areas where those commodities are produced; if so, in which federal electorates, and specifically in which local government areas within those electorates, was the material distributed.

(6) (a) Did the Minister or his office approve the distribution of this material; and (b) what is the purpose of providing the material.

(7) (a) How many households received the material; (b) what was the cost of preparing, printing and distributing this material; and (c) who met those costs.

(8) If material relating to import risk assessments for pig meat and apples was not distributed, why not.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) A large number of proforma letters were received by a number of my colleagues from individuals relating to Philippine bananas. A fact sheet about the revised Draft Import Risk Analysis Report for bananas from the Philippines was sent in response to these individuals.

(2) The material was sent as a response to individual proforma letters addressed to the Government. The electorates they are located in was not relevant.

(3) (a) The material was sent from the Minister’s office to the individuals. (b) The material was distributed in response to a proforma letter that was sent to various Australian Government members. 

(4) (a) The letters were sent to 296 individuals who had sent letters to various Australian Government members. (b) The total cost of preparing, printing and distributing this material was $220. (c) The costs were met by the Australian Government Department of Agriculture, Fisheries and Forestry.

(5) No, because there were no similar mail campaigns received for the import risk analysis report for pig meat or the revised draft import risk analysis report for apples.

(6) Not applicable.

(7) Not applicable.

(8) There were no similar mail campaigns received for the import risk analysis report for pig meat or the revised draft import risk analysis report for apples.

Environment: Energy Efficiency Building Systems  
(Question No. 2951)

Senator Allison asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 2 June 2004:

QUESTIONS ON NOTICE
(1) Has the Australian Greenhouse Office (AGO) or the Minister made any representations to the Department of the Treasury’s current review of depreciation suggesting that high energy efficiency performance building envelope or façade systems be included with the cost of air conditioning plants for depreciation and tax deduction purposes; if not, what measures does the Government propose to remove the current barriers to the uptake of such building products and systems, particularly in commercial buildings.

(2) Has the AGO prepared any cost-benefit analyses of tax incentives to encourage the uptake of high performance building products and systems; if so, can a copy of the analyses be provided; if not, why not.

Senator Ian Macdonald—the Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

(1) No. Neither I nor the Australian Greenhouse Office (AGO) have made any representations to the Department of the Treasury concerning depreciation of high energy efficiency building systems. The Australian Government is working with the Australian Building Codes Board to develop and implement minimum energy performance standards for all types of buildings. Minimum standards for houses were introduced into the Building Code of Australia in 2003. Minimum standards for multi-residential buildings will be introduced in 2005, for commercial office buildings in 2006, and for other types of buildings such as warehouses, hospitals and retail in the following years.

When implemented through State and Territory legislation, these standards will require energy efficiency measures to be identified and implemented by designers and developers of commercial and other buildings. Compliance with these minimum energy performance standards may be achieved through application of a range of technologies and will create additional demand for energy efficient design and equipment, including high energy efficiency performance building envelope and façade systems.

(2) No. The AGO has not prepared any cost-benefit analyses of tax incentives to encourage the uptake of high performance building products and systems.

In general, the Government does not regard tax incentives of the type suggested as the most effective means to achieve environmental objectives.

Environment: Australian Greenhouse Office
(Question No. 2954)

Senator Nettle asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 7 June 2004:

With reference to the study jointly carried out by the Australian Greenhouse Office and the Department of Transport and Regional Services on the impact of fringe benefits tax arrangements on passenger transport use and fuel consumption: Was such a study commissioned; if so: (a) when will the findings of the study be made public (b) has the Minister considered the findings of the study; and (c) what action will be taken on these findings.

Senator Ian Macdonald—the Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

I indicated to the House of Representatives on 13 May 2003, the Australian Greenhouse Office commissioned PPK Environment and Infrastructure (PPK) in February 2002 to assess the impacts of fringe benefits tax (FBT) arrangements on passenger transport usage and fuel consumption. The study focussed on the behaviour of drivers who participate in motor vehicle salary sacrificing.

(a) The report has been the subject of a review process that has highlighted a number of concerns. In particular, those preparing the report discovered there were insufficient publicly available data on which
to base firm conclusions. Given the weakness of the underpinning data, the report would do little to inform public debate and has not been publicly released. There are no plans to do so.

(b) The AGO has considered the findings of the study and has advised that the report does not provide a basis on which to make policy decisions and should not be used for this purpose.

(c) No action is being planned as a result of the report.

**Defence: Armoured Fighting Vehicles**

*(Question No. 2955)*

_Senator Chris Evans_ asked the Minister for Defence, upon notice, on 7 June 2004:

(1) What armoured fighting vehicles are currently operated by the 12th/16th Hunter River Lancers.
(2) Are there any plans to replace the armoured fighting vehicles operated by this regiment.
(3) When is the proposed replacement of these vehicles likely to occur.
(4) Will the Bushmaster Infantry Mobility Vehicle replace the armoured fighting vehicles currently operated by the 12th/16th Hunter River Lancers.
(5) (a) Who made this decision; and (b) when was it made.
(6) What was the reason for this decision.
(7) (a) Is the Minister aware of concerns about this proposal; (b) which groups raised concerns about the proposal; and (c) what has been done in response to these concerns.
(8) Can a list be provided describing the differences between the armoured fighting vehicles currently operated by the 12th/16th Hunter River Lancers and the Bushmaster Infantry Mobility Vehicle.

_Senator Hill_—The answer to the honourable senator’s question is as follows:

