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SITTING DAYS—2004

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
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<td>February</td>
<td>10, 11, 12</td>
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<td>March</td>
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<td>15, 16, 17, 18, 21, 22, 23, 24</td>
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<td>August</td>
<td>3, 4, 5, 9, 10, 11, 12, 13, 30</td>
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<tr>
<td>November</td>
<td>16, 17, 18, 29, 30</td>
</tr>
<tr>
<td>December</td>
<td>1, 2, 6, 7, 8, 9</td>
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Broadcasts of proceedings of the Parliament can be heard on the following Parliamentary and
News Network radio stations, in the areas identified.

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- **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
FORTY-FIRST PARLIAMENT
FIRST SESSION—FIRST 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, Patricia Margaret Crossin, Alan Baird Ferguson, Stephen Patrick Hutchins, Linda Jean Kirk, Susan Christine Knowles, Philip Ross Lightfoot, John Alexander Lindsay (Sandy) Macdonald, Gavin Mark Marshall 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 Christopher Vaughan Evans
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
Deputy Leader of the National Party of Australia—Senator John Alexander Lindsay (Sandy) Macdonald

Leader of the Australian Labor Party—Senator Christopher Vaughan Evans
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
<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
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<td>Abetz, Hon. Eric</td>
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(1) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
(2) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. Warwick Raymond Parer, resigned.
(3) Chosen by the Parliament of Queensland to fill a casual vacancy vice John Woodley, resigned.
(4) Chosen by the Parliament of South Australia 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 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
Minister for Transport and Regional Services and Deputy Prime Minister
Treasurer
Minister for Trade
Minister for Defence and Leader of the Government in the Senate
Minister for Foreign Affairs
Minister for Health and Ageing and Leader of the House
Attorney-General
Minister for Finance and Administration, Deputy Leader of the Government in the Senate and Vice-President of the Executive Council
Minister for Agriculture, Fisheries and Forestry
Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs
Minister for Education, Science and Training
Minister for Family and Community Services and Minister Assisting the Prime Minister for Women’s Issues
Minister for Industry, Tourism and Resources
Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service
Minister for Communications, Information Technology and the Arts
Minister for the Environment and Heritage

The Hon. John Winston Howard MP
The Hon. John Duncan Anderson MP
The Hon. Peter Howard Costello MP
The Hon. Mark Anthony James Vaile MP
Senator the Hon. Robert Murray Hill
The Hon. Alexander John Gosse Downer MP
The Hon. Anthony John Abbott MP
The Hon. Philip Maxwell Ruddock MP
Senator the Hon. Nicholas Hugh Minchin
The Hon. Warren Errol Truss MP
Senator the Hon. Amanda Eloise Vanstone
The Hon. Dr Brendan John Nelson MP
Senator the Hon. Kay Christine Lesley Patterson
The Hon. Ian Elgin Macfarlane MP
The Hon. Kevin James Andrews MP
Senator the Hon. Helen Lloyd Coonan
Senator the Hon. Ian Gordon Campbell

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

Minister for Justice and Customs and Manager of Government Business in the Senate
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 Human Services
The Hon. Joseph Benedict Hockey MP

Minister for Citizenship and Multicultural Affairs
The Hon. Peter John McGauran MP

Minister for Revenue and Assistant Treasurer
The Hon. Malcolm Thomas Brough MP

Special Minister of State
Senator the Hon. Eric Abetz

Minister for Vocational and Technical Education and Minister Assisting the Prime Minister
The Hon. Gary Douglas Hardgrave MP

Minister for Ageing
The Hon. Julie Isabel Bishop MP

Minister for Small Business and Tourism
The Hon. Frances Esther Bailey MP

Minister for Local Government, Territories and Roads
The Hon. James Eric Lloyd MP

Minister for Veterans’ Affairs
The Hon. De-Anne Margaret Kelly MP

Minister for Workforce Participation
The Hon. Peter Craig Dutton MP

Parliamentary Secretary to the Minister for Finance and Administration
The Hon. Dr Sharman Nancy Stone MP

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

Parliamentary Secretary to the Minister for Health and Ageing
The Hon. Christopher Maurice Pyne MP

Parliamentary Secretary to the Minister for Defence
The Hon. Teresa Gambaro MP

Parliamentary Secretary (Foreign Affairs and Trade)
The Hon. Bruce Fredrick Billson MP

Parliamentary Secretary to the Prime Minister
The Hon. Gary Roy Nairn MP

Parliamentary Secretary to the Treasurer
The Hon. Christopher John Pearce MP

Parliamentary Secretary to the Minister for Transport and Regional Services
The Hon. John Kenneth Cobb MP

Parliamentary Secretary to the Minister for the Environment and Heritage
The Hon. Gregory Andrew Hunt MP

Parliamentary Secretary (Children and Youth Affairs)
The Hon. Sussan Penelope Ley MP

Parliamentary Secretary to the Minister for Education, Science and Training
The Hon. Patrick Francis Farmer MP

Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry
Senator the Hon. Richard Mansell Colbeck
<table>
<thead>
<tr>
<th>Position</th>
<th>Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leader of the Opposition</td>
<td>Mark William Latham MP</td>
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<tr>
<td>Deputy Leader of the Opposition and Shadow Minister for Education, Training, Science and Research</td>
<td>Jennifer Louise Macklin MP</td>
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<tr>
<td>Leader of the Opposition in the Senate and Shadow Minister for Social Security</td>
<td>Senator Christopher Vaughan Evans</td>
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<tr>
<td>Deputy Leader of the Opposition in the Senate and Shadow Minister for Communications and Information Technology</td>
<td>Senator Stephen Michael Conroy</td>
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<td>Shadow Minister for Health and Manager of Opposition Business in the House</td>
<td>Julia Eileen Gillard MP</td>
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<td>Shadow Treasurer</td>
<td>Wayne Maxwell Swan MP</td>
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<td>Shadow Minister for Industry, Infrastructure and Industrial Relations</td>
<td>Stephen Francis Smith MP</td>
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<td>Shadow Minister for Foreign Affairs and International Security</td>
<td>Kevin Michael Rudd MP</td>
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<td>Shadow Minister for Defence and Homeland Security</td>
<td>Robert Bruce McClelland MP</td>
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<td>The Hon. Simon Findlay Crean MP</td>
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<td>Anthony Norman Albanese MP</td>
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<td>Senator Kim John Carr</td>
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<td>Shadow Minister for Regional Development and Roads and Shadow Minister for Housing and Urban Development</td>
<td>Kelvin John Thomson MP</td>
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<td>Shadow Minister for Finance and Superannuation</td>
<td>Senator the Hon. Nicholas John Sherry</td>
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<td>Shadow Minister for Work, Family and Community, Shadow Minister for Youth and Early Childhood Education and Shadow Minister Assisting the Leader on the Status of Women</td>
<td>Tanya Joan Plibersek MP</td>
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<td>Shadow Minister for Employment and Workplace Participation and Shadow Minister for Corporate Governance and Responsibility</td>
<td>Senator Penelope Ying Yen Wong</td>
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(The above are shadow cabinet ministers)
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<td>Shadow Minister for Immigration</td>
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<td>Gavan Michael O’Connor MP</td>
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<td>Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow Minister for Banking and Financial Services</td>
<td>Joel Andrew Fitzgibbon MP</td>
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<td>Shadow Attorney-General</td>
<td>Nicola Louise Roxon MP</td>
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<td>Shadow Minister for Regional Services, Local Government and Territories</td>
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<td>Shadow Minister for Manufacturing and Shadow Minister for Consumer Affairs</td>
<td>Senator Kate Alexandra Lundy</td>
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<td>Shadow Minister for Defence Planning and Personnel and Shadow Minister Assisting the Shadow Minister for Industrial Relations</td>
<td>The Hon. Archibald Ronald Bevis MP</td>
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<td>Shadow Minister for Sport and Recreation</td>
<td>Alan Peter Griffin MP</td>
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<td>Shadow Minister for Veterans’ Affairs</td>
<td>Senator Thomas Mark Bishop</td>
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<td>Shadow Minister for Small Business</td>
<td>Tony Burke MP</td>
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<td>Shadow Minister for Ageing and Disabilities</td>
<td>Senator Jan Elizabeth McLucas</td>
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<tr>
<td>Shadow Minister for Justice and Customs, Shadow Minister for Citizenship and Multicultural Affairs and Manager of Opposition Business in the Senate</td>
<td>Senator Joseph William Ludwig</td>
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<td>Shadow Minister for Pacific Islands</td>
<td>Robert Charles Grant Sercombe MP</td>
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<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>John Paul Murphy MP</td>
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<td>Shadow Parliamentary Secretary for Defence</td>
<td>The Hon. Graham John Edwards MP</td>
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<td>Shadow Parliamentary Secretary for Education</td>
<td>Kirsten Fiona Livermore MP</td>
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<td>Jennie George MP</td>
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<td>Bernard Fernando Ripoll MP</td>
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<td>Shadow Parliamentary Secretary for Health</td>
<td>Ann Kathleen Corcoran MP</td>
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<td>Shadow Parliamentary Secretary for Regional Development (House)</td>
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<td>Shadow Parliamentary Secretary for Regional Development (Senate)</td>
<td>Senator Ursula Mary Stephens</td>
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<td>Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs</td>
<td>The Hon. Warren Edward Snowdon MP</td>
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CONTENTS

TUESDAY, 16 NOVEMBER

Chamber
Opening of the Parliament...................................................................................................... 1
Representation of Australian Capital Territory and Northern Territory .............................. 2
Senators Sworn .......................................................................................................................... 2
Governor-General’s Speech ....................................................................................................... 2
Ministerial Arrangements ....................................................................................................... 8
Australian Labor Party—
   Leadership and Office Holders........................................................................................... 11
Australian Democrats—
   Leadership ............................................................................................................................ 14
The Nationals—
   Leadership ............................................................................................................................ 14
Temporary Chairmen of Committees....................................................................................... 14
Notices—
   Presentation ........................................................................................................................ 14
Leave of Absence ................................................................................................................... 31
Business—
   Rearrangement ................................................................................................................ 31
Documents—
   Tabling ................................................................................................................................. 31
Assent ......................................................................................................................................... 38
Condolences—
   Her Royal Highness Princess Alice, Duchess of Gloucester .............................................. 38
Adjournment—
   Retirement Planning ......................................................................................................... 38
   O’Byrne, Ms Michelle .......................................................................................................... 40
   Child Abuse ........................................................................................................................... 42
   Media: Content ....................................................................................................................... 44
   Environment: Endangered Species ..................................................................................... 46
   Andrew, Hon. John Neil ....................................................................................................... 48
Documents—
   Tabling .................................................................................................................................... 49
Proclamations ............................................................................................................................ 54
Questions on Notice
   Environment: Recherche Bay—(Question No. 1684) ............................................................. 55
   Environment: Moreton Bay—(Question No. 1816) ............................................................... 56
   Environment: Tasmanian Environment Centre—(Question No. 2448)............................... 56
   Defence: Submarine Rescue Services—(Question No. 2468 (Supplementary)).............. 57
   Communications, Information Technology and the Arts: Programs and Staffing—
      (Question No. 2565) ........................................................................................................ 58
   Environment: Mount Lyell Mine—(Question No. 2581) .................................................... 59
   Environment Protection and Biodiversity Conservation Legislation—(Question
      No. 2620) ........................................................................................................................ 59
   Transport: Bass Strait Vehicle Equalisation Scheme—(Question No. 2726) ...................... 61
   Transport: Bass Strait Vehicle Equalisation Scheme—(Question No. 2727) ...................... 62
   Environment: Fish Kills and Water Releases—(Question No. 2763) ................................. 63
   Australian Federal Police: Indonesian National Police—(Question No. 2765) ................. 64
   Environment: Natural Heritage Trust—(Question No. 2798) ............................................ 65
CONTENTS—continued

Taxation: Private Binding Rulings—(Question No. 2805) .................................................. 80
Australian Defence Force: Medical Discharge—(Question No. 2842) ................................. 81
Australian Defence Force: Military Pensions—(Question No. 2843) ................................. 85
Environment: Mount Heemskirk—(Question Nos 2925 and 2926) .................................... 86
Aboriginal and Torres Strait Islander Commission: Mr Brian Johnstone—
(Question No. 2953) ........................................................................................................... 87
Environment: Point Nepean—(Question No. 3002) ............................................................... 89
Environment: Threatened Species—(Question No. 3004) ................................................... 89
Community Settlement Services Scheme—(Question No. 3014) .......................................... 89
Defence: Legal Services—(Question No. 3025) ................................................................... 90
Garrett, Mr Peter Robert—(Question No. 3034) ................................................................. 93
Garrett, Mr Peter Robert—(Question No. 3035) ................................................................. 93
Garrett, Mr Peter Robert—(Question No. 3036) ................................................................... 93
Garrett, Mr Peter Robert—(Question No. 3037) ................................................................... 94
Environment: Tasmanian Giant Freshwater Crayfish—(Question Nos 3049 and 3050) .... 94
Immigration and Multicultural and Indigenous Affairs: Charley Bear Foundation—
(Question No. 3055) ........................................................................................................... 96
Defence: Lieutenant Colonel Lance Collins—(Question No. 3056) ..................................... 96
Environment: Tiwi Islands—(Question Nos 3059 and 3060) ................................................. 99
Environment: Threatened Ecological Communities—(Question No. 3069) ......................... 99
Solomon Islands: Dolphins—(Question No. 3078) ............................................................... 100
Royal Commission of Inquiry into the Centenary House Lease—(Question No. 3093) ....... 101
Members of Parliament Staff: Entitlements—(Question No. 3094) ................................. 102
Environment: Mandatory Renewable Energy Targets—(Question No. 3096) ................. 103
Defence: Exercises—(Question No. 3097) ....................................................................... 104
Environment: Military Exercises—(Question No. 3098) .................................................. 105
Foreign Affairs: Haiti—(Question No. 3105) .................................................................... 105
Foreign Affairs: Indonesia—(Question No. 3107) ............................................................. 106
Immigration: Detainees—(Question No. 3108) .................................................................... 106
Environment: Flinders Island—(Question No. 3109) .......................................................... 107
Environment: Toxic Industrial Waste—(Question No. 3110) ............................................ 107
Environment: Australian Greenhouse Office—(Question No. 3111) ............................ 108
Anangu Pitjatjantjara Yankunytjatjara Lands—(Question No. 3112) .............................. 108
Foreign Affairs: Sudan—(Question No. 3117) ................................................................. 111
Workplace Relations: Company Injunctions—(Question No. 3120) .............................. 112
Defence: Property—(Question No. 3121) ........................................................................... 112
Defence: Property—(Question No. 3122) ........................................................................... 116
Defence: Bambi Kindergarten, Ingleburn—(Question No. 3125) ......................................... 116
Australian Defence Force: Cadets—(Question No. 3128) ............................................... 117
Heritage: Victorian Alpine Country—(Question No. 3139) .................................................. 118
Defence: Defence Capability Plan—(Question No. 3142) ..................................................... 118
Defence: Defence Capability Plan—(Question No. 3146) ..................................................... 119
Environment: York Park—(Question No. 3147) ............................................................... 120
Foreign Affairs: Papua New Guinea—(Question No. 3148) ................................................. 121
Foreign Affairs: Consular Assistance—(Question No. 3149) ............................................. 122
Foreign Affairs: Laos—(Question No. 3150) .................................................................... 122
Foreign Affairs: West Papua—(Question No. 3153) ........................................................... 123
Foreign Affairs: West Papua—(Question No. 3154) ........................................................... 123
Communications: Television—(Question No. 3156) ........................................................... 123
CONTENTS—continued

Communications: Television Programs for Older People—(Question No. 3158)....... 124
Environment: Ludlow Tuart Forest—(Question No. 3159) ........................................ 125
Workplace Relations: Agreements—(Question No. 3162) ......................................... 125
Australian Institute of Criminology: Crime Prevention Kit—(Question No. 3163) ... 127
Environment: Indonesia and Malaysia—(Question No. 3167) .................................... 127
Environment: Indonesia and Malaysia—(Question No. 3168) .................................... 128
Australian Customs Service: Olive Oil—(Question No. 3171) ...................................... 128
Environment: Tasmanian Wilderness World Heritage Area—(Question No. 3179) ...... 129
Heritage: Recherche Bay—(Question No. 3180) ............................................................ 130
Environment: Spotted Handfish—(Question No. 3181) ............................................... 131
Environment: Epacris stuartii—(Question No. 3182) .................................................... 132
Tuesday, 16 November 2004

OPENING OF THE PARLIAMENT

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

The PRESIDENT (Senator the Hon. Paul Calvert) took the chair.

The Clerk read the proclamation.

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

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

The Clerk of the Senate will now read the instrument of appointment.

The instrument having been read by the Clerk—

The Deputy said:

Members of the House of Representatives having attended accordingly—

The Senate, on 12 August 2004, adjourned until Tuesday, 16 November 2004 at 10.30 a.m. The Forty-first Parliament was convened for the dispatch of business on 16 November at 10.30 a.m., and the First Session commenced that day.

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of the House of Representatives have been sworn, the Governor-General will declare in person at this place the causes of his calling the Parliament together.

First it is necessary that a Speaker of the House of Representatives be chosen and, therefore, you, Members of the House of Representatives, will now return to the House of Representatives and choose a person to be your Speaker. Later today, you will present the person you have chosen to the Governor-General at a time and place appointed by him.

I will now attend in the House of Representatives for the purpose of administering the oath or affirmation of allegiance to honourable members of that House.

The Deputy and members of the House of Representatives having retired, the President again took the chair—

REPRESENTATION OF AUSTRALIAN CAPITAL TERRITORY AND NORTHERN TERRITORY

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

Australian Capital Territory—
Gary Humphries
Kate Alexandra Lundy

Northern Territory—
Patricia Margaret Crossin
Nigel Gregory Scullion

SENATORS SWORN

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

Patricia Margaret Crossin
Gary John Joseph Humphries
Kate Alexandra Lundy
Nigel Gregory Scullion

Sitting suspended from 10.48 a.m. to 3.00 p.m.

GOVERNOR-GENERAL’S SPEECH

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

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

Honourable Senators and Members of the Parliament of Australia:

Introduction

On the ninth of October 2004, the Australian people re-elected the government, conferring on it, for the fourth time, the honour of and responsibility for managing Australia’s affairs.

Few nations can claim the special gifts that providence has bestowed on this country—as a beacon of democracy and tolerance underpinned by a prosperous economy and a fair society.

Today Australia stands on the threshold of a new era of national achievement. With renewed energy and purpose, the government rededicates itself to the great ideals of the Australian nation and to the service of the Australian people.

The government was re-elected on a platform that emphasised strong economic management, a determined role in world affairs, and faith in the capacity of Australians to exercise choice in their daily lives.

The government will take early steps to implement the policy commitments it made during the election campaign—commitments that reflect a fundamentally optimistic view of the character of the Australian people and
of this nation’s capacity to seize the opportunities and meet the challenges of the future.

**Maintaining a strong economy**

The government has an ambitious fourth term agenda based on its overriding commitment to ensuring the Australian economy remains strong, productivity growth remains high, and future prosperity is spread throughout the community.

Australia has one of the strongest performing economies in the world. This is no accident. The government’s economic reforms have contributed to significant increases in productivity. As a result, Australians have enjoyed solid growth, more jobs, falling unemployment, real wage increases, low inflation and interest rates and increasing wealth and incomes.

Careful management of the Australian economy over recent years has increased its resilience. But we are not immune to world events. Sustained higher oil prices will have consequences of uncertain severity, and terrorism remains an ever-present risk.

At home, continuing low rainfall is a concern for many parts of both rural and metropolitan Australia.

The ageing of Australia’s population means increasing pressure on the health and welfare sectors. The government has said that action to prepare for some of these costs must occur now. The government is committed to establishing a dedicated financial asset, the Future Fund, with the aim of fully funding Commonwealth superannuation liabilities by 2020. The Fund will also increase national savings, and enhance the net worth of the public sector.

Increasing productivity and workforce participation are keys to our future economic success and to meeting the challenge of demographic change. The government is committed to the task of improving the efficiency and competitiveness of the Australian economy and to lifting workforce engagement.

**Getting more people into work**

Unemployment is at a 27 year low and a record number of Australians are in work. However, too many people of working age remain on welfare. The government aims to break the tragic cycle of welfare dependency for these income support recipients, and lift labour force participation and employment rates through an appropriate balance of obligations, incentives and assistance. It aims to give all Australians the opportunity to participate in our prosperity. And the best means of tackling poverty is to help Australians find a job.

Through the Mature Age Worker Tax Offset, the government will make it more financially attractive for older Australians to remain in employment on a full-time, part-time or casual basis. The government will also work with industry to counter the misplaced prejudices against the employment of mature age workers.

The government is committed to encouraging hard work and self-reliance by reducing tax as fiscal circumstances permit, providing incentives for small business and helping families with the cost of raising children. Under the government’s announced tax cuts, 80 per cent of taxpayers will face a marginal tax rate of no more than 30 per cent.

**Labour market reforms**

In its fourth term, the government will accelerate the reform of workplace relations as a means of raising productivity and Australian living standards. A strategic package of measures will be pursued in this Parliament to promote that objective.

Particular attention will be paid to ensuring that small businesses, the engine-room of
Education and skills development

The links between educational achievement and robust economic growth have never been more apparent. Meeting the skills needs of our economy will drive our national prosperity and help deliver a better quality of life for all Australians.

In this term, the government will boost training in areas of existing and looming skill shortages through an integrated package of measures designed to encourage more young people to take up trades. This will provide more pathways for students to enter traditional trades while in school, as well as improving the rewards for going into an apprenticeship and removing barriers that prevent people from beginning or continuing with an apprenticeship. No young Australian should feel less valued for choosing an apprenticeship over university.

A key driver of these measures will be the establishment of 24 Australian Technical Colleges, catering for Years 11 and 12 students, which will provide students with industry-endorsed training to equip them for a career in the traditional trades.

Over the coming term the government will continue its commitment to parental choice in education. Working with parents, the government will invest directly in school infrastructure through an additional $1 billion commitment over the next four years.

Building an enterprise culture

The government is committed to fostering a spirit of enterprise in Australia. To help build this enterprise culture, the government will introduce an Entrepreneurs Tax Discount for small enterprises. It will also establish a new Regulation Reduction Incentive Fund specifically designed to reduce the regulatory burden on home-based businesses.

It will further remove legislative burdens on small business and improve access to resources so small businesses in Australia can continue to innovate and grow.

Modernising industry regulation and infrastructure

Better planning and increased investment in national transport infrastructure is critical to the long-term economic performance of Australia. The $12.5 billion land transport plan, AusLink, will be implemented.

The transport security net will be extended. Jointly with the states and territories, a new intergovernmental agreement on land transport security will be established and the national transport security regime extended to cover dangerous goods and mass urban transit.

The government maintains its commitment to reform Australia’s media ownership laws. New arrangements will provide enhanced diversity and increased investment, enabling Australians to have greater access to high quality media services. The government is also committed to ensuring that its regulatory framework for communications and broadcasting remains responsive to the challenges brought about by new technologies.

The government will pursue its long-standing policy for the full privatisation of Telstra. Its future sale will be contingent on adequate telecommunications service levels and appropriate market conditions.

Comprehensive trade policy agenda

With expectations of strong global demand in 2004-2005, prospects are bright for Australian exporters.

The government is committed to the multilateral trading system and driving forward
the Doha Round of trade negotiations, which promises enormous gains for Australia.

At the same time, the government will continue to pursue other opportunities for trade liberalisation, including through free trade agreements. Ensuring timely entry into force of the Australia-US free trade agreement is of the highest priority, as is implementation of the Thai-Australia Free Trade Agreement. The government will also continue to consider possible FTAs with China, Malaysia and ASEAN, the latter in conjunction with New Zealand.

To further assist and support Australia’s export trade activities, the government will invest an additional $30 million over three years in the Export Market Development Grants Program. It will also appoint 30 new export facilitators to maximise Australian export opportunities in the United States market and reinforce the government’s extensive support for Australian exporters by creating ‘export hubs’ in regional Australia through co-location of the services of AusTrade and AusIndustry.

National security and Australia’s place in the world

There is no more important responsibility of government than the security of Australia and Australians.

Australia continues to face a challenging international and regional security environment. The government will maintain a strong stand against international terrorism and the threat of proliferation of weapons of mass destruction. It will also respond to the adverse impact that failing states have on our national security. While vigilance is needed in current circumstances, Australians should not feel threatened, nor be deterred from leading normal lives, enjoying the freedom for which others before us have so bravely fought.

To take account of new security threats, the government will bring forward legislation that will facilitate expeditious access to stored communications, such as email messages, establish a comprehensive surveillance devices regime for the investigation of serious Commonwealth offences, and protect sensitive national security information in criminal proceedings.

In addition, the government will continue working closely with states and territories to maintain our world class counter-terrorism capability. Business will be a key partner in advancing arrangements for the protection of the nation’s critical infrastructure and ensuring smooth implementation of new anti-money laundering laws.

I acknowledge the enduring commitment and unflinching courage of the service personnel who protect Australia’s interests.

The government will provide the Australian Defence Force with the major new equipment it needs to carry out its vital role of defending Australians at home and Australian interests abroad.

The ADF will be provided with new Abrams tanks, additional troop lift helicopters, new Tiger Armed Reconnaissance Helicopters and a new fleet of Armidale Class Patrol Boats.

New contracts worth up to $8 billion will be signed for the construction of Air Warfare Destroyers and Amphibious Ships and the government will maximise Australian industry involvement in all major defence projects.

To further strengthen our ability to protect key infrastructure, the government will permanently base two new Patrol Boats at either Port Hedland or Dampier to protect the vital assets in Australia’s north west.

Over the next decade, the government will provide $50 billion of funding to further de-
velop and sustain an ADF capable of deterring threats to Australia and deploying at short notice in support of our national interests. To this end, the government will maintain our forces in Iraq, East Timor and the Solomon Islands until their jobs are done.

Sustaining Australia’s high standing and strong alliance with the United States is a key priority. The alliance reflects the strength of our historical relationship and our shared values.

Strong relations with the countries of Asia are vital to Australia’s security and prosperity. The government is committed to deepening ties with North Asia—building on mature links with Japan, expanding ties with China and continuing support for peaceful outcomes on the Korean Peninsula.

The government will work to strengthen our cooperation with the new administration in Indonesia, including our vital partnership on counter-terrorism. The government will further build relations across South-East Asia through a range of initiatives. The government is committed to expanding Australia’s relationship with India and strengthening ties with the other countries of South Asia.

The Australian government places a high priority on strengthening cooperation with our regional neighbours and offering assistance in capacity building in the fight against terrorism. To this end, the government will establish six new Australian Federal Police counter-terrorist teams to work with regional neighbours to enhance surveillance and investigative capability and for rapid deployment to disrupt terrorist networks. A Centre for Counter-Terrorism Cooperation and Joint Intelligence Training for Australia, South East Asia and the Pacific will also be established.

**Supporting families, carers and women**

Policies that provide Australian families with opportunities and choices are the hallmark of this government.

The government will introduce a 30 per cent child care tax rebate to reduce the out of pocket costs paid by parents and increase by $300 a year the rate of Family Tax Benefit Part B.

The government is delivering on its election commitment to provide grandparents who are primary carers for their grandchildren with better access to affordable child care. Effective from 1 November, the work, training and study test for access to Child Care Benefit has been waived for eligible grandparent carers and new legislation will provide additional support in recognition of the important role these Australians play in our society.

The government will continue to work with parents and local communities to develop the potential of our youngest Australians through early childhood development.

It will also build on its strong record of support for people caring for others by implementing initiatives to provide more flexibility to combine caring with work, training or study and to help parents of adult children with a disability plan for the future.

The government is committed to providing opportunity and choice for Australian women and will continue to build on its strong record in promoting women’s employment and participation in the work force.

The government will implement major changes to Australia’s family law system, focusing on resolving disputes outside the courts through a network of Family Relationship Centres. The government also proposes changes to the Family Law Act 1975 to put much more focus on sharing parental responsibility after separation.
Choice and peace of mind in health care

The government is committed to giving all Australians peace of mind and real choice in health care. It will continue to strengthen Medicare, the nation’s world-class health system. GP services will be more affordable for all Australians through legislation to increase the GP rebate from 85 per cent to 100 per cent of the Medicare fee for all consultations. The government is also fully committed to maintaining the Medicare safety net. In addition, Australians will receive greater access to mental health care, particularly to address the burden of depression.

The government will make private health insurance even more affordable for older Australians—increasing the private health insurance rebate from 30 per cent to 35 per cent for people aged from 65 to 69 years and to 40 per cent for people older than 70 years. Lifetime Health Cover arrangements will continue to keep private health insurance attractive to younger people.

Human services

The government is determined to improve the development and delivery of government services to the Australian public. A new Department of Human Services will bring together into one department six key Commonwealth agencies. It will ensure better governance, clearer accountability and coordinated implementation of government policy.

The Department will also advise the government on the most efficient and effective way to deliver new and existing payments to Australian families and individuals. It will focus on the provision of better services in a timely and sympathetic fashion.

Regional Australia

The government will press on with providing better services in regional Australia. It will establish two additional sustainable regions for special government assistance, and will provide banking services at an extra 266 licensed post offices.

The government will provide increased support to cultural activity in regional and remote Australia as a means of strengthening community cohesion, well-being and development.

Indigenous affairs

In these sittings, legislation will be reintroduced to further reform the delivery of indigenous programmes and services. Indigenous Australians are relying on a better relationship with all governments to improve their circumstances. The issues they face are some of the most important for our nation.

The government is determined that its approach, focusing on shared responsibility arrangements negotiated with indigenous communities at the local level, will lead to better outcomes for indigenous Australians. The government will ensure that the Australian Public Service works closely with the new National Indigenous Council to focus on practical issues—addressing family violence, reducing substance abuse, increasing opportunities for education and employment and improving health.

Veterans

Australia has a proud military heritage and members of the ADF continue to serve with distinction across the globe.

2005 will be a time to look back at the contribution of more than 420,000 Australians who served in World War I and some one million in World War II. The government will mark the 90th anniversary of the first landings at Gallipoli and the 60th anniversary of the end of World War II with special tributes. The sacrifices of those who went before will be recognised with pride and gratitude.
Environment

Water is the most important conservation issue facing Australia. The Prime Minister has written to the Premiers and Chief Ministers urging them to join with the Australian government in implementing the National Water Initiative as they agreed at the June 2004 COAG meeting.

The National Water Commission will be established as an independent statutory authority in the Prime Minister’s portfolio to advise on reform progress under the National Water Initiative and on projects, supported by the $2 billion Australian Water Fund. The Fund will contribute to major projects for more innovative use and re-use of our water, better understanding and accounting of our water resources, and wiser stewardship of our water by communities around the country.

Sustainable development requires a careful balance between environmental goals and meeting the needs of local communities. The government will uphold environmental values by protecting an additional 170,000 hectares of old growth forest in Tasmania—but it will also preserve timber workers’ jobs and support the communities that depend on them.

The government is committed to developing a robust and comprehensive global response to climate change. Australia is on track to meet its Kyoto emission reduction target and new initiatives, such as the creation of the low emissions technology fund and solar cities trials, will position Australia for the challenges ahead.

Conclusion

The government begins its fourth term mindful of its responsibility to use its new mandate wisely—to further advance Australia’s prosperity and security, to govern in the interests of all Australians, and to uphold those values that bind us together.

The government is determined to fulfil the trust placed in it by the Australian people. It will do so by implementing a wide-ranging set of policy commitments which, in turn, places trust in the common sense and good judgement of the Australian people.

Our nation is a leading example of democratic freedom, institutional stability and economic well-being. May I conclude by expressing my appreciation of the degree to which this is due in no small measure to the integrity, hard work and fair thinking of our parliamentary representatives. I congratulate those recently elected to this parliament, and wish all members and senators well in your deliberations.

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

Sitting suspended from 3.38 p.m. to 5.00 p.m.

The PRESIDENT took the chair and read prayers.

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

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

MINISTERIAL ARRANGEMENTS

Senator HILL (South Australia—Leader of the Government in the Senate) (5.01 p.m.)—by leave—I have the honour to inform the Senate that, following the election held on 9 October 2004 in which the coalition was returned, the Governor-General commissioned the Prime Minister, Mr Howard, to form a government. Ministers and parliamentary secretaries were sworn in on 26 October 2004. For the information of honourable senators, I table the list of the...
fourth Howard ministry. As well as tabling it, I seek leave to have it incorporated in Hansard.

Leave granted.

The document read as follows—

FOURTH HOWARD MINISTRY

<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
<th>Other Chamber</th>
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<tr>
<td>Prime Minister</td>
<td>The Hon John Howard MP</td>
<td>Senator the Hon Robert Hill</td>
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<td>Minister Assisting the Prime Minister</td>
<td>The Hon Gary Hardgrave MP</td>
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<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Gary Nairn MP</td>
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<td>Minister for Transport and Regional Services</td>
<td>The Hon John Anderson MP</td>
<td>Senator the Hon Ian Campbell</td>
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<td>(Deputy Prime Minister)</td>
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<td>Minister for Local Government, Territories and Roads</td>
<td>The Hon Jim Lloyd MP</td>
<td>Senator the Hon Ian Campbell</td>
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<td>Parliamentary Secretary</td>
<td>The Hon John Cobb MP</td>
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<td>Treasurer</td>
<td>The Hon Peter Costello MP</td>
<td>Senator the Hon Nick Minchin</td>
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<td>Minister for Revenue and Assistant Treasurer</td>
<td>The Hon Mal Brough MP</td>
<td>Senator the Hon Helen Coonan</td>
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<td>Parliamentary Secretary</td>
<td>The Hon Chris Pearce MP</td>
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<td>Minister for Trade</td>
<td>The Hon Mark Vaile MP</td>
<td>Senator the Hon Robert Hill</td>
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<td>Minister for Foreign Affairs</td>
<td>The Hon Alexander Downer MP</td>
<td>Senator the Hon Robert Hill</td>
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<td>Parliamentary Secretary (Foreign Affairs and Trade)</td>
<td>The Hon Bruce Billson MP</td>
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<td>Minister for Defence</td>
<td>Senator the Hon Robert Hill</td>
<td>The Hon Alexander Downer MP</td>
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<td>(Leader of the Government in the Senate)</td>
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<td>Minister for Veterans’ Affairs</td>
<td>The Hon De-Anne Kelly MP</td>
<td>Senator the Hon Robert Hill</td>
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<tr>
<td>Minister Assisting the Minister for Defence</td>
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<tr>
<td>Parliamentary Secretary</td>
<td>The Hon Teresa Gambaro MP</td>
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<tr>
<td>Minister for Finance and Administration</td>
<td>Senator the Hon Nick Minchin</td>
<td>The Hon Peter Costello MP</td>
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<tr>
<td>(Vice President of the Executive Council)</td>
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<td>(Deputy Leader of the Government in the Senate)</td>
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<tr>
<td>Minister for Human Services</td>
<td>The Hon Joe Hockey MP</td>
<td>Senator the Hon Kay Patterson</td>
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<tr>
<td>Special Minister of State</td>
<td>Senator the Hon Eric Abetz</td>
<td>The Hon Tony Abbott MP</td>
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<tr>
<td>Parliamentary Secretary</td>
<td>The Hon Dr Sharman Stone MP</td>
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CHAMBER
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<tr>
<th>Title</th>
<th>Minister</th>
<th>Other Chamber</th>
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<tr>
<td><strong>Minister for Health and Ageing</strong></td>
<td>The Hon Tony Abbott MP</td>
<td>Senator the Hon Kay Patterson</td>
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<tr>
<td><em>(Leader of the House)</em></td>
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<tr>
<td>Minister for Ageing</td>
<td>The Hon Julie Bishop MP</td>
<td>Senator the Hon Kay Patterson</td>
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<td><em>Parliamentary Secretary</em></td>
<td>The Hon Christopher Pyne MP</td>
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<tr>
<td><strong>Attorney-General</strong></td>
<td>The Hon Philip Ruddock MP</td>
<td>Senator the Hon Chris Ellison</td>
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<tr>
<td>Minister for Justice and Customs</td>
<td>Senator the Hon Chris Ellison</td>
<td>The Hon Philip Ruddock MP</td>
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<tr>
<td><em>(Manager of Government Business in the Senate)</em></td>
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<tr>
<td><strong>Minister for the Environment and Heritage</strong></td>
<td>Senator the Hon Ian Campbell</td>
<td>The Hon Warren Truss MP</td>
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<tr>
<td><em>Parliamentary Secretary</em></td>
<td>The Hon Greg Hunt MP</td>
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<tr>
<td><strong>Minister for Communications, Information Technology and the Arts</strong></td>
<td>Senator the Hon Helen Coonan</td>
<td>The Hon Peter McGauran MP</td>
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<tr>
<td>Minister for the Arts and Sport</td>
<td>Senator the Hon Rod Kemp</td>
<td>The Hon Peter McGauran MP</td>
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<tr>
<td><strong>Minister for Agriculture, Fisheries and Forestry</strong></td>
<td>The Hon Warren Truss MP</td>
<td>Senator the Hon Ian Macdonald</td>
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<tr>
<td>Minister for Fisheries, Forestry and Conservation</td>
<td>Senator the Hon Ian Macdonald</td>
<td>The Hon Warren Truss MP</td>
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<tr>
<td><em>Parliamentary Secretary</em></td>
<td>Senator the Hon Richard Colbeck</td>
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<tr>
<td><strong>Minister for Immigration and Multicultural and Indigenous Affairs</strong></td>
<td>Senator the Hon Amanda Vanstone</td>
<td>The Hon Peter McGauran MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for Indigenous Affairs</td>
<td>The Hon Peter McGauran MP</td>
<td>Senator the Hon Amanda Vanstone</td>
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<tr>
<td>Minister for Citizenship and Multicultural Affairs <em>(Deputy Leader of the House)</em></td>
<td>The Hon Peter McGauran MP</td>
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<tr>
<td><strong>Minister for Education, Science and Training</strong></td>
<td>The Hon Dr Brendan Nelson MP</td>
<td>Senator the Hon Amanda Vanstone</td>
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<tr>
<td>Minister for Vocational and Technical Education</td>
<td>The Hon Gary Hardgrave MP</td>
<td>Senator the Hon Amanda Vanstone</td>
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<tr>
<td><em>Parliamentary Secretary</em></td>
<td>The Hon Pat Farmer MP</td>
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<tr>
<td><strong>Minister for Family and Community Services</strong></td>
<td>Senator the Hon Kay Patterson</td>
<td>The Hon Joe Hockey MP</td>
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<tr>
<td>Minister Assisting the Prime Minister for Women’s Issues</td>
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<td><em>Parliamentary Secretary</em></td>
<td>The Hon Sussan Ley MP</td>
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<tr>
<td><em>(Children and Youth Affairs)</em></td>
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</tbody>
</table>
Each box represents a portfolio. Cabinet Ministers are shown in bold type. As a general rule, there is one department in each portfolio. Except for the Department of the Prime Minister and Cabinet and the Department of Foreign Affairs and Trade, the title of each department reflects that of the portfolio minister. There is also a Department of Veterans’ Affairs in the Defence portfolio and a Department of Human Services in the Finance and Administration portfolio.