(1) The M113A1 Armoured Personnel Carrier. There are a small number of armoured support vehicles also used including the Armoured Command Vehicle.
(2) and (3) The Army’s M113A1 fleet is to be replaced by 2011. The 12th/16th Hunter River Lancers is one of a number of units that will be affected. The Army is also conducting two significant reviews that will also affect the 12th/16th Hunter River Lancers: Hardening and Networking the Army, and Reserve Roles and Tasks. These reviews will consider the roles and tasks of all Army units and will determine unit vehicle types. A decision on the role of all Australian Regular Army and Army Reserve units including the 12th/16th Hunter River Lancers and future vehicle fleets will not be made until the reviews are completed at the end of 2004.
(4) The Bushmaster Infantry Mobility Vehicle is one of three options being considered as the replacement vehicle to the 12th/16th Hunter River Lancers.
(5) and (6) No decision on the replacement vehicle for the 12th/16th Hunter River Lancers has been made.
(7) (a) Yes.
(b) There have been a number of representations made by the Regimental Association and members of the local community concerning the future and role of the 12th/16th Hunter River Lancers.
(c) The Deputy Chief of Army has written to the Honorary Colonel of the 12th/16th Hunter River Lancers explaining the way forward in relation to the two reviews currently being undertaken.
(8) See attached table.
<table>
<thead>
<tr>
<th><strong>Origin</strong></th>
<th>Current Vehicle - M113A1</th>
<th>Bushmaster</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Country / Manufacturer</strong></td>
<td>United States of America / FMC Corporation</td>
<td>Australia / ADI</td>
</tr>
<tr>
<td><strong>Date Entered Australian Defence Force Service</strong></td>
<td>1965</td>
<td>Deliveries to commence in 2005</td>
</tr>
<tr>
<td><strong>Functionality</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Crew</strong></td>
<td>Two (Driver and Commander)</td>
<td>Two (Driver and Commander)</td>
</tr>
<tr>
<td><strong>Payload and Ergonomics</strong></td>
<td>Up to nine passengers on folding bench seats. Internal stowage for vehicle and personal equipment. Internal fuel stowage.</td>
<td>Nine passengers in individual, ergonomically designed, mine protected seating. 270-litre internal drinking water storage facility. Split system air conditioning. Internal and external stowage for vehicle and personal equipment. External fuel stowage.</td>
</tr>
<tr>
<td><strong>Maximum Range</strong></td>
<td>480 km</td>
<td>1,000 km</td>
</tr>
<tr>
<td><strong>Maximum speed</strong></td>
<td>65 km/h</td>
<td>120 km/h</td>
</tr>
<tr>
<td><strong>Movement</strong></td>
<td>Very good cross-country mobility.</td>
<td>Good cross-country mobility, aided by on-board central tyre inflation system to match the tyre pressure to the terrain.</td>
</tr>
<tr>
<td></td>
<td>Not easily self-deployable from barracks environment (speed, wear and tear, damage to roads). Normally deployed by truck to and from training areas.</td>
<td>Fully self-deployable from barracks environment to and from training areas.</td>
</tr>
<tr>
<td><strong>Weapon System</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Mounting</strong></td>
<td>Non-stabilised, non-powered, one-person turret.</td>
<td>Gun ring with pintle mount.</td>
</tr>
<tr>
<td><strong>Type</strong></td>
<td>One .50 Cal Heavy Machine Gun.</td>
<td>One 7.62mm General Purpose Machine Gun (GPMG) on gun ring, plus two 5.56mm Light Machine Guns (LMG) operated by passengers from rear roof hatches.</td>
</tr>
</tbody>
</table>
Current Vehicle - M113A1 | Bushmaster
---|---
Training | Five days. | Two days LMG, one day conversion to GPMG.
Crew Training | | 
Driver | 54 days. | Training Management Plan still under development. Planned civilian "Medium Rigid" licence equivalence. Projected course length up to 32 days.
Commander | 35 days. | 21 days.
Protection | | 
Small arms | Bushmaster offers better protection against most generic small arms threats.
Other natures | Both vehicles offer equivalent levels of protection against other direct and indirect fire threats.
Mine blast | Bushmaster offers superior protection against mine blast.
Maintenance and Servicing | Complex and dated automotive sub-systems. Low commonality with commercially available components. Low commonality with M113s being operated by other nations. High overheads for crew, servicing and maintainer tasks. | Bushmaster contract includes through-life support (maintenance and servicing). Automotive systems have a high degree of commonality with commercial fleets.
Environmental and Estate | 
| Bushmaster has a significantly lower impact on formed and permanent roads.
| Bushmaster offers a lower impact on estate and training areas.

**Australian Defence Force Parliamentary Program**  
*(Question No. 2956)*

**Senator Chris Evans** asked the Minister for Defence, upon notice, on 7 June 2004:

1. What has been the annual budget for the Australian Defence Force Parliamentary Program for each year since the program commenced.
(2) What is the budget for this program for the 2004-05 financial year.

Senator Hill—The answer to the honourable senator’s question is as follows:

(1) 2001-02 - $175,000;
    2002-03 - $204,000; and
    2003-04 - $216,500.
(2) 2004/05 - $230,000.

Agriculture: Hemp
(Question No. 2959)

Senator Brown asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 7 June 2004:

(1) Is industrial hemp the same as marijuana.
(2) (a) Is industrial hemp grown in Australia; and (b) are there any restrictions on its cultivation or use; if so, what are they and why are these restrictions in place.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) Both industrial hemp and marijuana are taxonomically the same genus and species of Cannabis sativa.
(2) (a) Production trials of industrial hemp have been undertaken in Tasmania, Queensland, South Australia, Victoria, Western Australia and New South Wales and, in some cases, further research and development is underway.
(b) The authorisation of persons to possess and cultivate industrial hemp is a State responsibility that is administered by the State Departments of Health in consultation with other relevant State Departments. Therefore, this question would be best addressed to State authorities. The reason why such restrictions on the possession and cultivation of Cannabis sativa are in place is once again subject to State laws, as both low tetra hydrocannabinol (THC) ‘hemp’ and high THC ‘marijuana’ are taxonomically the same genus and species of Cannabis sativa.

New Apprenticeships: Advertising Campaign
(Question No. 2970)

Senator Faulkner asked the Minister representing the Minister for Education, Science and Training, upon notice, on 9 June 2004:

With reference to the current New Apprenticeships advertising campaign:

(1) For each of the financial years, 2003-04 and 2004-05: (a) what is the cost of this advertising campaign; and (b) what is the breakdown of these advertising costs for: (a) television (TV) placements; (b) radio placements; (c) newspaper placements; (d) printing and mail outs; and (e) research.
(2) What: (a) creative agency or agencies; and (b) research agency or agencies; have been engaged for the campaign.
(3) When will the campaign begin, and when is it planned to end.
(4) If there is a mail out planned, to whom will it be targeted and what database will be used to select addresses the Australian Taxation Office database, the electoral database or other.
(5) (a) What appropriations will the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) will those appropriations be made in the 2003-04 or 2004-05 financial year; (c) will the appropriations relate to a de-
partemental or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropriation relates to a departmental or administered item, what is the relevant line item in the relevant Portfolio Budget Statement for that item.

(6) Has a request been made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.