AUSTRALIAN LABOR PARTY
Leadership and Office Holders

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (5.02 p.m.)—by leave—I congratulate the government on its re-election and inform the Senate that I have been elected Leader of the Opposition in the Senate. Senator Conroy is my deputy leader, Senator Ludwig is the Manager of Opposition Business and Senator George Campbell is the whip. Senator Buckland and Senator Webber are the deputy whips. I seek leave to incorporate in Hansard a list of the shadow ministry representation and parliamentary secretaries for the opposition in both chambers.

Leave granted.

The document read as follows—

SHADOW CABINET & MINISTRY

26 October 2004

<table>
<thead>
<tr>
<th>PORTFOLIO</th>
<th>SHADOW MINISTER</th>
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<tbody>
<tr>
<td>Leader</td>
<td>Mark Latham</td>
<td>Senator Chris Evans</td>
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<tr>
<td>Deputy Leader; Education, Training, Science and Research</td>
<td>Jenny Macklin</td>
<td>Senator Kim Carr</td>
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<td>Leader in the Senate Social Security</td>
<td>Senator Chris Evans</td>
<td>Tanya Plibersek</td>
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<tr>
<td>Deputy Leader in the Senate; Communications and Information Technology</td>
<td>Senator Stephen Conroy</td>
<td>Stephen Smith</td>
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<td>PORTFOLIO</td>
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<tr>
<td>Health; Manager of Opposition Business in the House</td>
<td>Julia Gillard</td>
<td>Senator Jan McLucas</td>
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<tr>
<td>Treasurer</td>
<td>Wayne Swan</td>
<td>Senator Nick Sherry</td>
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<tr>
<td>Industry, Infrastructure and Industrial Relations</td>
<td>Stephen Smith</td>
<td>Senator Stephen Conroy (Industry)</td>
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<td>Senator Mark Bishop (Infrastructure)</td>
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<td>Senator Nick Sherry (Industrial Relations)</td>
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<td>Foreign Affairs and International Security</td>
<td>Kevin Rudd</td>
<td>Senator Chris Evans</td>
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<td>Defence and Homeland Security</td>
<td>Robert McClelland</td>
<td>Senator Mark Bishop (Defence)</td>
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<td>Senator Joseph Ludwig (Homeland Security)</td>
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<td>Trade</td>
<td>Simon Crean</td>
<td>Senator Stephen Conroy</td>
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<tr>
<td>Primary Industries, Resources and Tourism</td>
<td>Martin Ferguson</td>
<td>Senator Stephen Conroy</td>
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<tr>
<td>Environment and Heritage; Deputy Manager of Opposition Business in the House</td>
<td>Anthony Albanese</td>
<td>Senator Penny Wong</td>
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<tr>
<td>Public Administration and Open Government; Indigenous Affairs and Reconciliation; The Arts</td>
<td>Senator Kim Carr</td>
<td>Nicola Roxon</td>
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<tr>
<td>Regional Development and Roads; Housing and Urban Development</td>
<td>Kelvin Thomson</td>
<td>Senator Kerry O’Brien</td>
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<td>Senator Mark Bishop</td>
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<td>Finance and Superannuation</td>
<td>Senator Nick Sherry</td>
<td>Wayne Swan</td>
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<tr>
<td>Work, Family and Community; Youth and Early Childhood Education; Assisting the Leader on the Status of Women</td>
<td>Tanya Plibersek</td>
<td>Senator Chris Evans</td>
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<td>Senator Kate Lundy</td>
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<td>Senator Kate Lundy</td>
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<tr>
<td>Employment and Workplace Participation; Corporate Governance and Responsibility</td>
<td>Senator Penny Wong</td>
<td>Jenny Macklin</td>
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<td>Kelvin Thomson</td>
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Shadow Cabinet Ministers are shown in bold type
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<tr>
<th>PORTFOLIO</th>
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<tbody>
<tr>
<td>Immigration</td>
<td>Laurie Ferguson</td>
<td>Senator Joseph Ludwig</td>
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<td>Agriculture and Fisheries</td>
<td>Gavan O’Connor</td>
<td>Senator Kerry O’Brien</td>
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<tr>
<td>Assistant Treasurer and Revenue; Banking and Financial Services</td>
<td>Joel Fitzgibbon</td>
<td>Senator Nick Sherry</td>
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<tr>
<td>Attorney-General</td>
<td>Nicola Roxon</td>
<td>Senator Joseph Ludwig</td>
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<td>Regional Services, Local Government and Territories</td>
<td>Senator Kerry O’Brien</td>
<td>Kelvin Thomson</td>
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<td>Manufacturing; Consumer Affairs</td>
<td>Senator Kate Lundy</td>
<td>Stephen Smith</td>
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<tr>
<td>Defence Planning and Personnel; Assisting the Shadow Minister for Industrial Relations</td>
<td>Arch Bevis</td>
<td>Senator Mark Bishop</td>
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<tr>
<td>Sport and Recreation</td>
<td>Alan Griffin</td>
<td>Senator Kate Lundy</td>
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<td>Veterans’ Affairs</td>
<td>Senator Mark Bishop</td>
<td>Arch Bevis</td>
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<td>Small Business</td>
<td>Tony Burke</td>
<td>Senator Kate Lundy</td>
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<tr>
<td>Ageing and Disabilities</td>
<td>Senator Jan McLucas</td>
<td>Julia Gillard</td>
</tr>
<tr>
<td>Justice and Customs; Citizenship and Multicultural Affairs; Manager of Opposition Business in the Senate</td>
<td>Senator Joseph Ludwig</td>
<td>Robert McClelland</td>
</tr>
<tr>
<td>Pacific Islands</td>
<td>Bob Sercombe</td>
<td>Senator Chris Evans</td>
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</tbody>
</table>

**Parliamentary Secretaries**

- Parliamentary Secretary to the Leader of the Opposition: John Murphy
- Parliamentary Secretary for Defence: Graham Edwards
- Parliamentary Secretary for Education: Kirsten Livermore
- Parliamentary Secretary for Environment and Heritage: Jennie George
- Parliamentary Secretary for Infrastructure: Bernie Ripoll
- Parliamentary Secretary for Health: Ann Corcoran
- Parliamentary Secretary for Regional Development (House): Catherine King
- Parliamentary Secretary for Regional Development (Senate): Senator Ursula Stephens
- Parliamentary Secretary for Northern Australia and Indigenous Affairs: Warren Snowdon
AUSTRALIAN DEMOCRATS

Leadership

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (5.03 p.m.)—by leave—On behalf of the Australian Democrats, I would also congratulate the government on its re-election. The leadership of the Australian Democrats, as is the usual procedure in our party after an election, is currently being voted on by all our party members across Australia, and we will duly inform the President of the result when the ballot is returned in mid-December. I inform the Senate that until then the leadership arrangements remain the same and Senator Allison will continue as the party whip. Our portfolio arrangements will also remain the same.

THE NATIONALS

Leadership

Senator BOSWELL (Queensland—Leader of The Nationals in the Senate) (5.03 p.m.)—by leave—I would like to inform the Senate that we in the National Party have had our meetings and I have been appointed leader. Senator Sandy Macdonald has been appointed as my deputy. Senator Julian McGauran will be the whip.

TEMPORARY CHAIRMEN OF COMMITTEES

The PRESIDENT—Pursuant to standing order 12, I lay on the table a warrant nominating Senators Bolkus, Brandis, Chapman, Cherry, Collins, Crossin, Ferguson, Hutchins, Kirk, Knowles, Lightfoot, Sandy Macdonald, Marshall and Watson as temporary chairmen of committees when the Deputy President and Chairman of Committees is absent.

NOTICES

Presentation

Senator Ludwig to move on the next day of sitting:

That—

(a) the Select Committee on the Scrafton Evidence, appointed by resolution of the Senate on 30 August 2004, be reappointed with the same powers and provisions for membership, except as otherwise provided by this resolution;
(b) the committee have power to consider and use for its purposes the minutes of evidence and records of the select committee appointed on 30 August 2004; and
(c) the committee report by 2 December 2004.

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

That standing order 3(4) be suspended to enable the Senate to consider business other than that of a formal character before the address-in-reply to the Governor-General’s opening speech has been adopted.

Senator Ellison to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the Administrative Appeals Tribunal Act 1975, and for other purposes. Administrative Appeals Tribunal Amendment Bill 2004.
Senator Ellison to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend laws relating to aviation security, and for related purposes. Aviation Security Amendment Bill 2004.

Senator Ellison to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the Bankruptcy Act 1966, and for other purposes. Bankruptcy and Family Law Legislation Amendment Bill 2004.

Senator Ellison to move on the next day of sitting:


Senator Ellison to move on the next day of sitting:


Senator Ellison to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to provide certainty about the validity of certain plans of management under the Fisheries Management Act 1991, and for related purposes. Fisheries (Validation of Plans of Management) Bill 2004.

Senator Ellison to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act relating to the protection of certain information from disclosure in federal criminal proceedings, and for related purposes. National Security Information (Criminal Proceedings) Bill 2004.

Senator Ellison to move on the next day of sitting:


Senator Ellison to move on the next day of sitting:


Senator Ellison to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to set out the powers of Commonwealth law enforcement agencies with respect to surveillance devices, and for related purposes. Surveillance Devices Bill 2004.

Senator Ellison to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the Telecommunications (Interception) Act 1979, and for other purposes. Telecommunications (Interception) Amendment (Stored Communications) Bill 2004.

Senator Ellison to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the Workplace Relations Act 1996, and for related purposes. Workplace Relations Amendment (Agreement Validation) Bill 2004.

Senator Ridgeway to move on the next day of sitting:

That the Aboriginal and Torres Strait Islander Heritage Protection Amendment Regulations 2004 (No. 1), as contained in Statutory Rules 2004 No. 176 and made under the Aboriginal and Torres Strait Islander Heritage Protection Act 1984, be disallowed.

Senator Allison to move on the next day of sitting:

That the Senate—

(a) notes that:
(i) the United Nations (UN) Security Council resolution 1570 of 28 October 2004, reaffirms its commitment to the self-determination of the people of Western Sahara, and
(ii) the republic of South Africa extended full recognition and established diplomatic relations with the Saharawi Republic on 15 September 2004; and
(b) urges the Government to:
(i) recognise the Saharawi Arab Democratic Republic which is a fully-fledged member of the African Union and recognised by over 70 countries worldwide,
(ii) extend full support to the organisation of a free, fair and transparent referendum of self-determination for the people of Western Sahara,
(iii) vote in favour of the resolution on Western Sahara in the UN General Assembly,
(iv) use its best efforts to persuade Morocco to accept the latest UN peace plan that is based on the organisation of a referendum of self-determination in Western Sahara, and
(v) provide humanitarian assistance to the Saharawi refugees who need food and medicine urgently.

Senator Allison to move on the next day of sitting:
That the Senate—
(a) notes:
(i) the resolution on 28 October 2004 by the European Parliament which calls on its 25 member states to stop deploying high-intensity active naval sonar until more is known about the harm it inflicts on whales and other marine life,
(ii) the call for the establishment of a multinational task force for developing international agreements on sonar and other sources of intense ocean noise and to exclude and seek alternatives to the harmful sonars used today; and
(iii) the July 2004 report of the Scientific Committee of the International Whaling Commission which found compelling evidence that entire populations of whales and other marine mammals are potentially threatened by increasingly intense man-made underwater noise both regionally and ocean-wide; and
(b) calls on the Government to:
(i) support the proposed multinational task force,
(ii) encourage the United States of America to do likewise, and
(iii) impose an immediate ban on high-intensity active naval sonar use in Australian waters pending the outcome of the work of the proposed multinational task force.

Senator Ridgeway to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) the House of Representatives Standing Committee on Procedure unanimously recommended in August 2001 in its report, Balancing tradition and progress: Procedures for the opening of Parliament that ‘...representatives of the ACT indigenous community be consulted to advise on a suitable indigenous ritual to be included in the opening procedures [of the Australian Parliament],’
(ii) the Council for Aboriginal Reconciliation recommended to the Parliament in its final report in December 2000 that, ‘All Parliaments, governments and organisations observe protocols and negotiate with local Aboriginal and Torres Strait Islander Elders or representative bodies to include
appropriate Indigenous ceremony into official events’.

(iii) in February 2002, the Senate agreed to a resolution noting these recommendations, acknowledging that they had not been implemented, and calling on the Government to respond to the standing committee’s report to modernise the Parliament and open it up to participation by all Australians, and

(iv) the government response to the Council for Aboriginal Reconciliation’s final report, dated September 2002 and some 22 months after the report was released, stated that the Government was not prepared to include Indigenous protocols into opening ceremonies for parliament;

(b) expresses its disappointment that the Government has again missed the opportunity to recognise and honour the unique cultures and identity of Indigenous Australians and include First Nation Peoples in the official national ceremony as a positive and inclusive gesture of reconciliation between Indigenous and non-Indigenous Australians; and

(c) calls on the Government to take constructive action, in accordance with its own 2001 House of Representatives committee report, to ensure that the Australian Parliament is accessible to all Australians and representative of all Australians, by incorporating Indigenous protocols into the ceremony for the opening of Parliament.

Senator Allison to move on the next day of sitting:

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

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

Anti-Genocide Bill 1999 [2002]
Charter of Political Honesty Bill 2000 [2002]
Constitution Alteration (Appropriations for the Ordinary Annual Services of the Government) 2001 [2002]
Constitution Alteration (Electors’ Initiative, Fixed Term Parliaments and Qualification of Members) 2000 [2002]
Defence Amendment (Parliamentary approval for Australian involvement in overseas conflicts) Bill 2003
Electoral Amendment (Political Honesty) Bill 2003
Environment Protection and Biodiversity Conservation Amendment (Invasive Species) Bill 2002
Euthanasia Laws (Repeal) Bill 2004
Freedom of Information Amendment (Open Government) Bill 2003
Genetic Privacy and Non-discrimination Bill 1998 [2002]
Ministers of State (Post-Retirement Employment Restrictions) Bill 2002
National Animal Welfare Bill 2003
Patents Amendment Bill 1996 [2002]
Parliamentary Approval of Treaties Bill 1995 [2002]
Public Interest Disclosure (Protection of Whistleblowers) Bill 2002
Reconciliation Bill 2001 [2002]
Republic (Consultation of the People) Bill 2001 [2002]
Sexuality Anti-Vilification Bill 2003
Sexuality and Gender Identity Discrimination Bill 2003
State Elections (One Vote, One Value) Bill 2001 [2002]
Textbook Subsidy Bill 2003
Uranium Mining in or near Australian World Heritage Properties (Prohibition) Bill 1998 [2002]
Workplace Relations Amendment (Paid Maternity Leave) Bill 2002.

Senator Ian Campbell to move on the next day of sitting:
That the days of meeting of the Senate for 2004 and 2005 be as follows:

Spring sittings (2004):
Tuesday, 16 November to Thursday, 18 November
Monday, 29 November to Thursday, 2 December
Monday, 6 December to Thursday, 9 December

Summer sittings (2005):
Tuesday, 8 February to Thursday, 10 February

Autumn sittings (2005):
Monday, 7 March to Thursday, 10 March
Monday, 14 March to Thursday, 17 March

Budget sittings (2005):
Tuesday, 10 May to Thursday, 12 May

Winter sittings (2005):
Tuesday, 14 June to Thursday, 16 June
Monday, 20 June to Thursday, 23 June

Spring sittings (2005):
Tuesday, 9 August to Thursday, 11 August
Monday, 15 August to Thursday, 18 August
Monday, 5 September to Thursday, 8 September
Monday, 12 September to Thursday, 15 September
Tuesday, 4 October to Thursday, 6 October

Monday, 10 October to Thursday, 13 October

Spring sittings (2) (2005):
Monday, 7 November to Thursday, 10 November
Monday, 28 November to Thursday, 1 December.

Senator Ian Campbell to move on the next day of sitting:
That the continuing order relating to the allocation of departments and agencies to standing committees be amended to read as follows:

Departments and agencies are allocated to the legislative and general purpose standing committees as follows:

Community Affairs
     Family and Community Services
     Health and Ageing
Economics
     Treasury
     Industry, Tourism and Resources
Employment, Workplace Relations and Education
     Employment and Workplace Relations
     Education, Science and Training
Environment, Communications, Information Technology and the Arts
     Environment and Heritage
     Communications, Information Technology and the Arts
Finance and Public Administration
     Parliament
     Prime Minister and Cabinet
     Finance and Administration
     Human Services
Foreign Affairs, Defence and Trade
     Foreign Affairs and Trade
     Defence (including Veterans’ Affairs)
Legal and Constitutional
     Attorney-General
Immigration and Multicultural and Indigenous Affairs

Rural and Regional Affairs and Transport

Transport and Regional Services

Agriculture, Fisheries and Forestry.

Senator Nettle to move on the next day of sitting:

That the Senate—

(a) notes the recent passing of the President of the Palestinian Authority Yasser Arafat;

(b) extends its condolences to the Palestinian community of Australia who are mourning the loss of their deeply respected leader;

(c) recognises the historic contribution Yasser Arafat has made to the goal of securing a just peace in the Middle East, and in particular the recognition of the need for a two-state solution; and

(d) calls on the Government to play a more positive role in the international efforts to achieve a just peace for the peoples of Palestine and Israel.

Senator Harris to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) the Tri-nations Rugby League series is currently being played in the United Kingdom,

(ii) one of the composite teams is made up of players from Australia and New Zealand, and

(iii) this team is being represented by Channel 9 and possibly others as ‘The ANZACS’;

(b) further notes that the use of the term ‘ANZACS’ is contrary to Commonwealth legislation unless there is approval given by the Minister for Veterans’ Affairs;

(c) requests the Minister for Veterans’ Affairs to advise the Senate whether an application for the use of the name ‘ANZACS’ has been received from Channel 9 and, if so, whether the Minister granted such approval, or, if not, whether the Minister will ensure that such reference by Channel 9 ceases immediately; and

(d) if the name has been used without approval, calls on the Minister to request a public apology on air from Channel 9 for the misuse of the name ‘ANZACS’.

Senators Crossin and Ridgeway to move on the next day of sitting:

That—

(a) the Select Committee on the Administration of Indigenous Affairs, appointed by resolution of the Senate on 16 June 2004, be reappointed with the same terms of reference, powers and provisions for membership, except as otherwise provided by this resolution;

(b) the committee have power to consider and use for its purposes the minutes of evidence and records of the select committee appointed on 16 June 2004; and

(c) the committee report by 8 March 2005.

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (5.07 p.m.)—I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Customs Amendment (Thailand-Australia Free Trade Agreement Implementation) Bill 2004 and the Customs Tariff Amendment (Thailand-Australia Free Trade Agreement Implementation) Bill 2004. I also table a statement of reasons justifying the need for these bills to be considered during these sittings and seek leave to have the statement incorporated in Hansard.

Leave granted.

The statement read as follows—
Purpose of the Bills

The bills amend the Customs Act 1901 (the Customs Act) and the Customs Tariff Act 1995 (the Tariff Act) to give effect to the Government’s decision to enter into a Free Trade Agreement (FTA) with Thailand by:

- providing rules for determining whether goods originate in Thailand for the purposes of the FTA (new Division 1D of Part VIII of the Customs Act);
- providing verification measures to ensure that preferential entry is limited to those goods meeting the rules of origin;
- providing duty-free access for certain goods and preferential rates of customs duty for other goods that are Thai originating goods in accordance with new Division 1D of Part VIII of the Customs Act;
- phasing the above preferential rates of customs duty for certain goods to Free by 2015;
- creating a new Schedule 6 to the Tariff Act to accommodate those phasing rates of duty; and
- providing the mechanism to initiate safeguard measures on sensitive products including canned tuna, processed pineapple and pineapple juice, if necessary.

Reasons for Urgency

The Thailand-Australia Free Trade Agreement is to be implemented by 1 January 2005 as provisionally agreed to with the Government of Thailand.

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (5.08 p.m.)—I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills:

- Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 2) 2004
- Australian Security Intelligence Organisation Amendment Bill 2004
- Aviation Security Amendment Bill 2004

I table statements of reasons justifying the need for these bills to be considered during these sittings and seek leave to have the statements incorporated in Hansard.

Leave granted.

The statements read as follows—

AGRICULTURE, FISHERIES AND FORESTRY LEGISLATION AMENDMENT BILL (NO. 2)

Purpose of the Bill

The government’s response to the Keniry Report of 2003 into the live animal export industry included a number of measures that have already been enacted in the Agriculture, Fisheries and Forestry Legislation Amendment (Export Con-

This bill is intended to implement the second part of recommendation 2 of the Keniry Report, namely—

“Industry should be responsible for research and development and management of quality assurance systems to support its members translate best practice standards into outcomes consistent with best practice: its activities should be funded by compulsory levies.”

The bill amends the Australian Meat and Livestock Industry Act 1997 (the AMLI Act) to empower the Minister to declare a body to be the live-stock export marketing body and the live-stock export research body for the purpose of receiving amounts equal to certain customs charges imposed under the Primary Industries (Customs) Charge Act 1999.

Currently, the AMLI Act empowers the Minister to declare only one industry marketing body and one industry research body. This limitation precludes the compulsory funding of a body that represents the live animal export industry to undertake research activities to improve animal health and welfare outcomes.

The bill also amends the Primary Industries (Customs) Charges Act 1999 and Primary Industries (Excise) Levies Act 1999 to recognise, for the purposes of raising revenue, the distinction that the bill makes between the live-stock export sector and the rest of the industry in the AMLI Act.

Reasons for Urgency

Passage of the bill is necessary before compulsory funding can flow to LiveCorp as envisaged by the Keniry Report recommendation as agreed to by the government. Under the Keniry Report recommendation, LiveCorp will play a significant role in assisting its members with quality assurance improvements in the live-stock export industry. Passage of the bill in 2004 is needed to ensure LiveCorp has sufficient funding to undertake these functions. In the absence of the bill being passed, there is a risk that LiveCorp could cease to function due to an ongoing difficulty in the live export industry and consequent drop-off in voluntary levy contributions by company members.

(Circulated by authority of the Minister for Agriculture, Fisheries and Forestry)

AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION AMENDMENT BILL

Purpose of the Bill

The bill expands and clarifies the circumstances in which the Australian Security Intelligence Organisation (ASIO) can furnish security assessments.

Reasons for Urgency

On 25 June 2004 the Council of Australian Governments (COAG) agreed on a national approach to ban access to ammonium nitrate for other than specifically authorised users. The agreement will result in the establishment in each jurisdiction of a licensing regime for the use, manufacture, storage, transport, supply, import and export of ammonium nitrate. The licensing regime requires ASIO to furnish security assessments for the States and Territories.

COAG agreed that the States and Territories would use their best endeavours to have their legislative arrangements for the ammonium nitrate licensing scheme in place by 1 November 2004. ASIO is therefore likely to receive requests for security assessments from this date.

The Government has undertaken consultation with the States and Territories about the form of the legislation through which they intend to implement the licensing scheme. Through this consultation it has recently become apparent that amendments to the Australian Security Intelligence Organisation Act 1979 are required to expand the circumstances in which ASIO can furnish security assessments for the States and Territories.

If the bill is not introduced and passed in this sitting period then the circumstances in which ASIO can furnish security assessments for the States and Territories will be limited, and the full implementation of the regime will be delayed.

(Circulated by authority of the Attorney-General)
AVIATION SECURITY AMENDMENT BILL

Purpose of the Bill
The bill amends the Aviation Transport Security Act 2004 and the Civil Aviation Act 1988 to allow background checking to be conducted on existing and prospective pilots, and to enable the transition of certain security programmes approved under the Air Navigation Act 1920 as transport security programmes under the Aviation Transport Security Act 2004.

Reasons for Urgency
Intelligence assessments have identified that aircraft still present a significant threat to the community if used by terrorists.

Recently, there was a comprehensive review of aviation security following a revised threat assessment issued by the Australian Security Intelligence Organisation (ASIO) in July 2003. That review found that ensuring that pilots and trainee pilots are subject to security checking will reduce the likelihood of persons who might pose a threat to aviation gaining access to aircraft through legitimate means, such as undergoing training and progressing through other licensing requirements. Background checking of pilots is therefore an essential part of Australia's response to the terrorist threat. While many pilots are already background checked as part of the Australian Security Identification Card (ASIC) process, currently there are legislative impediments to the background checking of those pilots who are not required to hold ASICs, most notably in the Civil Aviation Act. These impediments need to be removed to allow background checking to go ahead.

In addition, the Civil Aviation Safety Authority (CASA) has been moving towards the development of a new pilot licensing system which is due to commence on 1 April 2005. It is appropriate to synchronise the commencement of the system of full background checking for pilots with the commencement of the new licensing system being developed by CASA.

The transitional provision in Item 3 of Schedule 2 of the bill ensures that advice provided by ASIO for the purposes of the Air Navigation (Aviation Security Status Checking) Regulations 2004 will be taken to be security assessments under the Australian Security Intelligence Organisation Act 1979. Given that the Regulations commenced on 9 July 2004, it is important that this bill is passed to address the flaw in the Regulations from the earliest time possible.

Schedule 2 of the bill also enables airport, ASIC and international cargo security programmes approved under the old Air Navigation Act 1920 to continue for a transitional period as transport security programmes under the new Aviation Transport Security Act 2004 when those parts of the old Act dealing with aviation security are repealed on 10 March 2005.

If the bill is not dealt with in the Spring Sittings, there is a significant chance that the legislation will not be in place by 1 April 2005. This will cause considerable inconvenience for pilots and may lead to significant cost implications for CASA. In addition, it will mean that the security outcome which is sought, namely that all pilots be subject to background checking, is delayed, therefore increasing the level of risk.

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

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) AMENDMENT BILL (NO. 2)

Purpose of the Bill
The bill amends the Classification (Publications, Films and Computer Games) Act 1995 to remove any doubt as to the validity of classification decisions made in response to deficient or defective applications by enforcement agencies and authorities in the past and the future.

This bill is pre-emptive and designed to ensure there is no scope for important prosecutions, including prosecutions for 'child pornography' related offences such as those currently being pursued as part of 'Operation Auxin' to fail on technical grounds related to the requirements for applications for classification. The bill removes the scope for technical challenges both to past and future decisions, given that the substantive outcome of the classification process (ie a correct classification of material as refused classification, as one element of some child pornography prosecutions) is not in doubt.
Reasons for Urgency
The possibility of technical challenges has only recently been identified, after a review of procedures requested by the Attorney-General, arising from recent child pornography investigations. The urgent passage of the amendments will help to prevent the possibility of technical challenges to convictions or prosecutions of serious offences and consequent delays in the criminal justice process.

Passage of the bill is required to expedite prosecutions under Commonwealth, State and Territory laws.

(Circulated by authority of the Attorney-General)

HEALTH INSURANCE LEGISLATION AMENDMENT (100% MEDICARE REBATE AND OTHER MEASURES) BILL

Purpose of the Bill
The bill increases the Medicare rebate for general practitioners (GPs) from 85% to 100% of the Medicare schedule fee. This amendment increases GPs’ Medicare rebate income and provides additional support to GPs to bulk bill their patients. The bill also enables families that defer instalment payments of Family Tax Benefit Part A (FTB(A)) to access the extended Medicare safety net at the $300 threshold level.

Reasons for Urgency
The Medicare rebate increase has been announced to commence on 1 January 2005. Changes to the Health Insurance Commission’s administrative arrangements, amendments to Regulations and a communication strategy will need to take place prior to implementation.

In 2004 families who have deferred their FTB(A) instalment payments have not been able to access the $300 Medicare safety net threshold and may have missed out on some safety net benefits.

(Circulated by authority of the Minister for Health and Ageing)

INDIGENOUS EDUCATION (TARGETED ASSISTANCE) AMENDMENT BILL

Purpose of the Bill
The bill provides funding for the Indigenous Education Strategic Initiatives Programme (IESIP), the Indigenous Education Direct Assistance (IEDA) programme, the Away From Base element of ABSTUDY transferred to IESIP in 1999 and strengthened accountability, performance and reporting requirements for the 2005-2008 funding quadrennium. The bill also implements the Government’s election commitments to introduce an Indigenous Youth Leadership Programme and an Indigenous Youth Mobility Programme.

Reasons for Urgency
Funding is required by 1 January 2005 for the start of the 2005 school year. Funding for IESIP under the Indigenous Education (Targeted Assistance) Act 2000 ceases at the end of 2004. IEDA funding under the annual appropriations was for July to December 2004. Introduction and passage is required during this sittings so that over 200 funding agreements for the period 2005-2008 can be negotiated with preschool, school and vocational education and training providers so they can be paid supplementary recurrent assistance from January 2005.

Further, passage of the legislation as soon as possible will allow sufficient time to establish administrative arrangements for the 2005-2008 quadrennium. These arrangements include the significant restructuring of the IEDA programme. The new programmes are scheduled to commence in 2004-05.

(Circulated by authority of the Minister for Education, Science and Training)

NATIONAL SECURITY INFORMATION (CRIMINAL PROCEEDINGS) BILL

NATIONAL SECURITY INFORMATION (CRIMINAL PROCEEDINGS) (CONSEQUENTIAL AMENDMENTS) BILL

Purpose of the Bills
The National Security Information (Criminal Proceedings) Bill (NSI Bill) puts in place measures to safeguard security sensitive information that is tendered as evidence in the course of a criminal proceeding.

The existing rules of evidence and procedure do not provide adequate protection for information that relates to or may affect national security, which may be adduced or otherwise disclosed during the course of criminal proceedings.
When applied to prosecutions for espionage, treason, terrorism and other security related crimes, they may require the disclosure of such information to persons who are not security cleared, such as members of the jury. As a consequence, the Commonwealth may be faced with a choice between accepting the damage resulting from disclosure of information or protecting that information by abandoning the prosecution.

The NSI Bill provides a procedure in cases where information that relates to or may affect national security may be introduced during a federal criminal proceeding. The aim of the NSI Bill is to allow such information to be introduced in an edited or summarised form so as to facilitate the prosecution of an offence without prejudicing national security and the rights of the defendant to a fair trial.

The National Security Information (Criminal Proceedings) (Consequential Amendments) Bill (NSI Consequentials Bill) amends the Administrative Decisions (Judicial Review) Act 1977 and the Judiciary Act 1903 in regards to a court’s jurisdiction to hear or determine an application by a defendant in a federal criminal proceeding, where the application relates to a decision of the Attorney-General to issue a certificate under the NSI Bill.

The amendments to the Administrative Decisions (Judicial Review) Act 1977 mean that a certificate decision of the Attorney-General is included at Schedule 2. The effect of this amendment is that in relation to a decision to issue a certificate, a person cannot request the Attorney-General to furnish a written statement setting out the findings on material questions of fact, the evidence or other material on which those findings were based and the reasons for the certificate decision.

The NSI Consequentials Bill amends section 39B(3) of the Judiciary Act 1903 to include decisions of the Attorney-General under the NSI Bill regarding the issue of a certificate or the disclosure of information as “a related criminal justice process”.

Reasons for Urgency
The bills are necessary to ensure that information that relates to or may affect national security that is tendered as evidence in a criminal proceeding is given maximum protection as soon as practicable. The Government’s national security policy identified as a priority the reintroduction of these bills.

(Circulated by authority of the Attorney-General)

SCHOOLS ASSISTANCE (LEARNING TOGETHER—ACHIEVEMENT THROUGH CHOICE AND OPPORTUNITY) BILL

STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) LEGISLATION AMENDMENT BILL

Purpose of the Bills
The Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Bill (the Schools Bill) provides Australian Government funding for school education over the period 2005-2008 (inclusive) and includes a number of new measures including strengthened accountability and reporting arrangements, and reform of the programmes for literacy, numeracy and special learning needs.

The States Grants (Primary and Secondary Education Assistance) Legislation Amendment Bill (the States Grants Bill) provides additional funding to extend the Tutorial Credits Initiative to all States and Territories who report to parents their child’s 2003 Year 3 reading performance against the national benchmark. The States Grants Bill also corrects a technical defect in the socio-economic (SES) funding phasing in arrangements for non-government schools so that schools will receive their correct general recurrent grant entitlements for 2004.

Reasons for Urgency
The Schools Bill must be enacted by 1 January 2005 to replace the existing States Grants (Primary and Secondary Education Assistance) Act 2000 (the Act). If legislation is not passed before 1 January 2005 there is no Australian Government funding for schools for the start of the school year. The Australian Government makes approximately $2 billion worth of payments in January, with the majority to non-government schools. There are no other sources for this funding. Before payments can be made new agreements with States, Territories and non-government education authorities must be entered once the Bill receives Royal assent.
The Minister for Education, Science and Training announced on 19 May 2004 that tutorial credits would be provided to parents during Terms 3 and 4 of 2004. The States Grants Bill was not passed before the calling of the election which meant that the open tender process to secure brokers, who will manage the pilot scheme, could not be completed. Brokers cannot be appointed until funding is made available. All tenders received under the Brokerage Services for the Pilot Tutorial Credit Initiative Request for Tender remain open until 24 December 2004. February 2005 (Term 1 2005) is now the earliest date for delivery of the pilot scheme. There is a high level of expectation among parents and further delay in the pilot could result in negative publicity. If funding is not secured before December 2004 then all tenders would lapse and a new tender process will be required further delaying implementation of the pilot by up to 6 months or more. Passage of the States Grants Bill before the end of 2004 is also required to ensure that almost 700 non-government schools receive their correct General Recurrent Grant funding entitlement for 2004. These schools expected that full SES funding would be provided in 2004 and school budgets would have been prepared on this basis. Some schools could suffer financial hardship. The Act only provides funding until 31 December 2004. While it may be possible to amend the Act after December 2004 and make retrospective payments, this would cause a number of difficulties. If correct 2004 payments are not made until 2005, schools will have difficulty in reporting correct data in financial questionnaires, grant acquittal and audit reports submitted by education authorities in respect of the 2004 calendar year. Schools would incur additional costs to re-engage external auditors. Delays in reporting by almost 700 schools could lead to a delay in the tabling in Parliament of the “Report on financial assistance grants to each State in respect of 2004” required under the Act.

SUPERANNUATION LEGISLATION AMENDMENT BILL

Purpose of the Bill
The bill amends the Superannuation Act 1976 and the rules for the administration of the Public Sector Superannuation Scheme (PSS) established by deed under the Superannuation Act 1990 to:
1. restore the intended superannuation salary of current and some former secretaries of departments and certain other office holders who are members of the Commonwealth Superannuation Scheme (CSS) or the PSS; and
2. provide that where a Determination can be made under an Act, including the Public Service Act 1999, the Parliamentary Service Act 1999 and the Remuneration Tribunal Act 1973, to set the remuneration and terms and conditions of appointment for a secretary or a holder of an Australian Government office, that Determination may also set the superannuation salary for those office holders who are CSS or PSS members.

Reasons for Urgency
The bill is required to provide authority to set superannuation salary in Determinations in relation to secretaries and certain office holders, to give certainty in their CSS and PSS entitlements and to ensure superannuation arrangements operate as intended.

SURVEILLANCE DEVICES BILL

Purpose of the Bill
The Surveillance Devices Bill adds to and strengthens a legislative regime which has consisted of a piecemeal combination of State and Commonwealth legislation and common law principles. Legislation at a federal level, namely the Customs Act 1901 and the Australian Federal Police Act 1979, is outdated and inadequate in the face of progressively complex and covert criminal activity, including terrorist activities. Surveillance devices include data surveillance devices, listening devices, optical surveillance devices and tracking devices. Surveillance devices may be used by the Australian Federal Police (AFP), the Australian Crime Commission (ACC) and State and Territory police for the in-
vestigation of Commonwealth offences which carry a maximum penalty of at least three years imprisonment or to assist in the safe recovery of a child where a court has issued a recovery order. The AFP and the ACC may also use them to investigate a State offence which has a federal aspect which meets the three year threshold.

Data surveillance devices and listening devices may only be used with a warrant issued by a judge or an Administrative Appeals Tribunal (AAT) member unless special circumstances of urgency exist, involving a serious risk to a person or property, urgent circumstances relating to the recovery of a child or where there is a risk of loss of evidence for certain listed offences such as drug offences, terrorism, espionage, sexual servitude and aggravated people smuggling offences. In such cases, a member of the agency of at least Senior Executive Service level may issue an emergency authorisation. The use of a surveillance device under such an authorisation must be retrospectively approved by a judge or AAT member within two business days. Unless the authorisation is retrospectively approved, any information obtained under the authorisation is treated as having been illegally obtained.

The Surveillance Devices Bill takes into account the recommendations of the Senate Legal and Constitutional Legislation Committee’s Report on the provisions of the bill which was tabled on 27 May 2004.

Reasons for Urgency

The amendments should be in place as soon as possible because existing listening device provisions are outdated, limited in scope and do not apply to a range of serious offences including terrorism offences.

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

TELECOMMUNICATIONS
(INTERCEPTION)AMENDMENT (STORED COMMUNICATIONS) BILL

Purpose of the Bill

The bill amends the Telecommunications (Interception) Act 1979 (the Act) to change the way in which the Act applies to electronic communications that are stored while in transit over a telecommunications system. The measures in the bill limit the prohibition against interception to the “live” or “real time” interception of communications transiting a telecommunications system.

The practical effect of the measures is that it will no longer be necessary for law enforcement and security agencies to obtain a telecommunications interception warrant to access electronic communications that are held as stored data. Rather, it will be necessary to rely on another form of lawful access to the equipment on which the communications are stored. The Act will continue to prohibit the “live” or “real-time” interception of communications without a warrant. Law enforcement and security agencies will still require a warrant under the Act in order to intercept telephone calls and other communications that are in transit, or literally passing over a line or wireless service, at the point of interception.

Reasons for Urgency

The Act is currently built around the core concept of a communication “passing over” a telecommunications system. This is because, when the Act was drafted some 25 years ago, the Australian telecommunications system consisted largely of what are now commonly referred to as “landline” services carrying live telephone conversations. Other services in use at that time, such as telex or telegram services, did not involve the carriage of voice communications but shared the live or real-time character of voice telephony.

The Act now requires urgent amendment in the next sittings of Parliament because law enforcement agencies, including the Australian Federal Police, are experiencing serious practical difficul-
ties gaining expeditious access to stored communications to assist in progressing criminal investigations.

(Circulated by authority of the Attorney-General)

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

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

**Purpose of the Bills**

On 27 November 2003 the government announced a long-term assistance package of $747 million, including two five year pauses in relation to the rate of scheduled tariff reductions, for Australia’s textile, clothing and footwear industry. The policy objective of this package is to foster the development of Australian TCF manufacturing activity so that it is viable and internationally competitive without continued special assistance.