(7) Has the Minister for Finance and Administration issued a drawing right as referred to in paragraph (6) above; if so, what are the details of that drawing right.

(8) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator’s question:

(1) (a) $6.27 million all in 2003-04. (b) (a) Television - $4,103,048, (b) Radio - $103,273 (including print handicapped, Non English Speaking Background and Indigenous), (c) Newspaper - $378,263 (including Non English Speaking Background and Indigenous), (d) Printing and mail outs – Nil, (e) Research - $208,175.

(2) (a) Creative agency or agencies – Batey Kazoo Communications, (b) Research agency or agencies – Worthington Di Marzio.


(4) There has been no mail out included in the campaign.

(5) (a) The Department uses its Annual Appropriations to authorise any commitments or make any payments. (b) The Department had authority to enter into commitments and make payments using its 2003-04 Annual Appropriations, however, they lapsed at 30 June 2004. The Department has authority to enter into commitments and make payments using its 2004-05 Annual Appropriation. The Department used the 2003-04 Annual Appropriations and will use the 2004-05 Annual Appropriations if the need arises for the campaign. (c) Departmental and Administered Annual Appropriations will be used. (d) On the Departmental side, there is no specific line item in the Portfolio Budget Statements as they are not broken down to that level. On the Administered side, the specific line item is Support for New Apprenticeships (Outcome 2).

(6) A separate drawing right for the advertising campaign is not required from the Minister for Finance and Administration as the payments are covered by the 2003-04 and 2004-05 Annual Appropriations.

(7) Not applicable.

(8) Officials have made payments against the 2003-04 Annual Appropriation and will commence making payments against the 2004-05 Annual Appropriation if the need arises.

Education: Higher Education

(Question No. 2971)

Senator Faulkner asked the Minister representing the Minister for Education, Science and Training, upon notice, on 9 June 2004:

With reference to the proposed Higher Education Reforms advertising campaign:

(1) For each of the financial years, 2003-04 and 2004-05: (a) what is the cost of this advertising campaign; and (b) what is the breakdown of these advertising costs for: (a) television (TV) placements; (b) radio placements; (c) newspaper placements; (d) printing and mail outs; and (e) research.
QUESTIONS ON NOTICE

(2) What: (a) creative agency or agencies; and (b) research agency or agencies; have been engaged for the campaign.

(3) When will the campaign begin, and when is it planned to end.

(4) If there is a mail out planned, to whom will it be targeted and what database will be used to select addresses - the Australian Taxation Office database, the electoral database or other.

(5) (a) What appropriations will the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) will those appropriations be made in the 2003-04 or 2004-05 financial year; (c) will the appropriations relate to a departmental or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropriation relates to a departmental or administered item, what is the relevant line item in the relevant Portfolio Budget Statement for that item.

(6) Has a request been made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.

(7) Has the Minister for Finance and Administration issued a drawing right as referred to in paragraph (6) above; if so, what are the details of that drawing right.

(8) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

Senator VANSTONE—The Minister for Education, Science and Training has provided the following answer to the honourable senator’s question:

(1) (a) The following amounts have been allocated for the advertising campaign: 2003-04 - $0, 2004-05 - $4 million. (b) (a) to (d) The advertising strategy, including the distribution of expenditure between the various communication mediums, is yet to be determined. My Department has engaged the services of a market research consultant to undertake market research. The findings of the research, including the best communication strategies to successfully reach the target audiences, will inform the development of the higher education reforms campaign. (e) The initial phase of market research will cost $88,000 (including GST). The cost of subsequent phases of market research will be dependent on the outcome of the communication strategy.

(2) (a) No creative agency has been engaged as yet. It is expected that a creative agency will be engaged once the communication strategy is finalised, (b) Worthington Di Marzio Pty Ltd has been engaged to undertake the initial phase of the market research.

(3) The campaign is expected to begin in September/October 2004 and run until the beginning of 2005 as previous research has shown that this is the optimal time to target students, the primary target audience. My Department will also, however, be looking to the market research findings to refine this timing to ensure the campaign is run at the most effective time for students.

(4) The advertising strategy, including the expenditure on various communication mediums, is yet to be determined. The findings of the market research will inform the strategy, including what mail-outs, if any, will occur.

(5) (a) The Department will use departmental appropriations for new policy funding, (b) These departmental appropriations will be made in the 2004-05 financial year, (c) The appropriations will relate to a departmental item, (d) The relevant line item in the Portfolio Budget Statements 2004-05 Education, Science and Training Portfolio is Departmental Appropriations Output Group 2.4 – Funding for Higher Education (refer to Table 2.2.1: Total Resources for Outcome 2).

(6) No.

(7) No.
Senator Faulkner asked the Minister representing the Minister for Foreign Affairs, upon notice, on 9 June:

With reference to the Smart Travel advertising campaign:

(1) For each of the financial years, 2003-04 and 2004-05: (a) what is the cost of any current or planned future tranche of the Smart Travel advertising campaign; and (b) what is the breakdown of these advertising costs for: (a) television (TV) placements; (b) radio placements; (c) newspaper placements; (d) printing and mail outs; and (e) research.

(2) What: (a) creative agency or agencies; and (b) research agency or agencies; have been engaged for the campaign.

(3) When will the campaign begin, and when is it planned to end.

(4) If there is a mail out planned, to whom will it be targeted and what database will be used to select addresses – the Australian Taxation Office database, the electoral database or other.

(5) (a) What appropriations will the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) will those appropriations be made in the 2003-04 or 2004-05 financial year; (c) will the appropriations relate to a departmental or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropriation relates to a departmental or administered item, what is the relevant line item in the relevant Portfolio Budget Statement for that item.

(6) Has a request been made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.

(7) Has the Minister for Finance and Administration issued a drawing right as referred to in paragraph (6) above; if so, what are the details of that drawing right.

(8) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

Senator Hill—The following answer has been provided by the Minister for Foreign Affairs to the honourable senator’s question:

(1) (a) 2003-04: $4,701,000; 2004-05: $2,500,000. Figures for 2004-05 are provisional and will be adjusted in light of further research and feedback on the effectiveness of the campaign.

(b) (a) 2003-04: $2,803,536. Television advertising for 2004-05 will be decided on the basis of final research on the effectiveness of the campaign in 2003-04;

(b) nil;

(c) 2003-04: $950,839. Newspaper advertising for 2004-05 will be decided on the basis of final research on the effectiveness of the campaign in 2003-04;

(d) printing: 2003-04: $10,886; mail out: 2003-04: nil. No printing or mail-out is planned for 2004-05;

(e) 2003-04: $296,000; 2004-05: $152,000.