The package includes:

- $575 million for extending the TCF Strategic Investment Program;
- $25 million for establishing a ten year small TCF business grants-based program;
- $50 million for a ten year TCF structural adjustment program;
- $50 million for a product diversification scheme;
- $20 million for a supply chain efficiency program from 2010 to 2015; and
- $27 million for an extension of the Expanded Overseas Assembly Provisions scheme.

The Textiles, Clothing and Footwear Strategic Investment Program Amendment (Post-2005 Scheme) Bill establishes the framework for the extension of the Textile, Clothing and Footwear Strategic Investment Program, through the formulation of the Textile, Clothing and Footwear Post-2005 Strategic Investment Program Scheme (known as the TCF Post-2005 (SIP) Scheme) and the establishment of the Textile, Clothing and Footwear (TCF) Small Business Program.

The Customs Tariff Amendment (Textile, Clothing and Footwear Post-2005 Arrangements) Bill amends the Customs Tariff Act 1995 (the Tariff Act) to:

- reduce the general rate of customs duty applicable to a range of textile yarns, fabrics, certain finished textile goods and footwear parts which will be dutiable at 7.5% from 1 January 2005 to 5% from 1 January 2010;
- reduce the general rate of customs duty applicable to a range of footwear, cotton sheeting and woven and knitted fabrics of various textile materials which will be dutiable at 10% from 1 January 2005 to 5% from 1 January 2010;
- reduce the general rate of customs duty applicable to most articles of apparel and certain finished textiles which will be dutiable at 17.5% from 1 January 2005 to 10% from 1 January 2010 and to 5% from 1 January 2015; and
- create a new concessional item in Schedule 4 to the Tariff to enable the operation of a Product Diversification Scheme for certain clothing and finished textiles.

**Reasons for Urgency**

The introduction and passage of the bills is required to give authority to formulate the TCF Post-2005 (SIP) Scheme. The Scheme will pay grants annually and in arrears.

Passage of the bills before the end of 2004 will ensure that:

- the TCF Post-2005 (SIP) Scheme can be formulated;
- the TCF firms with non-standard financial years, with their first income year commencing on 1 January 2005, are eligible to participate in the Scheme;
- the attendant administrative processes that are associated with the Scheme are finalised and in place as soon as practicable; and
- the industry, that is lobbying extensively for introduction and passage of the bill, is provided with certainty in relation to future investment strategies.

It is for these reasons that introduction and passage in the Spring 2004 sittings is being sought.
VOCATIONAL EDUCATION AND TRAINING FUNDING AMENDMENT BILL

Purpose of the Bill
This bill allows appropriation for payment of funds to the States and Territories under the ANTA Agreement for 2005. The first payment is due in February 2005. While details will be worked out during the transition period, at this stage the funds for the first half of 2005 will be determined and paid through the Australian National Training Authority (ANTA) under a roll-over agreement, and that payments for the remainder of the year will be made by the Department once the transition is completed.

Reasons for Urgency
To ensure that there is no disruption to vocational education and training activity throughout Australia. Funding must be available to the Australian Government in order for payment to be made to ANTA by mid-February 2005, for disbursement to the States and Territories.

WORKPLACE RELATIONS AMENDMENT (AGREEMENT VALIDATION) BILL

Purpose of the Bill
The bill validates the certification, approval or variation of certified agreements and Australian Workplace Agreements, purportedly certified, approved or varied before the High Court’s decision in Electrolux Home Products Pty Ltd v Australian Workers’ Union. The bill only operates to validate those matters in agreements which pertain to the employment relationship or are incidental to it.

Reasons for Urgency
For a substantial period, the Australian Industrial Relations Commission certified agreements containing non-pertaining matters. While a court has not ruled on the question, an implication of the Electrolux decision is that such agreements are invalid. There has been considerable public discussion and concern expressed about this possibility. Allowing the status of agreements to remain uncertain and in risk of invalidation could result in substantial uncertainty and possible disruption to industry. The Government considers that this would be an unfair position in which to place employers and employees who have operated under these agreements in good faith.

Senator Nettle to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) the US-led assault on Fallujah has, according to the International Committee of the Red Cross, created a ‘humanitarian crisis’,
(ii) despite claims by the United States (US) appointed Prime Minister Allawi that ‘there have been no civilian casualties’, large numbers of civilians have been killed and injured in the attack,
(iii) at least one clinic has been bombed and a hospital looted and that Red Cross ambulances and a relief convoy have been refused access to Fallujah by the US-led Multinational Forces in breach of the Geneva Conventions,
(iv) destroying this ancient city will not bring peace and will increase support for the resistance, as shown by the shift of control of large areas of Ramadi, Samarra, Haditha, Baquba, and other cities in the Sunni triangle to insurgent forces, and
(v) the recent study by US medical researchers at the John Hopkins Bloomberg School of Public Health and Colombia University which estimated that as many as 100 000 civilians may have died as a result of the US-led invasion and occupation of Iraq;
(b) is concerned that elections in Iraq will be further delayed as a result of the actions of the Multinational Forces and the US-appointed Iraqi Government;
calls on the Australian Government to:

(i) clarify the role of Australian Defence Force members in the planning of, and participation in, the assault on Fallujah,

(ii) reverse its policy of support for the US-led occupation of Iraq, and

(iii) bring the Australian troops home from Iraq.

Senator Bartlett to move 2 sitting days after today:

That the Customs (Prohibited Imports) Amendment Regulation 2004 (No. 3), as contained in Statutory Rules 2004 No. 121 and made under the Customs Act 1901, be disallowed.

Senator Harradine to move on the next day of sitting:

That Budget estimates supplementary hearings by legislation committees for the 2004-05 estimates meet, where senators give notice of matters in accordance with standing order 26(10), as follows:

**Group A:**

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

Tuesday, 30 November, from 8 pm till 11 pm; and

**Group B:**

- Community Affairs
- Economics
- Employment, Workplace Relations and Education
- Foreign Affairs, Defence and Trade

Wednesday, 1 December, from 8 pm till 11 pm.

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

That so much of the standing orders be suspended as would prevent a minister moving a motion to provide for the consideration of any matter.

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

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

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

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

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

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

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

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

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

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

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

That so much of the standing orders be suspended as would prevent that senator making that statement.
Senator Boswell to move, contingent on a minister at question time on any day asking that further questions be placed on notice:

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

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

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

Senators Chris Evans, Bartlett, Brown, Harradine, Harris and Nettle to move, contingent on the President presenting a report of the Auditor-General on any day or notifying the Senate that such a report had been presented under standing order 166:

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

Senators Chris Evans, Bartlett, Brown, Harradine, Harris and Nettle to move, contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business:

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

Senators Chris Evans, Bartlett, Brown, Harradine, Harris and Nettle to move, contingent on the Senate proceeding to the consideration of government documents:

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

Senators Chris Evans, Bartlett, Brown, Harradine, Harris and Nettle to move, contingent on a minister moving a motion that a bill be considered an urgent bill:

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

Senators Chris Evans, Bartlett, Brown, Harradine, Harris and Nettle to move, contingent on a minister moving a motion to specify time to be allotted to the consideration of a bill, or any stage of a bill:

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

Senators Chris Evans, Bartlett, Brown, Harradine, Harris and Nettle to move, contingent on the chair declaring that the time allotted for the consideration of a bill, or any stage of a bill, has expired:

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

Senators Chris Evans, Bartlett, Brown, Harradine, Harris and Nettle to move, contingent on the moving of a motion to debate a matter of urgency under standing order 75:

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

Senators Chris Evans, Bartlett, Brown, Harradine, Harris and Nettle to move, contingent on the President proceeding to the placing of business on any day:

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the order of business on the Notice Paper.
Senators Chris Evans, Bartlett, Brown, Harradine, Harris and Nettle to move, contingent on any senator being refused leave to make a statement to the Senate:

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

Senators Chris Evans, Bartlett, Brown, Harradine, Harris and Nettle to move, contingent on a minister at question time on any day asking that further questions be placed on notice:

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

Senators Chris Evans, Bartlett, Brown, Harradine, Harris and Nettle to move, contingent on any senator being refused leave to table a document in the Senate:

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

LEAVE OF ABSENCE

Senator FERRIS (South Australia) (5.12 p.m.)—by leave—I move:

That leave of absence be granted to Senator Tierney for the period 16 November 2004 to the end of the 2004 parliamentary sittings, on account of parliamentary business overseas.

Question agreed to.

BUSINESS

Rearrangement

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (5.12 p.m.)—by leave—I move:

That the Senate meet on Wednesday, 17 November 2004.

Question agreed to.

DOCUMENTS

Tabling

The PRESIDENT—Pursuant to standing orders 38 and 166, I present documents listed on today’s Order of Business at items 11 (a) to (e) which were presented to the President, the Deputy President and temporary chairs of committees since the Senate last sat. In accordance with the terms of the standing orders, the publication of the documents was authorised. I also present documents listed at item 12 (a) and (b) on today’s Order of Business.

The list read as follows—

(a) Documents certified by the President
   Department of the Senate—Annual report 2003-04 (received 28 September 2004)
   Parliamentary Service Commissioner—Annual report 2003-04 (received 27 October 2004)

(b) Committee reports
   Joint Standing Committee on the National Capital and External Territories—Report—Indian Ocean Territories: Review of the annual reports of the Department of Transport and Regional Services and the Department of the Environment and Heritage (received on 31 August 2004)
   Joint Standing Committee on the National Capital and External Territories—Report—Difficult choices: Inquiry into the role of the National Capital Authority in determining the extent of redevelopment of the Pierces Creek Settlement in the ACT (received on 31 August 2004)
   Legal and Constitutional References Committee—Report, together with Hansard record of proceedings and documents presented to the committee, entitled The road to a republic (received on 31 August 2004)
   Parliamentary Joint Committee on the Australian Crime Commission—Report—Examination of the annual report for 2002-2003 of the National Crime Authority and the Aus-
Australian Crime Commission (received on 31 August 2004)
Select Committee on the Administration of Indigenous Affairs—Interim report (received on 31 August 2004)
Employment, Workplace Relations and Education Legislation Committee—Report, together with Hansard record of proceedings and documents presented to the committee, on the provisions of the Higher Education Legislation Amendment Bill (No. 3) 2004 (received on 31 August 2004)
Legislation Committees—Reports on annual reports tabled by 30 April 2004 (received on 1 September 2004)
Rural and Regional Affairs and Transport Legislation Committee—Report, together with Hansard record of proceedings and documents presented to the committee, on the provisions of the Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 2) 2004 (received on 2 September 2004)
Rural and Regional Affairs and Transport References Committee—Report, together with Hansard record of proceedings and documents presented to the committee, Australian forest plantations: A review of Plantations for Australia: The 2020 Vision (received on 2 September 2004)
Environment, Communications, Information Technology and the Arts References Committee—Interim report—Budgetary and environmental implications of the Government’s Energy White Paper (received on 2 September 2004)
Employment, Workplace Relations and Education Legislation Committee—Supplementary report on the provisions of the Higher Education Legislation Amendment Bill (No. 3) 2004 (by the Australian Democrats) (received on 2 September 2004)
Finance and Public Administration References Committee—Interim report—Government Advertising and Accountability (received on 3 September 2004)
Rural and Regional Affairs and Transport References Committee—Corrigendum—Report on Australian Forest Plantations (received on 3 September 2004)
Finance and Public Administration Legislation Committee—Corrigendum—Report on annual reports (No. 2 of 2004) (received on 7 September 2004)
Foreign Affairs, Defence and Trade References Committee—Interim report—Effectiveness of Australia’s military justice system (received on 8 September 2004)
Rural and Regional Affairs and Transport Legislation Committee—Interim report—Provisions of the National Animal Welfare Bill 2003 (received on 8 September 2004)
Community Affairs Legislation Committee—Report, together with Hansard record of proceedings and documents presented to the committee—Tobacco Advertising Prohibition (received on 30 September 2004)
Community Affairs References Committee—Interim report—Inquiry into aged care (received on 30 September 2004)
Legal and Constitutional References Committee—Interim report—Inquiry into Australian expatriates (received on 1 October 2004)
Employment, Workplace Relations and Education References Committee—Interim report—Inquiry into the progress and future direction of life-long learning (received on 20 October 2004)
Employment, Workplace Relations and Education References Committee—Interim re-
port—Inquiry into Indigenous training and employment outcomes (received on 20 October 2004)

Employment, Workplace Relations and Education References Committee—Interim report—Inquiry into student income support (received on 20 October 2004)

Employment, Workplace Relations and Education Legislation Committee—Interim report—Inquiry into proposed Schedule 1B of the Workplace Relations Amendment (Codifying Contempt Offences) Bill 2003 (received on 27 October 2004)

Select Committee on the Lindeberg Grievance—Report (received on 15 November 2004)

(c) Government documents


Movement Cap for Sydney Airport—Report from 1 April 2004 to 30 June 2004 (received on 31 August 2004)

Reserve Bank of Australia—Annual report 2004 (received on 1 September 2004)

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report of the Chief Executive Officer of ARPANSA for the period 1 January to 31 March 2004 (received on 2 September 2004)


Repatriation Medical Authority—Tenth annual report 2003-2004 (received 20 September 2004)

Final Budget Outcome—2003-04 (received on 22 September 2004)

Australian War Memorial—Annual report 2003-2004 (received on 28 September 2004)

Defence Housing Authority—Statement of Corporate Intent 2004-2005 (received on 29 September 2004)

Australian Electoral Commission—Annual report 2003-04 (received on 29 September 2004)

Australian Strategic Policy Institute—Annual report 2003-2004 (received on 30 September 2004)

National Standards Commission—Annual report 2003-04 (received on 5 October 2004)

Housing Assistance Act 1996—Annual report 2002-03 (received on 6 October 2004)

Department of Foreign Affairs and Trade (Volume 1) and AusAID (Volume 2)—Annual report 2003-2004 (received on 6 October 2004)

National Residue Survey—Annual report 2003-2004 (received on 6 October 2004)

Australian Bureau of Statistics—Annual report 2003-04 (received on 7 October 2004)

Australian Safeguards and Non-Proliferation Office—Annual report 2003-2004 (received on 7 October 2004)

Department of Agriculture, Fisheries and Forestry—Annual report 2003-04 (received on 7 October 2004)

CASA Corporate Plan 2004-05 to 2006-07 (received on 8 October 2004)


Repatriation Medical Authority—Corrigendum to tenth annual report 2003-2004 (received on 8 October 2004)

Stevedoring Industry Finance Committee—Annual report 2003-2004 (received on 8 October 2004)

Albury-Wodonga Development Corporation—Annual report 2003-04 (received on 8 October 2004)

Department of Industry, Tourism and Resources—Annual report 2003-04 (received on 14 October 2004)

Export Finance and Insurance Corporation—Annual report 2004 (received on 15 October 2004)
Australian Wine and Brandy Corporation—Annual report 2003-2004 (received on 20 October 2004)

Australian Trade Commission—Annual report 2003-04 (received on 22 October 2004)


Department of the Prime Minister and Cabinet—Annual report 2003-04 (received on 26 October 2004)

Australian Centre for International Agricultural Research—Annual report 2003-04 (received on 26 October 2004)

Australian Industrial Relations Commission and Australian Industrial Registry—Annual report 2003-2004 (received on 26 October 2004)

Remuneration Tribunal—Annual report 2003-2004 (received on 26 October 2004)

Department of Communications, Information Technology and the Arts—Annual report 2003-04 (received on 26 October 2004)

Telstra—Annual report 2004 (received on 26 October 2004)

National Archives of Australia and National Archives of Australia Advisory Council—Annual reports 2003-04 (received on 26 October 2004)

National Gallery of Australia—Annual report 2003-04 (received on 26 October 2004)

Australian Film Television and Radio School—Annual report 2003-2004 (received on 26 October 2004)

Australia Council—Annual report 2003-2004 (received on 26 October 2004)

Australian National Maritime Museum—Annual report 2003-2004 (received on 26 October 2004)

Australian Communications Authority—Annual report 2003-04 (received on 26 October 2004)

NetAlert Limited—Annual report 2003-2004 (received on 26 October 2004)

Film Australia—Annual report 2003-2004 (received on 26 October 2004)

Australian Broadcasting Corporation—Annual report 2004 (received on 26 October 2004)

National Library of Australia—Annual report 2003-2004 (received on 26 October 2004)

National Museum of Australia—Annual report 2003-2004 (received on 26 October 2004)


Australia Business Arts Foundation Limited—Financial statements for the year ended 30 June 2004 (received on 26 October 2004)

Australia Post—Annual report 2003-04 (received on 27 October 2004)

Office of Film and Literature Classification—Classification Board and Classification Review Board—Annual report 2003-2004 (received on 27 October 2004)

Office of Parliamentary Counsel—Annual report 2003-2004 (received on 27 October 2004)


Family Law Council—Annual report 2003-2004 (received on 27 October 2004)


Film Finance Corporation Australia Limited—Annual report 2003-2004 (received on 27 October 2004)

Family Court of Australia—Annual report 2003-2004 (received on 28 October 2004)

Office of the Federal Privacy Commissioner—Annual report 2003-04 (received on 28 October 2004)

Australian Transaction Reports and Analysis Centre—Annual report 2003-04 (received on 28 October 2004)

Industrial Relations Court of Australia—Annual report 2003-04 (received on 28 October 2004)
Australian Government Information Management Office—Annual report 2003-04 (received on 28 October 2004)
Australian Film Commission—Annual report 2003-04 (received on 28 October 2004)
Department of Family and Community Services, Volumes 1 and 2—Annual report 2003-04 (received on 28 October 2004)
Australian Institute of Family Studies—Annual report 2003-2004 (received on 28 October 2004)
Commonwealth Director of Public Prosecutions—Annual report 2003-2004 (received on 28 October 2004)
Australian Greenhouse Office—Annual report 2003-2004 (received on 28 October 2004)
Public Sector Superannuation Scheme (PSS) Board—Annual report 2003-04 (received on 28 October 2004)
Commonwealth Superannuation Scheme (CSS) Board—Annual report 2003-04 (received on 28 October 2004)
Acts Interpretation Act—Statement pursuant to section 34C relating to the extension of specified period for presentation of a report—Department of Finance and Administration annual report for 2003-04 (received on 28 October 2004)
Australian Research Council—Annual report 2003-04 (received on 29 October 2004)
Department of Veterans’ Affairs, Repatriation Commission, Military Rehabilitation and Compensation Commission, National Treatment Monitoring Committee—Annual reports 2003-2004 (received on 29 October 2004)
Department of the Environment and Heritage—Annual report 2003-04 (received on 29 October 2004)
Commonwealth Grants Commission—Annual report 2003-04 (received on 29 October 2004)
Australian National Training Authority—Annual report 2003-2004 (received on 29 October 2004)
Aboriginal and Torres Strait Islander Services—Annual report 2003-2004 (received on 29 October 2004)
Aboriginal Land Commissioner—Report for the year ended 30 June 2004 (received on 29 October 2004)
Anindilyakwa Land Council—Annual report 2003-2004 (received on 29 October 2004)
Indigenous Land Corporation—Annual report 2003-2004 (received on 29 October 2004)
Tiwi Land Council—Annual report 2003-2004 (received on 29 October 2004)
Central Queensland Land Council Aboriginal Corporation—Annual report 2003-2004 (received on 29 October 2004)
Goldfields Land and Sea Council Aboriginal Corporation (Representative Body)—Annual report 2003-2004 (received on 29 October 2004)
Gurang Land Council (Aboriginal Corporation) Native Title Representative Body—Annual report 2003-2004 (received on 29 October 2004)
Kimberley Land Council—Annual report 2004 (received on 29 October 2004)
Native Title Unit—Annual report 2003-2004 (received on 29 October 2004)
North Queensland Land Council—Annual report 2003-04 (received on 29 October 2004)
South West Aboriginal Land and Sea Council—Annual report 2004 (received on 29 October 2004)
Yamatji Marlpa Bara Baba Maaja Aboriginal Corporation—Annual report 2004 (received on 29 October 2004)
National Oceans Office—Annual report 2003-04 (received on 29 October 2004)
Australian National Training Authority—Annual report of the Australian vocational education and training system 2003 (received on 29 October 2004)
Inspector-General of Intelligence and Security—Annual report 2003-2004 (received on 29 October 2004)
National Australia Day Council—Annual report 2003-2004 (received on 29 October 2004)
Commonwealth Ombudsman—Annual report 2003-2004 (received on 29 October 2004)
The Treasury—Annual report 2003-04 (received on 29 October 2004)
Public Lending Right Scheme Committee—Annual report 2003-04 (received on 29 October 2004)
Australian Broadcasting Authority—Annual report 2003-04 (received on 29 October 2004)
Bundanon Trust—Annual report 2003-2004 (received on 29 October 2004)
Public Service Commissioner—Annual report 2003-04 (received on 29 October 2004)
Australian Nuclear Science and Technology Organisation (ANST)—Annual report 2003-04 (received on 29 October 2004)
Australian Institute of Marine Science—Annual report 2003-04 (received on 29 October 2004)
Department of Education, Science and Training—Annual report 2003-04 (received on 29 October 2004)
Enterprise and Career Education Foundation—Annual report 2003-04 (received on 29 October 2004)
Administrative Appeals Tribunal—Annual report 2003-04 (received on 1 November 2004)
Australian Law Reform Commission—Annual report 2003-04 (received on 1 November 2004)
Federal Magistrates Court of Australia—Annual report 2003-2004 (received on 1 November 2004)
Australian Government Solicitor—Annual report 2003-2004 (received on 1 November 2004)
Administrative Review Council—Annual report 2003-04 (received on 1 November 2004)
Federal Court of Australia—Annual report 2003-2004 (received on 1 November 2004)
Food Standards Australia New Zealand—Annual report 2003-2004 (received on 1 November 2004)
Comcare—Annual report 2003-2004 (received on 2 November 2004)
CrimTrac—Annual report 2003-04 (received on 2 November 2004)
Australian Customs Service—Annual report 2003-04 (received on 3 November 2004)
Australian Reinsurance Pool Corporation—Annual report 2003-04 (received on 4 November 2004)
Inspector-General of Taxation—Annual report 2003-04 (received on 4 November 2004)
Sydney Harbour Federation Trust—Annual report 2003-2004 (received on 4 November 2004)
Supervising Scientist—Annual report 2003-04 (received on 4 November 2004)
Commissioner of Taxation—Annual report 2003-04 (received on 4 November 2004)
Social Security Appeals Tribunal—Annual report 2003-2004 (received on 5 November 2004)
Aboriginal Hostels Limited—Annual report 2003-2004 (received on 5 November 2004)
International Air Services Commission—Annual report 2003-2004 (received on 5 November 2004)
Special Broadcasting Service—Annual report 2003-2004 (received on 5 November 2004)
Attorney-General’s Department—Annual report 2003-04 (received on 5 November 2004)

Insolvency and Trustee Service Australia—Annual report 2003-2004 (received on 5 November 2004)

Annual report by the Inspector-General in Bankruptcy on the operation of the Bankruptcy Act (received on 5 November 2004)

Acts Interpretation Act—Statement pursuant to section 34C relating to the extension of specified period for presentation of a report—Department of Transport and Regional Services annual report for 2003-04 (received on 5 November 2004)

Australian Prudential Regulation Authority—Annual report 2003-2004 (received on 8 November 2004)

Royal Australian Air Force Veterans’ Residences Trust Fund—Annual report 2003-04 (received on 9 November 2004)

Annual reports of the Services Trust Funds 2003-2004 (received on 9 November 2004)

Commissioner for Complaints—Annual report 2003-2004 (received on 10 November 2004)

Aged Care Standards and Accreditation Agency Ltd—Annual report 2003-2004 (received on 10 November 2004)

Australian Maritime Safety Authority—Annual report 2003-2004 (received on 10 November 2004)

Department of Immigration and Multicultural and Indigenous Affairs—Annual report 2003-2004 (received on 15 November 2004)

(d) Reports of the Auditor-General


Annual report 2003-2004 (received on 28 September 2004)

Report no. 11 of 2004-2005—Performance Audit—Commonwealth Entities’ Foreign Exchange Risk Management: Department of Finance and Administration (received on 14 October 2004)


(e) Statements of compliance with Senate orders
Relating to lists of contracts:

Agencies within the Industry, Tourism and Resources portfolio (received on 30 August 2004)

Agencies within the Transport and Regional Services portfolio (received on 30 August 2004)

Department of Finance and Administration; Australian Electoral Commission; Commonwealth Grants Commission; CSS Board; PSS Board; ComSuper (received on 31 August 2004)

Agencies within the Education Science and Training portfolio (received on 31 August 2004)

Agencies within the Veterans’ Affairs portfolio (received on 2 September 2004)

Agencies within the Treasury portfolio (received on 3 September 2004)

Relating to indexed lists of files:

Comcare (received on 30 August 2004)

Austrade (received on 31 August 2004)

Australian Maritime Safety Authority (received on 31 August 2004)

Agencies within the Environment and Heritage portfolio (received on 31 August 2004)
Department of Foreign Affairs and Trade (received on 31 August 2004)
Treasurer’s portfolio (received on 1 September 2004)
Australian Taxation Office (received on 1 September 2004)
Agencies within the Employment and Workplace Relations portfolio (received on 1 September 2004)
Department of Health and Ageing (received on 1 September 2004)
Department of Defence (received on 2 September 2004)
Department of Veterans’ Affairs (received on 2 September 2004)
Department of the Prime Minister and Cabinet (received on 15 September 2004)
Civil Aviation Safety Authority (received on 9 November 2004)

Ordered that the committee reports, the annual reports of the Department of the Senate and the Parliamentary Service Commissioner, and Business of the Senate for the third Parliament be printed.

Ordered that consideration of each of the committee reports tabled today be listed on the Notice Paper as separate orders of the day.

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

- Crimes Legislation Amendment (Telecommunications Offences and Other Measures) Act (No. 2) 2004 (Act No. 127, 2004)

CONDOLENCES
Her Royal Highness Princess Alice,
Duchess of Gloucester

The PRESIDENT (5.15 p.m.)—It is with deep regret that I inform the Senate of the death on 29 October 2004 of Her Royal Highness Princess Alice, Duchess of Gloucester. Princess Alice was the widow of Prince Henry, Duke of Gloucester, who was Governor-General of Australia from 1945 to 1947, and they lived in Canberra throughout his term.

I ask honourable senators to stand for a moment in silence in memory of the late Princess Alice.

Honourable senators having stood in their places—

The PRESIDENT—I thank the Senate.

ADJOURNMENT

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (5.16 p.m.)—I move:

That the Senate do now adjourn.

Retirement Planning

Senator WATSON (Tasmania) (5.16 p.m.)—Recently I was invited to chair and speak at the First Asian Conference on Pensions and Retirement Planning in Singapore. Practically all the Asian countries, including participants from Mauritius, were represented, together with principal speakers from the OECD and the United States of America.

One of the most pressing problems facing Asia is the dramatic change in population from status of high birth and death rates to low rates. Populations are therefore ageing. The impact of this demographic change will be felt far into the future. The United Nations has reported that one out of every 10 persons is now 60 years or older. But by 2050 one out of every five persons will be 60 years or older. With ever greater improvements in
medical science, human longevity has also risen. Over the last half of the 20th century, 20 years have been added to the average lifespan, bringing global life expectancy up to 66 years.

Japan has the oldest aged society in the world. The difference between Japan and the rest of the world is that the Japanese have been great savers. The Japanese place greater preference on protecting their household assets than on increasing returns. These significant assets will supplement shortfalls in pension coverage. All Japanese adults are compulsory members of a national pension, and payout generally begins at age 65.

Singapore, on the other hand, has one of the fastest ageing populations in Asia. The increase in life expectancy and improved quality of life is not unwelcome. However, as it is a relatively new phenomenon, there may be implications that are not yet fully appreciated. Financial service providers, consumers and governments will have to prepare for the reality of an ageing population. As well as an ageing population, other demographic changes include smaller families, a move towards individualisation and increased wealth. Increased affluence leads to higher retirement lifestyle expectations.

The changing market will present both risks and new opportunities for the financial services sector. While there will be benefits for this sector, there will be challenges in managing the risks to consumers and the industry itself while at the same time producing and selling innovative retirement products. Consumers will also need to adapt and be better equipped to make informed decisions about their retirement.

There are a number of issues, as highlighted during the conference, that now need to be acknowledged and addressed. These issues include the inadequacy of retirement planning; the need for younger folk to be more self-reliant; exposure to investment risk; consumer education; and security of funds under investment. The issue of inadequacy of retirement planning is one which faces consumers of all ages. Most people put this off and do not allow themselves adequate time. However, if the younger people do not plan early, they will find they end up with a level of retirement income far below their expectations.

Another issue is consumers not having enough for their retirement and being unaware of the increased exposure to investment risk and the probability of living longer. Younger consumers will need to adjust their savings behaviour as they will have to be more self-reliant than the previous generation and will have to provide for their own retirement. Also, an area of concern is that consumers do not understand their investment choices. The complexity and expanding range of products does not help the situation. Both products and taxation implications need to be simplified.

In the past larger families provided parents with their retirement security. Nowadays, whether by government duress through one-child policies, such as exist in China, or changing world patterns and greater work force mobility, couples are having fewer children. Countries such as China will grow old before they grow rich and this will have a profound impact on their future.

Nations are focusing more closely on demographics and the ageing of the baby boomer population. They must act to provide and strengthen private pension plans to meet these challenges. Countries in Asia, the Western Hemisphere, Europe and to some extent Africa are starting to move away from pay-as-you-go government social safety nets that have threatened to bankrupt them. Globally the issues on pensions are similar. PAYG pensions funded by the government are no
longer affordable. In some countries pensions given to civil servants are far too generous. In relation to occupational pension plans, many are unfunded or underfunded, and defined benefit arrangements are under financial pressure. The low retirement age in many countries places additional financial pressures on government. There is often no portability of vested rights. As for personal pensions, there is a lack of tax incentives and they are not affordable for large segments of the population in many countries.

One of the main goals of a pension system should be poverty relief to ensure a minimum standard of living in old age. It should also be a savings vehicle which will allow people to redistribute income across their lifetime. A pension system should also provide insurance in the form of a social safety net. It should provide a stimulus for economic growth. Worldwide government reforms are under way. Italy and Sweden have enacted pension reform by way of defined contribution schemes and Chile is also considering this type of scheme. A pensions bill has been enacted in the United Kingdom which envisages a new regulator. India’s new government is continuing with reforms introduced by its predecessor in the form of a new independent pension regulatory body. Mexico and Lithuania are also introducing pension reforms. The European Union has an occupational pension directive which aims for a single market of $2.5 billion of pension assets in 2005.

Hong Kong’s MPF and Singapore’s Central Provident Fund are amongst the world’s most successful. Singaporean employers and employees make compulsory contributions and tax deductions are available in respect of such contributions. Interest is pegged to the short-term interest rate in the market and on reaching the age of 55 savings can be withdrawn tax-free. However there are criticisms of the scheme, such as that it has become rather complex and that many members have inadequate savings for retirement. There are also insufficient tax incentives for supplementary savings. Another criticism is that too much was invested in property. While the problems surrounding pension systems around the world are similar, there cannot be a one-size-fits-all approach for all countries and all circumstances. What works in Hong Kong may not work in India, Chile or Sweden. There will continue to be a diversity of pension arrangements due to differing cultures, differing demographics, differing economies and the myriad of other differences between countries. I wish them well in their endeavours for reform.

O’Byrne, Ms Michelle

Senator O'BRIEN (Tasmania) (5.25 p.m.)—In the adjournment debate in the Senate on the first sitting day of the 41st Parliament I want to briefly acknowledge the service of my good friend and former parliamentary colleague Michelle O’Byrne as the Labor member for Bass between 1998 and 2004. When members of the other place announce their retirement, their colleagues are afforded an opportunity to recognise the contribution they have made to their electorates and to the life of the parliament. When their electorates choose another representative, the opportunity to acknowledge that contribution is denied.

Today in the other place the Prime Minister said he has found that most people who come into the parliament do so with a desire to improve things. He also observed that some make a mark and some do not. Michelle O’Byrne certainly had a desire to change things for the better—and she still has—and she made her mark as the member for Bass. The first mark she made was in fact to end the political career of a senior Howard government minister. As honourable senators will recall—and certainly Senator McGauran
will recall—the lead-up to the 1998 election was characterised by quite a few of Mr Howard’s ministerial colleagues finishing their own careers, without the assistance of the electorate. But Warwick Smith was not among them. Michelle was elected to represent Bass at the 1998 federal election, receiving a 4.7 per cent swing. She won by just 78 votes and claimed the seat from Warwick Smith, who was then the Minister for Family Services.

It is not every federal election candidate who achieves victory at their first attempt. Fewer still are able to defeat a cabinet minister in the process. One of Michelle’s first contributions in the other place was a passionate plea for proper recognition of the service of Australian naval personnel involved in the Malayan Emergency. Her subsequent contributions in the parliament were equally passionate and covered the full gamut of issues that concerned the people of her electorate—affordable and accessible health care, education, training and child services, action on family violence, provision of employment opportunities and maintenance of decent maritime regulation, amongst others.

At the 2001 election Michelle increased her majority despite the disgraceful scare campaign conducted by the coalition over the circumstances of asylum seekers who found themselves aboard the 

_Tampa_ off the north-west coast of Western Australia. Subsequent to the election, Michelle’s talent was recognised with her appointment as a shadow parliamentary secretary after just one term in the parliament. She used her role as shadow parliamentary secretary for communications to highlight regional communications issues relevant to her electorate and others around the country. Michelle was a fierce and effective advocate for the retention of Telstra in majority public ownership and supported Australia Post maintaining its capacity to provide affordable and reliable postal services.

Michelle was not the only Tasmanian Labor MP to face defeat at the 2004 poll, and I want to take this opportunity to acknowledge the service of Sid Sidebottom as the member for Braddon between 1998 and 2004. Sid gave good service to the people of Braddon, and he too served as a shadow parliamentary secretary. In fact, I had the good fortune to work closely with Sid on agricultural matters when I held the shadow portfolio. Sid was an active and effective shadow parliamentary secretary for primary industries. As with the loss of Michelle, his loss is felt deeply within the federal parliamentary Labor Party.

Returning to Michelle O’Byrne’s career, in her inaugural speech in the other place, on Remembrance Day 1998, Michelle said:

> I am honoured to be here representing the people of Bass. My commitment is to be a representative of the calibre of Lance Barnard and Justin O’Byrne. If I do only half as well as they did then I will be serving my electorate well.

Each day that Michelle represented the people of Bass in the federal parliament she honoured the legacy of the two great representatives she named in her inaugural speech. On behalf of the people of Bass, whom she served for six years without regard for their political persuasion, life circumstances or personal choices, I want to express my appreciation and thanks for her service. I also want to express my appreciation of and thanks to her hardworking staff, who gave her great service and, probably more importantly, gave her constituents great service. On behalf of the 24,491 voters in Bass who gave their first vote to Michelle at the election and the 47.37 per cent of her electorate that ultimately directed their vote to Michelle, I express regret at her failure to win at the election. Her qualities as a member have been reflected in the dignified manner in which she has responded to the elec-
tion result, including her sensational performance at the Tasmanian Country Music Festival the day after the poll. In the words of Matthew Denholm in the *Australian* on 11 November:

Labor was collectively singing the blues in Tasmania yesterday, but no one did it quite as well as Michelle O’Byrne.

Life goes on, and of course Michelle’s long-suffering family have welcomed her newfound presence at home. But Michelle still has much to offer public life. Whatever the future holds for her, my colleagues and I wish her well.

**Child Abuse**

*Senator Murray (Western Australia)*

(5.32 p.m.)—We have heard much lately about the commendable nationwide police operation which resulted in more than 200 men being charged with keeping and using child pornography, with more arrests to come. Although some of the images are apparently home grown, the children used to produce this vile material are reported to be largely from countries where poverty and exploitation flourish. On the other hand, those First World Australians charged as users of child pornography include tradesmen, teachers, public servants, businessmen, scout leaders, child-care workers, policemen and the clergy. The latter deserve special comment. Members of the clergy that sexually assault and abuse children are notorious because of the huge moral gulf between what they say and what they do. Not surprisingly, this evil has featured heavily in the media, but the media’s concentration on just the offenders concerns me. What efforts are the Australian authorities making to stop the continuing exploitation of these children in the child pornography scandal?

There has been little, if any, reporting of the victims—the children corruptly and criminally used—and the damaging long-term effects of their being exploited in this way. There is now extensive research and a number of reports that document the lifelong consequences for victims of child sexual assault—not least being the two Senate reports, *Lost innocents: righting the record*, in 2001, and *Forgotten Australians*, in 2004—but this material has not been drawn on by the media. Sadly, this tends to be the general proclivity of reporters when writing of the sexual assaults perpetrated on children or child abuse in general. The reporters often focus on the criminal and the crime, rather than on the many victims that a single child abuser creates. When charges are laid, they seldom cover all the offences. The reporting is far from the reality.

While no meaningful attempt has yet been made to quantify the numbers of victims, child abusers and paedophiles in Australia, we could be talking—and I hope we are not—about hundreds of thousands of victims. I base this guesstimate on a trilogy of inquiries that reveal that more than 500,000 people were raised in care last century. Those three inquiries are the two Senate inquiries I referred to earlier and the Aboriginal stolen generation inquiry. The evidence provided includes many descriptions of extremely graphic and disturbing sexual assaults and molestations of girls and boys by a wide range of perpetrators, across government and non-government institutions and between religious care and foster care. Organised violence against children was systemic and sexual assault far too common. Also far too common—all over the world, including Australia—has been the concealment of these crimes, and the conspiratorial accomplices go all the way to the top of the church hierarchies—something for strong Christians in the political world to bear in mind. Christian values are one thing; Clayton’s Christians are another.
If we add to the number of those in care those legions assaulted within the private sphere of families, it can be reasonably argued that the number of victims in Australia could reach into the hundreds of thousands. Again, I hope not, but sufficient work has not been done to work out the numbers concerned. It is the case that many of these victims—or survivors—do not recover. One female respondent to the children in institutional care inquiry wrote:

The incident left me with a real fear of men and problems having sex, even with my husband... This barrier is still with me to this day.

One male victim wrote:

I have undergone counselling for much of my adult life just so I could cope... I cannot hold a job for long; I cannot form friendships and have been unable to complete several educational courses I have started... I am currently in such a state that I rarely leave the house...