(2) (a) Killey Withy Punshon Advertising Pty Ltd;

(b) Open Mind Research Group.
Tuesday, 3 August 2004

QUESTIONS ON NOTICE

(3) Began on 7 September 2003. The campaign is funded until 30 June 2006.

(4) No mail out is planned.

(5) (a) and (b) Funding of $2.512 million was appropriated in Appropriation Bill (No. 1) 2003-04. Amounts of $2.333 million for 2004-05, $2.425 million for 2005-06 and $2.518 million for 2006-07 were included in the Forward Estimates in the 2003-04 Budget. As part of the 2003-04 Additional Estimates an adjustment was made with the amount for 2006-07 rephased over the first three years as follows: $2.189 million in 2003-04, $0.167 million in 2004-05 and $0.073 million in 2005-06.

(c) Departmental appropriations.

(d) The measure is included in table 1.2 on page 27 and on page 53 of the 2003-04 Foreign Affairs and Trade Portfolio Budget Statements. The adjustment is included on pages 21 and 22 of the 2003-04 Foreign Affairs and Trade Portfolio Additional Estimates Statements.

(6) No.

(7) No.

(8) No.

Environment: Woodside Energy Ltd

(Question No. 2999)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 11 June 2004:

With reference to the environmental operating conditions pertaining to Woodside’s Enfield oil and gas project off Western Australia:

(1) Was Woodside’s original proposal for a single-hulled floating production, storage and offloading (FPSO) vessel.

(2) Did the final environmental approval require a double-hulled vessel; if so, why did the Government require a double-hulled FPSO vessel.

(3) Would a single-hulled FPSO vessel meet Australian environmental law requirements under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) or the Petroleum (Submerged Lands) Act 1974 inside Australian Territorial waters

(4) Does MARPOL require all new FPSO vessels to be double-hulled; if so, why.

(5) Under normal operating conditions, will produced water and surplus gas at Enfield be re-injected into the oil reservoir.

(6) Would the discharge of produced water containing oil into Australian territorial waters be permitted under the EPBC Act or the Petroleum (Submerged Lands) Act; if not, why not.

(7) Did Woodside enter into an environmental bond or arrangement for compensation or financial reparation in the event of a spill at Enfield with the Government; if so, what are the details.

Senator Ian Macdonald—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

(1) Woodside Energy Ltd’s original proposal as set out in its referral under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) for the WA-271-P (Enfield) Field Development identified a floating production, storage and offloading (FPSO) vessel. The FPSO vessel was proposed as a possible development concept without specifying whether any such vessel would be single or double skinned.

(2) Woodside Energy Ltd committed to using a double-skinned FPSO in its Environmental Impact Statement (EIS) for the WA-271-P (Enfield) Field Development.
(3) Both the EPBC Act and the Petroleum (Submerged Lands) Act 1974 allow for consideration of each proposal on its merits.

(4) The International Convention for the Prevention of Pollution of the Sea by Ships (known as MARPOL) does not require FPSOs to be double-hulled.

(5) As part of the conditions of approval for the development under Part 9 of the EPBC Act, Woodside Energy Ltd must submit a plan for managing the impacts of the operation on the environment that includes monitoring and management of produced formation water. Surplus gas will be disposed into a suitable geological formation.

(6) The EPBC Act considers each proposal on its merits. Under the Petroleum (Submerged Lands) (Management of Environment) Regulations 1999, an operator of a petroleum activity must ensure that the concentration of petroleum in any produced formation water discharged into the sea is not greater than 50mg/L at any time and averages less than 30mg/L during each 24 hour period.

(7) As part of the conditions of approval for the development under Part 9 of the EPBC Act, Woodside Energy Ltd must submit for the Minister’s approval an oil spill contingency plan detailing the strategy to mitigate the environmental effects of any hydrocarbon spills. The plan must include details of the insurance arrangements that Woodside Energy Ltd has made or will make in respect of the costs associated with repairing any environmental damage arising from potential hydrocarbon spills.

Environment Protection and Biodiversity Conservation Act 1999: Administration and Legal Services

(Question No. 3003)

Senator Bartlett asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 11 June 2004:


(2) How much did the Government spend on legal services associated with the EPBC Act in each of the 2000-01, 2001-02, 2002-03 and 2003-04 financial years.

Senior Ian Macdonald—the Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

<table>
<thead>
<tr>
<th></th>
<th>2000-01</th>
<th>2001-02</th>
<th>2002-03</th>
<th>2003-04</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration of EPBC Act 1999</td>
<td>$10,301,022</td>
<td>$14,100,164</td>
<td>$14,159,865</td>
<td>$19,199,553</td>
</tr>
<tr>
<td>Associated Legal Services</td>
<td>$386,340</td>
<td>$555,810</td>
<td>$470,708</td>
<td>$717,977</td>
</tr>
</tbody>
</table>

Transport: Vertical Exhaust Stacks

(Question No. 3008)

Senator Allison asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 16 June 2004:

(1) What is the rationale behind the requirement that imported trucks and other vehicles that have horizontal, under-chassis exhausts must be retro-fitted with vertical exhaust stacks.

(2) What is the rationale for trucks but not buses being subject to this requirement.

(3) Is it still considered appropriate for Environmental Protection Agency standards to require trucks to be fitted with vertical stacks to disperse exhaust emissions above head level, given the more recent regime of vehicle emission and fuel standards in Australia.

QUESTIONS ON NOTICE
(4) What would be the noise emission benefits of not requiring retro-fitting of vertical exhaust stacks.
(5) What would be the economic benefits of not requiring retro-fitting of vertical exhaust stacks.
(6) Does the Government intend to review the requirement for vertical exhaust stacks; if so, when; if not, why not.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) Exhaust outlet requirements for new vehicles under the Motor Vehicle Standards Act 1989 are set out in Australian Design Rule No 42/04. This rule does not mandate for vertical exhaust on any class of vehicle.

I understand that some jurisdictions require vertical exhaust on certain classes of vehicles as a registration requirement. Vehicle registration and the requirements to be met for registration are matters for the State/Territory Governments.

The questions need to be addressed to the relevant State/Territory Government.

(2), (3), (4), (5) and (6) See answer to (1).