These quotes typify the suffering victims endure as adults. They all too often live marginal lives characterised by antisocial behaviour. For instance, documented studies show that prisons are full of men and women sexually assaulted as children. Also, problems of substance abuse, unemployment, welfare dependency, homelessness, mental health problems and suicide are all too common. Another respondent to the inquiry wrote:

No person can come out of these experiences unscathed... many... have had horrible lives. I saw more than one as street walkers and was told about attempts at suicide and destructive relationships. Others have learned to rely on alcohol and more recently other drugs. None have had ‘normal’ relationships where they realised their potential both emotionally and intellectually.

Unfortunately, it is also the case that if these survivors have their own families they in turn can have a series of consequential problems with their own children because of the way in which they have experienced problems and the way in which they transfer those problems onto their children and adopt what would be known as inappropriate parenting models.

One has only to read chapter 6 of Forgotten Australians, the first report of the Community Affairs References Committee inquiry into children in institutional care tabled on 30 August this year—and what an emotional tabling that was. Another sobering read is the recently released Child Wise report, Speaking for themselves. This report documents the life experiences of a sample of young people involved in prostitution in inner-city Melbourne—right as we speak. Almost without exception, all the participants came from difficult backgrounds, with over half entering state care due to domestic violence, including being sexually assaulted as children.

I cannot stress enough that it is absolutely crucial that those of us who can make a difference—and I am talking about those of us who are politicians who can make a difference—recognise that the long-term problems of the sexual assault of children or of child abuse are not only individual or family ones. They do impact on society at large and they do comprise an enormous economic cost. This is revealed in a historic national report released earlier this year that has—I think conservatively—estimated that child abuse and neglect costs Australian taxpayers almost $5 billion a year. That report was commissioned by the Kids First Foundation and the Abused Child Trust. They thought that the greatest single impost was the cost of the social and human problems. For instance, they said that about $1 billion annually was associated with the human cost of those abused, including outlays associated with suicide, medical treatments and psychological trauma, and that a further $2 billion was associated with the long-term social cost, which included the costs of crime.
committed by juveniles and adults whose childhood abuse was considered a significant factor in their offending.

I strongly believe, as do many others, that the maltreatment and abuse of children—of which sexual assault, although it is certainly the most appalling, is part but not all of it—is a very significant public health problem in Australia. I cannot think of a better investment for the future of Australia than to do something about these problems. The knowledge we now have of current and past child sexual assault and abuse does reveal a problem of significant proportions, one that the Commonwealth has to concern itself with and not just leave to the states.

Currently there are eight different and mostly crisis-ridden child protection systems that are facing a disturbing escalation in child abuse notifications and substantiations. There are over 200 pieces of legislation dealing with children’s interests across the states and territories, many of which are narrowly framed and outdated. For instance, in Victoria, the Child Wise report notes that a major overhaul of the care system is required for there to be:

... long term effective change to enhance the positive, holistic development of young people in government care.

Additionally, there is little in the way of services for those leaving care. Arguably, they comprise one of the most vulnerable and underprivileged groups in society. Sadly, though, most past governments regard leaving care in economic and budgetary terms rather than as a broader social and human rights concern. This reality is poignantly explained by Cherie, one of the participants in the Child Wise report. Having suffered sexual assaults by a number of social workers while in state care, she stated:

When I was 18 they gave me the flick. I had nowhere to go. I went out [sex working] because I thought I had to get used to it. Thought I may as well get paid for it.

The best interests of the child must be the primary consideration in all decisions that affect them. This is a basic principle of the United Nations Convention on the Rights of the Child, to which Australia became a signatory in 1990. If the Commonwealth were to give legislative effect to this convention using the external affairs power under section 51 of the Constitution, it would be able to take a far stronger role in children’s matters than it presently does. Australia’s children deserve nothing less than to live in a protected environment, free from violence, abuse and exploitation.

Media: Content

Senator HUMPHRIES (Australian Capital Territory) (5.42 p.m.)—Over the last sitting weeks of the 40th Parliament I presented a number of petitions to the Senate regarding the concerns of the Polish community in Australia about things that have been said of Poland, Polish history and the Polish community. The petitions asked:

... “That slanderous, defamatory and offensive statements, oral or in writing, made about a community or a Nation or its Armed Forces, which are untrue and unsubstantiated are unacceptable, offensive and must not be made.”

The petitions go on to ask that the Senate request and empower the federal Human Rights and Equal Opportunity Commission to exercise its power to stop mass media publications, orally or in writing or in electronic media, which convey those so-called slanderous, defamatory and offensive statements. The petitions arise out of concerns within the Polish community in Australia and elsewhere that some in the general community and the media misrepresent the relationship, particularly between the Poles, the Nazis and the Jews.
The invasion of Poland in 1939, of course, was the incident which triggered the Second World War. Poland was occupied by Nazi Germany from September 1939 until 1944-45. Poles fought against the Germans not only in Poland, where the Polish resistance numbered some 350,000 people, but also in Great Britain, Norway, France, Belgium, Holland, North Africa, Italy and Germany itself. It is also worth noting that 200,000 Polish soldiers were attached to the British Army.

After the occupation of Poland at the beginning of the war, more than 2.4 million Jews fell under Nazi rule. It was in Poland, not Greater Germany, that the harshest restrictions were placed on local Jewish populations. The Jews of Poland were subjected to summary massacre by the regular army and by the SS. Captured Jewish soldiers were executed as a matter of course.

Moreover, the Greater German occupation regime forced Poland’s Jews to move into urban ghettos in the major cities of Poland. These ghettos, surrounded by walls and barbed wire, functioned as autonomous captive city-states, governed by a Jewish council that was responsible for housing, sanitation and economic production for the Greater German war efforts. As purely urban areas, these areas depended heavily upon imports of food and coal, but Greater Germany consistently supplied insufficient food and coal to keep the inhabitants of the various ghettos fed and warm. As a result, massive epidemics and endemic malnutrition vastly increased the prewar death rate. By 1942, Poland’s Jews were little more than disposable slaves.

The infamous Auschwitz concentration camp was initially established by the Germans in 1940 to eliminate Polish leadership and kill off opposition to the German occupation of Poland. The first Jews were brought to Auschwitz in 1942 and many hundreds of thousands lost their lives there, but some 75,000 to 100,000 Poles were also killed in Auschwitz. There were many Poles among those in the whole of Nazi occupied Europe who were willing, at grave risk to their families and their own lives, to help Jews escape or hide from the Nazis. Up to January 2002, 5,632 Poles had been honoured by the Yad Vashem institute in Jerusalem for saving Jews during World War II. As Dr Nahum Goldmann, an honorary president of the World Jewish Congress, stated:

Poles suffered no less than we did ... We suffered greater losses proportion wise, but the Poles also suffered enormously ...

However, not all commentators focus on this aspect of Polish altruism. Dr Janusz Rygielski, the President of the Federal Council of Polish Associations in Australia, has drawn attention to the publication, in Polish, of a book in 2000 by a Polish author Jan Tomasz Gross entitled Neighbours. The book has received much publicity and has been widely promoted throughout the world. It has already been translated into English and is being translated into other languages. A screenplay has already been written. The book deals with the extermination of Jews in a small township called Jedwabne, in northeastern Poland, by, as the title suggests, their Polish neighbours.

While the book caused considerable controversy in Poland, it appears that it has been accepted as an indisputable historical document, particularly in the English-speaking West. Many Polish historians dispute the author’s methodology and selectivity in the use of source material, most of which has been available for the past 50 years from the Jewish Historical Institute in Warsaw. The views of those historians, however, in contrast to Gross, have not received any mention in the Western media. Such a lack of balance
could lead one to believe that Gross’s allegations are unchallengeable and therefore true.

This episode draws specifically on the recent experience of the Polish community but highlights the reaction of any other community, national, religious or ethnic group in Australia to what could be described as misrepresentations about them or their history. The language used by journalists contributes to this problem. Just recently, I noticed this very issue in an article in the Bulletin that focused on a woman who had fled from the Nazis as a toddler. The article goes on to say that she discovered that her mother had perished in ‘a Polish concentration camp’. This is a perfect example of the journalistic misconceptions tormenting people of Polish origin. From the way the journalist has worded this sentence one could be forgiven for thinking that the Poles were running the concentration camps. Bearing these facts in mind, I can see how distressing it must be to Polish people all over the world when such terms as ‘Nazi Poland’, ‘Polish concentration camps’ and ‘Polish ghettos’ are used by newspaper columnists and TV commentators writing or reporting for the press. Sadly, such terminology is repeatedly used by journalists in this country.

The Polish government recently established a National Institute of Remembrance, whose role inter alia is to promote education and understanding about the events of the Second World War and since, which are as much misrepresented and misunderstood in Australia as in other parts of the world. I recently had the pleasure of meeting the director of the institute, Dr Leon Kieres, during his visit to Australia.

I hope the presentation of these petitions will stimulate thoughtful reflection on our collective use of language which may be offensive to some in our modern multicultural community. I do not advocate that Australia import into our political discourse the political or historical controversies which dog some other nations or communities. However, the insensitive use of language does just that, since language can carry judgments or assumptions in even apparently straightforward or innocent terms. I particularly urge the media to consider these issues. They are certainly of great significance to many Australians of overseas birth and, in particular in the context I have explained today, to the Polish community in Australia.

**Environment: Endangered Species**

*Senator ALLISON (Victoria) (5.50 p.m.)*—I want to make a plea for the 1,695 plants and animals recognised under Australian environment laws as facing the threat of extinction. Many more than this are in fact either in decline or understood to be in decline but have not yet been adequately assessed. The 2003 red list of the International Union for the Conservation of Nature and Natural Resources documents the shocking reality for species that are on the brink of extinction around the globe. The number of animals and plants listed as critically endangered, endangered or vulnerable by global experts has again increased by a frightening degree and now exceeds 12,000.

It is a statement of the obvious of course to say that, once a species is lost, it is irretrievable. It is also obvious that governments, including ours, are not paying enough attention to the problem. As one of the few developed countries with comparatively large and biodiverse reserves, Australia has a responsibility to play a much more decisive role in the conservation of global biodiversity. As a wealthy country we have the resources, the technology and the potential to arrest the loss of species and to work to improve the prospects for species’ recovery in the long term, both in Australia and else-
where. All it takes is political will and a lesser attachment to a big budget surplus.

The Democrats tonight call on the Minister for the Environment and Heritage to make threatened species protection and recovery a top priority for his ministry in the new government. I note today that the minister is still apparently the Manager of Government Business in the Senate and I hope that this is not some indication that there are low expectations of what the environment minister will do in this new government.

We call on the government to give biodiversity conservation and critical habitat protection a much higher budgetary priority. The Australian Terrestrial Biodiversity Audit, released in April last year, identified almost 3,000 ecological communities to be under threat of extinction. These are all vital habitats for the survival of our plants, mammals, birds, reptiles, amphibians and insects. Australia has one of the longest lists of extinct endemic mammals in the world.

The overview of Australia’s threatened bird species is not much better, with 23 species already extinct and 99 federally listed as threatened. The Action Plan for Australian Birds identifies many more birds whose survival is precarious. It is critical that work continues to identify and protect Australian biodiversity hotspots, and to develop a national biodiversity action plan and a national biodiversity initiative. We must have in place effective management for invasive species and measures to address the threat of broad-scale land clearing.

We need on the ground results in the shortest possible time frame. In planning the recovery of our threatened species we have to be thorough and effective if we are going to avoid further extinctions in the near future. Questions I put to the minister for the environment asking just how effective recovery efforts have been for critically endangered species, such as the east coast’s grey nurse shark, went unanswered prior to the election, but I will be putting them up again. We need to know that the money that is spent on recovery plans is money well spent—spent on evidence based programs with demonstrable outcomes. A recent federal government report from the biodiversity advisory committee shows clear evidence of the emerging threat to Australian iconic species through climate change. The mountain pygmy possum, the numbat and the tree kangaroo are among some of Australia’s most well-known animals in danger of extinction in a drastically warming world.

Australia is most at risk with even small changes in temperature. A 0.7 degree of global warming has resulted in our worst drought on record. Australia’s wet tropical mountain rainforests will decrease by 50 per cent with only a one-degree rise in global temperature. The Democrats urge the government to give full support to global initiatives to address climate change, and to move swiftly to ensure that Australia achieves a 60 per cent cut in our greenhouse emissions by 2050. We must do this to protect our biodiversity and to ensure a survivable environment for Australians in the future. Our own Productivity Commission has expressed concerns about the effects of climate change on biodiversity. It says 23 per cent of mammals, 16 per cent of amphibians, nine per cent of fish, nine per cent of birds, seven per cent of reptiles and five per cent of plants are listed either as extinct or at risk of becoming so.

Despite overwhelming evidence that Australia’s biodiversity is deeply in danger of the risk of irreversible extinction from a range of threats, Senator Ian Campbell on taking on his new ministry claimed the Howard government has:

... implemented an Australia-wide approach to biodiversity conservation, tracking our biodiversity, measuring it, understanding it, saving it.
This is clearly nonsense. To claim that Australia’s biodiversity has been saved shows a dangerous and very sad misunderstanding of the state of our threatened species and ecological communities and the key threats which continue to diminish their chances of survival.

The Democrats warn the new government most strongly against complacency on this complex and increasingly worrying problem. Investigations by the World Wide Fund for Nature show that more than half of the national conservation targets agreed to by federal, state and territory governments have not been met. In their report entitled Small steps for nature, the group found that Australian governments are failing to address the fundamental drivers of biodiversity loss in Australia and that we are still falling far short of what it will take to avert the wave of extinctions into the foreseeable future. They estimate that up to 20 per cent of Australia’s half a million or so plants and animals could be threatened with extinction as a result of the failure to act in the immediate future.

We need a quantum leap in our nation’s efforts to deal with key threats, such as declining water quality and wetland health, weeds and pest animals, broadscale land clearing and climate change. Australian governments have failed to put in place recovery plans for the vast majority of Australia’s native vegetation types, which have less than 10 per cent of their original extent left. The target to complete implementation of environmental flows for Australia’s most heavily impacted river systems by 2001 has not been met by any Australian government. Australia still permits the legal importation of more than 120,000 plant species, of which 4,000 are known weeds not yet present in Australia, with no weed risk assessment. To put this in a fiscal context, weed abatement already costs the Australian economy $4 billion every year. The target to prevent and manage introduced marine pests by 2003 has not been met. As indicated by the Australian Terrestrial Biodiversity Assessment 2002, there are 2,859 threatened ecosystems in Australia, all of which contain many unique species. The report noted that protection for endangered ecosystems and ecological communities under the Commonwealth EPBC Act is much too slow.

I remind the government of its failure to establish an adequate, representative and well-funded national reserve system, which as a signatory to the Convention on Biological Diversity we have an international commitment to establish. The Democrats will continue to call for adequate reserve representation of ecological communities in both marine and terrestrial environments. Biodiversity management must be a key issue within natural resource management throughout the landscape. Too little, too late is being done to halt Australia’s accelerating extinction wave that was set in train from the time of European settlement. Tonight the Democrats call on the parliament and the government to ensure that much more is done in the shortest possible time frame.

Andrew, Hon. John Neil

The PRESIDENT (5.59 p.m.)—At midnight last night the term of the Hon. Neil Andrew as Speaker of the House of Representatives ceased. I take this opportunity to briefly but warmly acknowledge the contribution to the Australian parliament of Speaker Andrew. Neil Andrew was Speaker from 1996 and, since becoming President in August 2002, I have been privileged to work with a most honourable and decent colleague in the range of matters which relate to the administration of the parliament. Together we oversaw the first major structural reform of parliamentary departments in over 100 years, with the creation of the Department of Parliamentary Services in February this year.
I have been very fortunate to serve as a fellow presiding officer with a Speaker who has high standards, who is genuinely respected by all sides of politics and who has a real love of parliamentary democracy.

The most important thing to Neil has been encouraging an understanding of our democracy, and it was a delight to see him with a group of students of any age, whether from Australia or another country, because his enthusiasm for our democratic system is so infectious. It would be wrong for me to say that Neil Andrew has simply retired, because that would imply that he will not continue his busy involvement in public life. I wish Neil and his wife, Carolyn, all the very best for the future. Neil leaves the Australian parliament as a most significant parliamentarian. I am confident that the new Speaker, the Hon. David Hawker, will continue the high standards his immediate predecessor brought to the office, and I warmly congratulate him on his election this morning.

Senate adjourned at 6.00 p.m.

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

ACIS Administration Act—ACIS Administration (Determination of Entitlement to Modulation Credit between Participants) Rules 2004.

Acts Interpretation Act—Statement pursuant to subsection—

34C(6) relating to the extension of specified period for presentation of reports—


Department of Finance and Administration—Report for 2003-04.

34C(7) relating to the delay in presentation of a report—Department of Immigration and Multicultural and Indigenous Affairs—Report for 2003-04.


Australian Communications Authority Act—Radiocommunications (Charges) Amendment Determination 2004 (No. 1).

Australian Communications Authority Act and Radiocommunications Act—Radiocommunications (Interpretation) Amendment Determination 2004 (No. 2).

Australian Meat and Live-stock Industry Act—


Australian Prudential Regulation Authority Act—

Non-Confidentiality Determination No. 3 of 2004.

Non-Confidentiality Determination No. 4 of 2004.

Non-Confidentiality Determination No. 5 of 2004.

Christmas Island Act—List of applied Western Australian Acts for the period 20 March to 16 September 2004.