Iraq

(Question No. 3009)

Senator Allison asked the Minister representing the Minister for Foreign Affairs, upon notice, on 17 June 2004:

With reference to the report published in Australasian Science by Dr Gideon Polya, a senior biochemist at Latrobe University, who estimates that excess mortality and infant mortality in Iraq are currently in the order of 100,000 per year and, since 1991, amount to 1.5 million deaths; and with reference to United Nations Children’s Fund data, which indicate that the mortality of children under 5 years of age in Iraq has been 1.2 million between 1991 and 2004:

(1) Does the Government accept the accuracy of this data.
(2) What efforts has the Government made to establish the mortality rates of Iraqi civilians.
(3) What efforts has the Government made to establish the cause of these mortality rates.
(4) Does the Government, as a member of the coalition, accept any responsibility for this mortality rate since the attack on Iraq.
(5) As a member of the occupying coalition in Iraq, what measures is the Government taking to improve health conditions in Iraq, particularly in relation to infants.

Senator Hill—The following answer has been provided by the Minister for Foreign Affairs to the honourable senator’s question:

(1) Official post-conflict data on mortality rates in Iraq is not available. The estimates quoted are based on pre-conflict data compiled before the end of the Ba’athist regime. The Iraqi Ministry of Planning and Development Cooperation’s Central Statistics Office has not issued any post-conflict statistics and a new census is only planned for much later in the year.

The figures on infant mortality suggested by Dr Gideon Polya refer to United Nations Children’s Fund (UNICEF) data compiled before 2002. Dr Polya’s figures for 2002-2004 are only forward estimates suggested by the UN Populations Division. Furthermore, The same UN data predicts that child and infant mortality will in fact fall dramatically during and following the years of the coalition presence and the removal of Saddam.

(2) The Government has not been directly involved in establishing mortality rates but has provided financial support to expert UN agencies such as UNICEF and the World Health Organisation (WHO) that have undertaken studies to determine mortality rates and causes.
UNICEF reports suggest that the basic causes of high infant/under-five child mortality rates are wide-ranging. They include: civil strife, sanctions, three major conflicts, inadequate resource distribution, poor institutional capacity and inadequate human resources. These problems can be directly attributed to the Ba’athist regime, e.g. Saddam Hussein’s regime allocated only $US16 million to health care in 2002, 60 times less than that of the 2004 Iraqi national budget of $US950 million allocated to the Ministry of Health.

UNICEF reports that the immediate causes of infant/under-five mortality are disease and malnutrition. The standard of public health services, utilities and infrastructure, e.g. in water supply and sanitation, is important in helping address these causes. The Australian government has made a substantial contribution to the water and sanitation sector in Iraq through the deployment of technical experts, helping establish the Ministry of Municipalities and Public Works, and funding to UN agencies and NGOs for delivery of essential services in water supply and sanitation.

No.

The 2004 Iraqi Budget allocated $US950 million to the Ministry of Health, compared with an allocation of only $US16 million in 2002 under the Saddam regime. The 2004 allocation is the second largest to any sector under the national budget. Australia was instrumental in assisting the formulation of the 2003 and 2004 budgets in consultation with the Iraqi Governing Council and Interim Ministers, through our direct contribution of technical expertise to the CPA’s Office of Budget and Management.

Australia has contributed over $55 million in humanitarian aid to Iraq since 2003, much of this through UN agencies and NGOs addressing the causes of infant/child mortality in Iraq:

- CARE Australia distributed emergency medical equipment to 10 hospitals and delivered 480,000 packets of high-energy biscuits to patients in children and maternity hospitals, as well as hygiene equipment for 30 hospitals in 8 governorates.
- Save the Children Australia assisted in more effective management of infectious diseases in eight paediatric and general hospitals, and provided infection control equipment and medical supplies.
- World Vision Australia enabled restoration of water and sanitation systems in 74 schools in northern Iraq, benefiting more than 48,000 children and 2,000 teachers who now have access to clean water and sanitary toilets.
- UNICEF received more Australian Government funds than any other agency, in support of its efforts in combating child and infant disease and mortality, water, sanitation, health and nutrition. Our funds contributed to:
  - Daily provision of clean water to half a million people in major cities
  - Rehabilitation of water and sewerage facilities in 10 governorates
  - Provision of vaccines benefiting 4.2 million children under 5 years old and 700,000 pregnant women
  - Training for 140 physicians and 203 health workers on preventive health services, immunisation and health management
  - Training 540 health workers on specialising in children’s issues such as malnutrition
  - The distribution of high protein biscuits to more than 120,000 pregnant/lactating mothers and malnourished children under 5 years old
  - The rehabilitation of 50 health care centres.
Defence: Capability and Technology Demonstrator Program
(Question No. 3010)

Senator Chris Evans asked the Minister for Defence, upon notice, on 15 June 2004:

(1) How much has been spent on the Capability and Technology Demonstrator (CTD) program in each financial year since the program was introduced up to and including 2003-04.

(2) Can a list be provided of all recipients of CTD grants in each financial year since the program was introduced, up to and including 2003-04, showing the name of the organisation that received the grant, the date of the grant, a brief description of the purpose of the grant and the amount of the grant.

(3) What is the projected budget for the CTD program in the 2004-05, 2005-06, 2006-07 and 2007-08 financial years.

Senator Hill—The answer to the honourable senator’s question is as follows:

(1)

<table>
<thead>
<tr>
<th>Financial Year of CTD Approval</th>
<th>Value of CTDs Approved ($m)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997-98</td>
<td>31</td>
<td></td>
</tr>
<tr>
<td>1998-99</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>1999-2000</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>2000-01</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>2001-02</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>2002-03</td>
<td>7</td>
<td>One approved CTD for $4m did not enter contract (not included)</td>
</tr>
<tr>
<td>2003-04</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>103</strong></td>
<td></td>
</tr>
</tbody>
</table>

(2) The CTD program is not established as a grants scheme, but comprises Defence technology development projects conducted under contract. The table below lists the major industry partners for each CTD project.

<table>
<thead>
<tr>
<th>CTD</th>
<th>Purpose of CTD</th>
<th>Major Industry Partners</th>
<th>Financial Year of Approval (Total Project Cost)</th>
<th>Date of Project Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIR 5407 Acoustic Aircraft Detection System</td>
<td>Demonstrate acoustic detection and classification of aircraft</td>
<td>Thomson Marconi Sonar</td>
<td>1999-98 ($1.5m)</td>
<td>1 Jul 97</td>
</tr>
<tr>
<td>JP 2061 Experimental Command, Control, Communications and Intelligence Technology Environment</td>
<td>Demonstrate a future Command Support System architecture</td>
<td>CSC as lead contractor, with a large number of industry participants including: Object Oriented, Sun Microsystems, GDC, Allied Systems, Vital Network Services, Canitech, IBM Australia, Hewlett Packard, Aspect Computing</td>
<td>1997-98 ($15.3m)</td>
<td>1 Jul 97</td>
</tr>
<tr>
<td>SEA 1435 Low Probability of Intercept Sonar</td>
<td>Demonstrate communication with, and detection of, advanced acoustic waveforms</td>
<td>Nautronix, SonarTech Atlas</td>
<td>1997-98 ($4m)</td>
<td>1 Jul 98</td>
</tr>
<tr>
<td>CTD</td>
<td>Purpose of CTD</td>
<td>Major Industry Partners</td>
<td>Financial Year of Approval (Total Project Cost)</td>
<td>Date of Project Funding</td>
</tr>
<tr>
<td>-----</td>
<td>----------------</td>
<td>-------------------------</td>
<td>-----------------------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>SEA 1436 Advanced Mine Warfare Sonar</td>
<td>Demonstrate advanced seamine detection techniques</td>
<td>Sonartech Atlas, MIDSPAR, AMPEX, Material Systems Inc, CEANET, Leica Geosystems, Sun Microsystems, Thomson Marconi Sonar, Honeywell, Seismic Asia Pacific, Marconi-Watson</td>
<td>1997-98 ($10m)</td>
<td>1 Jul 98</td>
</tr>
<tr>
<td>DEF 20 TRIGONACCS</td>
<td>Classified</td>
<td>Sun Microsystems, Silicon Graphics</td>
<td>1998-99 ($6.5m)</td>
<td>1 Jul 98</td>
</tr>
<tr>
<td>SEA 1440 Non-Cooperative Target Recognition</td>
<td>Demonstrate classification of maritime radar targets</td>
<td>Thomson Marconi Sonar, Acoustic Technologies, Sona-com, Analysis and Technology, Anteon, PPK, General Dynamics</td>
<td>1998-99 ($5m)</td>
<td>1 Jul 98</td>
</tr>
<tr>
<td>SEA 1441 Bi-Static Barra Sonobuoy</td>
<td>Demonstrate advanced underwater target detection</td>
<td>Thomson Marconi Sonar, Acoustic Technologies, Sona-com, Analysis and Technology, Anteon, PPK, General Dynamics</td>
<td>1999-2000 ($3.5m)</td>
<td>1 Jul 99</td>
</tr>
<tr>
<td>AIR 5419 Sidearm</td>
<td>Demonstrate advanced photonic techniques</td>
<td>Australian Photonics</td>
<td>1999/2000 ($3.6m)</td>
<td>1 Jul 99</td>
</tr>
<tr>
<td>JP 2073 High Frequency Surface Wave Radar</td>
<td>Demonstrate the surveillance capability of a high frequency surface wave radar</td>
<td>Telstra Applied Technologies</td>
<td>1999-2000 ($1.7m)</td>
<td>1 Jul 99</td>
</tr>
<tr>
<td>LAND 138 Unattended Biological Warfare Agents Detector</td>
<td>Demonstrate continuous monitoring for biological warfare agents</td>
<td>Ambri</td>
<td>1999-2000 ($0.5m)</td>
<td>1 Jul 99</td>
</tr>
<tr>
<td>SEA 1447 Seabed Array</td>
<td>Demonstrate the advanced acoustic surveillance capability of underwater arrays</td>
<td>Nautronix, Thomson Marconi Sonar, Total Harbour Services</td>
<td>1999-2000 ($2.5m)</td>
<td>1 Jul 99</td>
</tr>
<tr>
<td>AIR 5423 Range And Scan Time of Arrival System</td>
<td>Demonstrate highly accurate estimation of the time of arrival of electromagnetic pulses</td>
<td>Avalon Systems</td>
<td>2000-01 ($0.4m)</td>
<td>1 Jul 00</td>
</tr>
<tr>
<td>JP 2057 LAND 133 Rapid Route and Area Mine Neutralisation System</td>
<td>Classified</td>
<td>Lockheed Martin</td>
<td>2000-01 ($4m)</td>
<td>1 Jul 00</td>
</tr>
<tr>
<td>AIR 5425 Joint Direct Attack Munition - Extended Range</td>
<td>Demonstrate significant range extension for a Joint Direct Attack Munition guided bomb</td>
<td>Hawker de Havilland</td>
<td>2001-02 ($3.5m)</td>
<td>1 Jul 01</td>
</tr>
<tr>
<td>JP 2081 Digital Radio Frequency Surveillance System</td>
<td>Demonstrate advanced digital radio frequency surveillance</td>
<td>Ebor Computing</td>
<td>2001-02 ($4.7m)</td>
<td>1 Jul 01</td>
</tr>
<tr>
<td>JP 2082 Travelling Wave Tube Replacement</td>
<td>Demonstrate a solid state replacement for the travelling wave tube</td>
<td>Microe</td>
<td>2001-02 ($0.2m)</td>
<td>1 Jul 01</td>
</tr>
<tr>
<td>CTD</td>
<td>Purpose of CTD</td>
<td>Major Industry Partners</td>
<td>Financial Year of Approval (Total Project Cost)</td>
<td>Date of Project Funding</td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>JP 2083 Multi Mode Modem</td>
<td>Demonstrate a software controlled satellite modem</td>
<td>Auspace</td>
<td>2001-02 ($2.6m)</td>
<td>1 Jul 01</td>
</tr>
<tr>
<td>LAND 143 Advanced Individual Combat Weapon</td>
<td>Demonstrate novel technologies for soldier individual combat weapons</td>
<td>Tenix, Metal Storm, ITL</td>
<td>2001-02 ($2m)</td>
<td>1 Jul 01</td>
</tr>
<tr>
<td>SEA 1656 Network Enabled Undersea Warfare</td>
<td>Demonstrate advanced signal processing to support networked underwater target information</td>
<td>Thales, Acacia Research, Acoustic Technologies</td>
<td>2002-03 ($3m)</td>
<td>14 Nov 02</td>
</tr>
<tr>
<td>DEF 222</td>
<td>Classified</td>
<td>Daintree Systems</td>
<td>2002-03 ($2m)</td>
<td>14 Nov 02</td>
</tr>
<tr>
<td>JP 2093 Personal Radar Warning Receiver</td>
<td>Demonstrate a soldier-wearable radar warning device</td>
<td>Tenix</td>
<td>2002-03 ($1m)</td>
<td>14 Nov 02</td>
</tr>
<tr>
<td>JP 2094 Multi-Band Satellite Antenna</td>
<td>Demonstrate simultaneous operation of a satellite antenna system in two bands</td>
<td>CSIRO</td>
<td>2002-03 ($1.3m)</td>
<td>14 Nov 02</td>
</tr>
<tr>
<td>JP 2104 Combat Data Network</td>
<td>Demonstrate advanced radar tracking algorithms</td>
<td>Tenix</td>
<td>2003-04 ($3m)</td>
<td>8 Oct 03</td>
</tr>
<tr>
<td>JP 2102 Bandwidth Broker</td>
<td>Demonstrate real time management of communications network bandwidth</td>
<td>Tenix</td>
<td>2003-04 ($2m)</td>
<td>8 Oct 03</td>
</tr>
<tr>
<td>LAND 147 Personal Power Generation</td>
<td>Demonstrate a soldier-wearable personal power generator</td>
<td>Tectonica</td>
<td>2003-04 ($1.5m)</td>
<td>8 Oct 03</td>
</tr>
<tr>
<td>JP 2101 Decentralised Data Fusion</td>
<td>Demonstrate advanced signal processing and tactical picture compilation</td>
<td>BAE Systems Australia</td>
<td>2003-04 ($2m)</td>
<td>8 Oct 03</td>
</tr>
<tr>
<td>LAND 148 Acoustic Threat Localisation</td>
<td>Demonstrate a soldier-wearable acoustic fires location system</td>
<td>Pacific Noise and Vibration</td>
<td>2003-04 ($2m)</td>
<td>8 Oct 03</td>
</tr>
<tr>
<td>JP 2103 Aerosonde Radio Relay</td>
<td>Demonstrate relay of radio traffic through an unmanned aerial vehicle</td>
<td>SAAB Systems</td>
<td>2003-04 ($1m)</td>
<td>8 Oct 03</td>
</tr>
<tr>
<td>AIR 5501 Airborne Magnetic Gradiometer</td>
<td>Demonstrate an advanced magnetic submarine detection system</td>
<td>CSIRO</td>
<td>2003-04 ($3m)</td>
<td>8 Oct 03</td>
</tr>
<tr>
<td>SEA 1701 Tactical Command and Control Framework</td>
<td>Demonstrate an open architecture command and control subsystem</td>
<td>Innovation Science</td>
<td>2003-04 ($0.4m)</td>
<td>8 Oct 03</td>
</tr>
</tbody>
</table>

(3) The provision for CTDs in the Defence Capability Plan for 2004-05, 2005-06, 2006-07 and 2007-08 is approximately $10m per year.
**United States: Comprehensive Nuclear Test Ban Treaty**  
*(Question No. 3018)*

**Senator Brown** asked the Minister for Defence, upon notice, on 17 June 2004:

1. Does the Government stand by the Comprehensive Nuclear Test Ban Treaty.
2. Are there any circumstances in which the Government would support the United States (US) in setting aside any provisions of this treaty.
3. Does the Government oppose current US spending on research into bunker-busting nuclear weapons and/or 'mini-nukes' weapons; if so, has the Government expressed to President Bush its opposition to this spending; if not, why not.

**Senator Hill**—The answer to the honourable senator’s question is as follows:

1. Yes.
2. The US has not ratified the Comprehensive Test Ban Treaty and has stated that it will not become a party to the Treaty. However, the US maintains a moratorium on nuclear testing and, at the Non-Proliferation Preparatory Committee meeting in April 2004, has reaffirmed that it is not planning to resume nuclear testing.
3. Australia maintains its commitment to nuclear disarmament based on balanced and progressive steps towards the elimination of nuclear weapons. The US has stated that research into bunker-busting and low-yield nuclear weapons is entirely conceptual and that it is looking at whether there are alternative ways of meeting current and emerging threats to US security. The US has stated, repeatedly, that it is not developing new nuclear weapons. The Government has not raised research into bunker-busting and low-yield nuclear weapons with President Bush.

**Environment: Australian Greenhouse Office**  
*(Question No. 3019)*

**Senator Brown** asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 17 June 2004:

For each of the past 5 years, how much: (a) carbon dioxide; and (b) other greenhouse gases (itemised) has been released as a result of logging Tasmanian forests on (i) public land; and (ii) private land.

**Senator Ian Macdonald**—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

The Australian Greenhouse Office (AGO) publishes national estimates only of emissions from the commercial harvest of forests in the National Greenhouse Gas Inventory. These estimates are derived from Australian Bureau of Agricultural and Resource Economics national forest product statistics. The AGO does not estimate forestry emissions separated by public and private land as this is not required by United Nations Framework Convention on Climate Change (UNFCCC) reporting requirements.

**Foreign Affairs: Israel**  
*(Question No. 3020)*

**Senator Brown** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 17 June:

With reference to the Israeli incursion into Rafah in the Gaza Strip in May 2004: Is it correct that: (a) five children were killed during the incursion; and (b) at least two of these children were shot through the head by Israeli snipers; if so, what has been the Government’s response to these killings.

**Senator Hill**—The following answer has been provided by the Minister for Foreign Affairs to the honourable senator’s question:
(a) and (b) Several Palestinian children were reported to have been killed in the course of Israeli military operations in Rafah in May 2004. The Israeli Government has rejected claims that soldiers deliberately fired at children. The Israel Defence Force is nevertheless investigating reports that two children were shot dead by Israeli snipers. As at 2 July that investigation was still under way.

On 20 May, the Australian Ambassador to Israel, while re-stating support for Israel’s right to defend itself, expressed to the Israeli Ministry of Foreign Affairs deep concern at the number of civilian casualties in Rafah; urged restraint on both sides; and urged Israel to ensure that its defensive measures did not unnecessarily increase Palestinian hardship.

**Foreign Affairs: Israel**

*(Question No. 3021)*

**Senator Brown** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 17 June:

With reference to Israel’s demolition of the Rafah Zoo at al-Brazil, Israel:

1. What was the purpose of the demolition.
2. What animals were destroyed.
3. What has happened to the Australian animals that were in the zoo.
4. What action has the Government taken to ensure that the wallaby which survived the demolition is cared for appropriately and for the enjoyment of local children.

**Senator Hill**—The following answer has been provided by the Minister for Foreign Affairs to the honourable senator’s question:

1. The damage to the zoo occurred during an Israel Defence Force operation aimed at demolishing structures that it saw as posing a real security risk to Israeli forces.
2. A number of animals were reported to have been killed or injured, or are missing, as a result of the operation.
3. According to the owner of the zoo, the kangaroo that was injured during the incursion has since died. A second kangaroo, which reportedly ran away, is believed to have died as well.
4. See response to 3.

**Australian Broadcasting Corporation**

*(Question No. 3022)*

**Senator Brown** asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 18 June 2004:

With reference to the monitoring of the Australian Broadcasting Corporation (ABC) by Rehame:

1. What is the cost of this monitoring.
2. From what area of the ABC budget will this cost be paid.
3. Will the cost vary according to when the next election is held; if so, by how much.

**Senator Kemp**—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable senator’s question:

The ABC has advised:

1. A cap of no more than $200,000 has been put on the cost of election monitoring by Rehame and the measuring of audience perceptions by Newspoll. The final actual cost will be dependent upon the timing of the Federal Election.
(2) The ABC Corporate Affairs Division will pay the capped cost.
(3) See answer to part (1) above.

**Trade: Free Trade Agreement**

(Question No. 3023)

**Senator Brown** asked the Minister representing the Minister for Trade, upon notice, on 18 June:

With reference to the free trade agreement (FTA) between the United States of America and Australia and its effect on intellectual property rights and copyright:

(1) What will be the monetary effect on Australia’s gross domestic product after the adoption of the additional treaties and integration of changes to existing intellectual property rights and copyright, as proposed by section 17 of the FTA.

(2) Can the modelling of the expected monetary effects of the changes proposed by section 17 of the FTA be provided.

(3) What was the original wording of the intellectual property rights treaty that was signed on 14 May 2004.

**Senator Hill**—The following answer has been provided by the Minister for Trade to the honourable senator’s question:

(1) Independent research by the Centre for International Economics (CIE) was commissioned by the Department of Foreign Affairs and Trade and has the advantage of being based on the final terms of the Agreement. In relation to the extension of copyright term of literary and artistic works from 50 to 70 years following death of the author, the CIE report states that “the incremental cost associated cannot be determined. However, available evidence suggests it will be marginal.” In relation to trademarks (including geographical indications) the CIE report found that the provisions “are not likely to have any significant impacts.”


(3) In the course of negotiations, both the Australian and US governments exchanged a range of draft texts in relation to the proposed bilateral Free Trade Agreement. Those texts remain confidential to the respective governments. The final text of the intellectual property chapter of AUSFTA is accessible on the website of the Department of Foreign Affairs and Trade. The link to that chapter of the text is: http://www.dfat.gov.au/trade/negotiations/us_fta/final-text/chapter_17.html.

**Foreign Affairs: Nauru**

(Question No. 3040)

**Senator Brown** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 23 June:

(1) What advice does the department provide to Nauru regarding controlled access.

(2) Why is access to Nauru controlled so strictly.

(3) Why were 24 hour visas for the 7 person crew of two Australian yachts, known as the ‘Flotilla of Hope’, not issued after they had sailed 4 000 kilometres on a humanitarian mission.

(4) To what extent, if at all, did the Australian Government press the Government of Nauru to not issue the visas.
**Senator Hill**—The following answer has been provided by the Minister for Foreign Affairs to the honourable senator’s question:

(1) None.
(2) This question is one for the Government of Nauru.
(3) This question is one for the Government of Nauru.
(4) The Australian Government did not press the Government of Nauru to not issue the visas.

**Foreign Affairs: Papua New Guinea**

(Question No. 3051)

**Senator Brown** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 30 June:

(1) Is the Minister aware of corruption allegations in relation to the logging of forests in Papua New Guinea (PNG).
(2) Is the story ‘Farewell to the Forests’ published in the Age on 11 June 2004 accurate or at least not incorrect in Australia’s assessment.
(3) (a) Is corruption the cause of lawlessness in PNG; and (b) what has the Government done to solve this problem.
(4) How will this illegal logging affect or threaten Australians who have deployed to help improve law and order in PNG.

**Senator Hill**—The following answer has been provided by the Minister for Foreign Affairs to the honourable senator’s question:

(1) Yes.
(2) The Australian Government does not have a view on the article.
(3) (a) Papua New Guinea’s law and order problems are the result of a number of complex factors, including poor governance and economic weakness. (b) The Australian Government is helping Papua New Guinea tackle corruption in a number of ways.

On 11 December 2003, ministers from the governments of both Australia and Papua New Guinea agreed on an Enhanced Cooperation Program (ECP). The ECP is a package of substantial measures to help Papua New Guinea address its economic and development challenges, including law and order. The Joint Agreement on Enhanced Cooperation was signed by the two governments on 30 June 2004. Once the Government of Papua New Guinea has passed the necessary enabling legislation, we will begin to implement the ECP.

Under the ECP, the Australian Government will spend $1095 million over the next five years deploying Australian police and officials to work alongside their Papua New Guinean counterparts. Up to 230 Australian police officers will work with officers of the Royal Papua New Guinea Constabulary (RPNGC) to help them improve law and order, and to strengthen the RPNGC.

Also under the ECP, up to 64 Australian officials will be deployed to Port Moresby to work in Papua New Guinea government departments. They will focus on economic management and public sector reform; law and justice; border controls; and transport safety and security. Supporting Papua New Guinea to tackle corruption will be one of their tasks.

AusAID-funded programs are providing operational support to bodies such as the Papua New Guinea Ombudsman Commission, the Office of the Public Prosecutor, the National and Supreme Courts and the RPNGC Fraud Squad. With Australian support, the Ombudsman’s Commission doubled the number of cases it successfully investigated between 1997 and 2002, and is becoming
more effective in investigating cases of alleged corruption among leaders. The Australian Government will also work with the recently established National Anti-Corruption Alliance, a coordinating body.

(4) I am not aware of any specific information to suggest that illegal logging in Papua New Guinea will threaten Australian officials.