Civil Aviation Act—Civil Aviation Regulations—

Airworthiness Directives—Part—

107, dated 5, 16 and 18 August 2004.
Civil Aviation Amendment Order (No. 5) 2004.
Civil Aviation Amendment Order (No. 6) 2004.
Instruments Nos CASA 442/04, CASA 460/04, CASA 473/04, CASA 476/04, CASA 491/04, CASA 492/04, CASA 515/04 and CASA 524/04.
Class Rulings—
Cocos (Keeling) Islands Act—List of applied Western Australian Acts for the period 20 March to 16 September 2004.
Commonwealth Authorities and Companies Act—
Notices under paragraph 45(1)(b)—
Australian Rail Track Corporation Limited.
Medibank Private Limited.
Commonwealth Electoral Act—
Regulations—Statutory Rules 2004 No. 299.
Currency Act—
Currency (Perth Mint) Determination 2004 (No. 3).
Currency (Royal Australian Mint) Determination 2004 (No. 8).
Currency (Royal Australian Mint) Determination 2004 (No. 9).
Currency (Royal Australian Mint) Determination 2004 (No. 10).
Customs Act—
CEO Instruments of Approval Nos 3-21.
Dairy Produce Act—
Dairy Structural Adjustment Program Scheme 2000 Variation (No. 12).
Supplementary Dairy Assistance Scheme 2001 Variation (No. 7).
Defence Act—Determinations under section—
58B—Defence Determination 2004/30-2004/43.
Environment Protection and Biodiversity Conservation Act—Instruments amending list of—
Exempt native specimens under section 303DB, dated 10 June; 9, 17, 19 and 30 August; and 12 October 2004.
Export Control Act—Export Control (Orders) Regulations—Prescribed Goods (General) Amendment Orders 2004 (No. 3).
Federal Court of Australia Act—
Financial Management and Accountability Act—
  Financial Management and Accountability Determination 2004/16—
Fisheries Management Act—
  Northern Prawn Fishery Management Plan 1995—
    NPF Direction No. 81.
    Temporary Order No. 3 of 2004.
    Southern and Eastern Scalefish and Shark Fishery Temporary Order No. 1 of 2004.
Health Insurance Act—
  Declaration—
    QAA No. 3/2003.
  Health Insurance Regulations—
    Health Insurance (Requirements for Allied Health Professionals) Amendment Determination 2004.
    Statutory Rules 2004 Nos 305-309.
Higher Education Funding Act—Determinations under section 15—
Higher Education Support Act—
  Administration Guidelines—Amendment No. 1.
  Higher Education Provider Guidelines—Amendment No. 1.
  Notices of approval of a higher education provider under section 16-50, dated—
    27 August 2004—
      Australian College of Applied Psychology Pty Ltd.
      Avondale College Limited.
      Christian Heritage College.
      Tabor College Incorporated.
      The National Institute of Dramatic Art.
    6 September 2004—
      Moore Theological College Council.
      Tabor College (Victoria) Inc.
    27 September 2004—Holmes Commercial Colleges (Melbourne) Ltd.
    11 November 2004—
      Tabor College (NSW) Incorporated.
      Wesley Institute.
    12 November 2004—
      ACPE Limited.
Australian College of Theology Council Incorporated.
Australian Institute of Public Safety Pty Ltd.
Australian International Hotel School.
Melbourne Institute of Business and Technology Pty Ltd.
Queensland Institute of Business and Technology Pty Ltd.
South Australian Institute of Business and Technology Pty Ltd.
Sydney Institute of Business and Technology Pty Ltd.
Miscellaneous Tax Ruling (Old Series)—Notices of Withdrawal—MT 2031, MT 2041 and MT 2046.
National Health Act—Determination—
Occupational Health and Safety (Commonwealth Employment) Act—
Notice No. 1 of 2004—Notice of Revocation and Approval.
Product Rulings—
Addendum—PR 2004/47.
Radiocommunications Act—
Radiocommunications Devices (Compliance Labelling) Amendment Notice 2004 (No. 1).
Radiocommunications (Foreign Space Objects) Amendment Determination 2004 (No. 1).
Radiocommunications Licence Conditions (Amateur Licence) Amendment Determination 2004 (No. 1).
Radiocommunications (Radiocommunications Receivers) Amendment Determination 2004 (No. 1).
Radiocommunications (Transmitter and Receiver Licences) Amendment Determination 2004 (No. 1).
Radiocommunications (Spectrum Licence Tax) Act—Radiocommunications (Spectrum Licence Tax) Amendment Determination 2004 (No. 1).
Remuneration Tribunal Act—Determination—
  2004/18: Remuneration and Allowances for Holders of Public Offices.
Superannuation Guarantee Ruling SGR 93/1 (Notice of Withdrawal).
Superannuation Industry (Supervision) Act—Request from Minister to APRA.
Taxation Determination—
  Addendum—
    TD 93/150.
    TD 94/88.
Notices of Withdrawal—
  TD 93/67, TD 93/200 and TD 93/201.
  TD 95/3.
  TD 1999/46.
Taxation Rulings—
  Old series—IT 2228 (Notice of Partial Withdrawal).
Telecommunications Act—
  Industry Development Plans (Declared Kinds of Carriers) Declaration (No. 1 of 2004).
  Telecommunications Numbering Plan Variation 2004 (No. 6).
  Telecommunications Numbering Plan Variation 2004 (No. 7).
  Telecommunications (Service Provider—Identity Checks for Pre-paid Public Mobile Telecommunications Services) Amendment Determination 2004 (No. 2).
  Telecommunications Service Provider (Premium Services) Determination 2004 (No. 2).
Veterans’ Entitlements Act—Instruments under section—
Pursuant to subsection 48(5A) of the Acts Interpretation Act, the following documents were deemed to have been tabled on 16 November 2004:

Military Superannuation and Benefits Act—Military Superannuation and Benefits Amendment Trust Deed 2004 (No. 1).
Superannuation Industry (Supervision) Act—Regulations—Statutory Rules 2004 No. 84.

PROCLAMATIONS

A proclamation by His Excellency the Governor-General was tabled, notifying that he had proclaimed the following provisions of an Act to come into operation on the date specified:

*Agriculture, Fisheries and Forestry Legislation Amendment (Export Control) Act 2004—Schedule 1—1 December 2004 (Gazette No. GN 36, 8 September 2004).*
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Environment: Recherche Bay
(Question No. 1684)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 1 August 2003:

With reference to the answer to question on notice no. 1370 concerning the northern peninsula of Research Bay, Tasmania, in which it was stated that ‘sites are currently being assessed by the Tasmanian Heritage Council’:

1. Is the Minister aware that the Tasmanian Heritage Council has resolved that ‘the onus of providing information which would be considered in establishing significance was a matter for the nominator(s) and accordingly it [the Heritage Council] would not be carrying out any further research’.

2. Given the potential and international significance of the area, does the Minister consider it adequate for an assessment by the Tasmanian Heritage Council to rely on the efforts of volunteer members of the community.

3. In relation to the assessment and protection of the northern peninsula of Research Bay: (a) what communication has the Commonwealth had with the Tasmanian Government, Gunns Pty Ltd and the owners of relevant land; and (b) can details be provided of correspondence and meetings, including the parties involved, dates and the matters discussed.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

1. Yes.

2. An assessment for the Tasmanian Heritage Register is a matter for the Tasmanian Government.

3. Details to the end of August 2003 are in the attached table:

<table>
<thead>
<tr>
<th>Date</th>
<th>Type of communication/event</th>
<th>Parties</th>
<th>Matters discussed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan-March 2003</td>
<td>Phone calls and emails</td>
<td>Dept of the Environment and Heritage (DEH) &amp; Australian Heritage Commission (AHC) to Tasmanian Heritage Office (THO), RFA Tas Private Forest Reserve Program, Tas Forest Practices Board, Tas Parks Service</td>
<td>Information requests</td>
</tr>
<tr>
<td>19/3/03</td>
<td>Letter</td>
<td>AHC to Tasmanian Department of Premier and Cabinet</td>
<td>Tas RFA required referral of Register of the National Estate nomination</td>
</tr>
<tr>
<td>25/3/03</td>
<td>Meeting convened by THO in Hobart</td>
<td>The Chair of Tasmanian Heritage Council (THC), the owners David and Robert Vernon, Director of Parks, Chair of Forest Practices Board, Triabunna Manager of Gunns P/L, French Consul in Tasmania, AHC Executive Director, Conservation Program Manager of Bush Heritage Trust.</td>
<td>An information sharing exercise between the parties to discuss each party’s issues, including heritage.</td>
</tr>
</tbody>
</table>
Date | Type of communication/event | Parties | Matters discussed
--- | --- | --- | ---
26/3/03 | Letter | Environment Australia to owners | Information on relationship between their operations and the EPBC Act 1999 in the context of possible impacts on the nearby Tas Wilderness WHA.
12 & 13/5/03 | Ph call | AHC to THO | Information requests
19/6/03 | cc letter | THC to National Trust of Australia (Tas) cc AHC | Advice on THC process – onus on nominator to provide further information
30-31/7/03 | Mtg in NW Tas | Minister for Fisheries, Forests and Conservation with Executive Chairman, Gunns P/L | Not privy to matters discussed but Recherche Bay issue not in briefing provided.
12/8/03 | Fax | AHC to THC | Copy of Prof DJ Mulvaney paper on Recherche Bay issue presented to National Cultural Heritage Forum meeting 2/6/03
14/8/03 | Mtg in Sydney | AHC with THC Chairman | Status of THC process
15/8/03 | Ph call | AHC to Tas Forest Practices Board & THO | Information requests

**Environment: Moreton Bay**  
*(Question No. 1816)*

**Senator Brown** asked the Minister for the Environment and Heritage, upon notice, on 22 August 2003:

1. Can the Minister confirm whether the proposed fish farm development planned for Moreton Bay would need full scientific certainty pursuant to section 3A of the Environment Protection and Biodiversity Conservation Act 1999.

2. Can the Minister confirm that the proposed fish farm is under Commonwealth jurisdiction until full scientific certainty is achieved.

**Senator Ian Campbell**—The answer to the honourable senator’s question is as follows:

1. Section 3A of the Environment Protection and Biodiversity Conservation Act 1999 (the Act) sets out the principles of ecologically sustainable development. These principles will be taken into account in deciding whether approval of the proposal is given under the Act and, if so, under what conditions.

2. The proposed fish farm is a controlled action under the Act.

**Environment: Tasmanian Environment Centre**  
*(Question No. 2448)*

**Senator Brown** asked the Minister for the Environment and Heritage, upon notice, on 8 December 2003:

**Senator Brown** asked the Minister for the Environment and Heritage, upon notice, on 8 December 2003:
Tuesday, 16 November 2004

(a) On what grounds, or against which criteria, was the Tasmanian Environment Centre’s (TEC) funding cut by 71 per cent in 2003; (b) in what way is the centre failing compared to previous years; and (c) was funding cut because the TEC promotes public education on the environment and so threatens government security.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:
(a) Recognising the greater number of funding sources now available to environment and heritage organisations and the need to reduce administrative costs, the former Minister for the Environment and Heritage simplified the Grants to Voluntary Environment and Heritage Organisations (GVEHO) programme. Eligible regional environment groups were funded at three grant amounts ($10,000, $4,000 and $2,000) depending on the size of the organisation and regional area covered. The Tasmanian Environment Centre was considered a larger regional organisation and was thus offered a grant of $10,000.
(b) See above.
(c) No.

Defence: Submarine Rescue Services
(Question No. 2468 (Supplementary))

Senator Chris Evans asked the Minister for Defence, upon notice, on 12 December 2003:
With reference to the current contract for the Royal Australian Navy’s (RAN) submarine rescue services:
(1) Who is currently contracted to provide the service.
(2) (a) When was the tender for the contract released; (b) which companies submitted tenders; and (c) when was the decision made to select the winning tender.
(3) What are the terms of the contract, including value, length and options.
(4) On what grounds was the winning tender chosen over the other bids.
(5) Does the company currently contracted to provide the service: (a) employ all the necessary qualified staff to provide the rescue service; and (b) possess all the necessary equipment to provide the rescue service.
(6) Is the company capable of operating the rescue vessel, the Remora.
(7) (a) Has the Australian Defence Organisation (ADO) provided any personnel or equipment to the company to assist in providing the rescue service; and (b) what is the value of that assistance.
(8) (a) Has the company conducted any exercise since taking over the contract; if so, when were these conducted; and (b) are any further exercises planned; if so, when.
(9) In relation to any exercises that have been conducted: (a) did the company complete the exercises to the satisfaction of the RAN; (b) did the new contractor meet all performance criteria for the exercises, e.g. the time taken to deploy the rescue vessel; if not, what criteria was it unable to meet; and (c) in terms of the exercises that have been conducted, were there any safety concerns raised by the RAN or other parties over the activities of the company currently contracted to provide the service.
(10) Has the ADO contracted other parties to assist in providing the submarine rescue service since the current service provider was employed, i.e. have other companies been contracted to provide additional services or support; if so, what is the value of these contracts.

Senator Hill—The answer to the honourable senator’s question is as follows:
Following a report of the Defence Inspector-General on Submarine Escape and Rescue Centre tender process I asked that my answers to the above question be reviewed. Following that review and after further consultation with the Inspector-General and Chief of Navy, I advise further:
(5) (a) The company employs appropriately qualified staff, although both it and the previous contractor have relied on the short term recruitment of experienced personnel to meet both sustainment and surge requirements.

(6) The company has been operating the vessel, but required pre-planned assistance during the transition phase, which was provided. The need for a transition strategy to the new contracting arrangements was noted by the Tender Evaluation Board (see question 10) and the provision of the pre-planned assistance was consistent with the Defence transition plan (see question 7).

(9) (a) The competence of some of the Fraser Diving operators was assessed as needing improvement. This issue has been addressed by the company and Defence.

Communications, Information Technology and the Arts: Programs and Staffing

(Question No. 2565)

Senator Mackay asked the Minister for Communications, Information Technology and the Arts, upon notice, on 23 February 2004:

(1) Can a list be provided of all administered programs in the department, including; (a) a description of the program; (b) the number of people directly receiving funds and/or assistance under the program; (c) a breakdown, by electorate, of those receiving funds and/or assistance under the program; (d) the policy objective of the program; (e) whether the program is ongoing; (f) the funding in each financial year of the forward estimates of the program, with a breakdown of administered and departmental expenses, including: (i) how much funding was allocated for the program, (ii) how much is committed to the program, and (iii) how much is unspent; and (g) an indication of whether an evaluation of the program effectiveness has been conducted, showing: (i) when that evaluation occurred, and (ii) any conclusions reached.

(2) For each of the following financial years: 1996-97, 1997-98, 1998-99, 1999-2000, 2000-01, 2001-02, 2002-03, and 2003-04 to date:

(a) how many Senior Executive officers (or equivalent) were employed in the department;

(b) what was the base and top (including performance pay) wages of APS Level 1, 2, 3, 4, 5, 6 (or equivalent), Executive Level 1 and 2 (or equivalent), and Senior Executive Service (SES) band 1, band 2 and band 3 (or equivalent) in the department;

(c) what was the average salary for an SES officer (or equivalent) in the department;

(d) in relation to mobile phones: (i) how many staff had phones issued by the department, and (ii) what was the total bill for the department;

(e) how many SES officers (or equivalent) were issued with cars in the department;

(f) in relation to overseas travel: (i) how many overseas trips were taken by employees in the department, (ii) what were the destinations of each of these overseas trips, and (iii) what was the total cost of these overseas trips, including a breakdown on the cost of: (A) accommodation allowances, (B) food allowances, and (C) airfares;

(g) what was the total cost of domestic trips by staff of the department, including a breakdown on the cost of: (i) accommodation allowances, (ii) food allowances, and (iii) airfares;

(h) in relation to ministerial staff: (i) how many overseas trips by ministerial staff were paid for by the department, and (ii) what was the total cost of these overseas trips;

(i) how much was spent on advertising by the department;

(j) did the department produce publications that provided electorate breakdowns on spending on government programs;

QUESTIONS ON NOTICE
(k) how much was spent on advertising which provided electorate breakdowns of spending by the Government on programs within the department;
(l) how much was spent on consultancies by the department; and
(m) in relation to surveys conducted by the department: (i) did these include any surveys of attitudes towards programs run by the department; (ii) on what programs administered by the department were surveys conducted, and (iii) what were the findings of these surveys.

(3) For each of the following financial years: 2000-01, 2002-02, 2002-03, and 2003-04 to date, can a list be provided of all ‘management retreats and/or training’ conducted by the department which were attended by employees, indicating for each meeting held off-site (i.e. away from the department): (a) the location and hotel where the meeting was held; (b) when the meeting was held; (c) how much was spent in total; (d) how much was spent on accommodation; (e) how much was spent on food; (f) how much was spent alcohol and/or drinks; and (g) how much was spent on transport.

Senator Coonan—The answer to the honourable senator’s question is as follows:

(1) to (3) The answer to the senator’s question was provided in answers to question number 228 and 241 placed on notice by Senator Mackay at the Additional Estimates Hearing in February 2004. The response to Estimates question on notice 241 was provided to the Senate Environment, Communications, Information Technology and the Arts Legislation Committee on 2 June 2004 and to Estimates question on notice 228 on 2 August 2004. A copy of the responses can be found at http://www.aph.gov.au/senate/committee/ecita_ctte/quest_answers/index.htm.

Environment: Mount Lyell Mine
(Question No. 2581)

Senator O’Brien asked the Minister for the Environment and Heritage, upon notice, on 24 February 2004:

With reference to the proposal to treat acid drainage into the King and Queen Rivers and Macquarie Harbour from the Mount Lyell copper mine:

(1) What are the specific conditions required of the Tasmanian Government and Australian Mining Industries (AMI) by the Federal Government in order for Commonwealth funding to be released for the proposal.

(2) Since 1 July 2002: (a) what meetings have occurred or correspondence has there been between the Tasmanian Government and the Federal Government in relation to the proposal and, in respect of the meetings, when were they held and who attended; (b) what were the outcomes of the meetings or the correspondence; and (c) can copies be provided of the records of the meetings or the correspondence between the governments; if not why not.

(3) (a) What meetings have occurred or correspondence has there been between the Federal Government and AMI in relation to the proposal and in respect of the meetings, when were they held and who attended; (b) what were the outcomes of the meetings or the correspondence; and (c) can copies be provided of the records of the meetings or the correspondence between the Government and AMI; if not why not.

(4) Since 1 July 2002: (a) what meetings have occurred or correspondence has there been between the Minister, Tasmanian senators and/or the Tasmanian State Opposition in relation to the proposal and, in respect of the meetings, when were they held and who attended; (b) what were the outcomes of the meetings or the correspondence; (c) can copies be provided of the records of the meetings or correspondence between the Minister, Tasmanian senators and/or the Tasmanian State Opposition; if not why not.

QUESTIONS ON NOTICE
(5) (a) What financial commitments has the Minister obtained from the Tasmanian State Government in relation to this project; (b) when were these financial commitments sought; and (c) when were they given.

(6) What date has been set by the Minister by which the Tasmanian State Government is to provide alternative proposals for this project.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

(1) The proposal has now been withdrawn by the proponents.

(2) (a), (b) and (c) No meetings were held between Australian Government Ministers and Tasmanian Government Ministers to discuss the Mt Lyell proposal.

The Hon Bryan Green MHA, the then Tasmanian Minister for Primary Industries, Water and Environment wrote to the Hon Warren Truss MP, Minister for Agriculture, Fisheries and Forestry on 30 April 2003 seeking funds for a revised proposal to extract polluting metals from acid drainage that flows from the Mt Lyell copper mine.

The Minister for Fisheries, Forestry and Conservation, Senator the Hon Ian Macdonald and the Hon Dr David Kemp, replied to Minister Green on 13 June 2003 giving in principle approval to the revised proposal subject to a number of conditions, including a due diligence study.

Officers from the Department of the Environment and Heritage met with Tasmanian officials on 20 June and again on 30 July 2003 to discuss the Mt Lyell Acid Mine Drainage project proposal. The AMI proposal contained commercially sensitive information that was provided in confidence to the Australian Government. It would therefore be inappropriate to release details of the proposal or discussions and notes relating to it.

Minister Green wrote on 25 June 2003 to Dr Kemp requesting alternative conditions to those set in the 13 June 2003 letter.

In August, officials from the Departments of the Environment and Heritage and Agriculture, Fisheries and Forestry sought advice from the Office of the Supervising Scientist on the alternative conditions.

Based on advice from the Office of the Supervising Scientist, Dr Kemp and Senator Macdonald on 8 September 2003 replied to Minister Green revising the conditions.

Minister Green, on 9 October 2003, wrote to Senator Macdonald accepting the revised conditions in principle, but requested further discussion on treatment performance standard and monitoring and reporting.

On 15 January 2004 Senator Macdonald and Dr Kemp wrote to Minister Green advising him that the Australian Government was not able to support the revised proposal, as the conditions had not been met.

Copies of the correspondence have been provided to the honourable Senator and are available from the Table Office.

(3) (a) Two officers from the Department of the Environment and Heritage met with the Chief Executive Officer of AMI in Brisbane on 26 July 2003.

(b) At that meeting the Australian Government officials sought details of the technology that AMI proposed to use in the treatment plant on the King River and reassurance that the company had access to investment funds sufficient to contribute to completion of the project.

In response to these questions, commercially sensitive information was provided in confidence to the Australian Government officials by AMI.
(c) No record of the meeting was prepared and there was no subsequent correspondence from the Australian Government to AMI immediately following the meeting.

(4) None.

(5) The project has been withdrawn by the proponents.

(6) The Tasmanian Government has been invited to bring forward alternative project proposals as soon as possible.

Environment Protection and Biodiversity Conservation Legislation
(Question No. 2620)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 2 March 2004:

With reference to an attachment to the Prime Minister’s letter to Senator Lees, dated 31 May 1999, entitled ‘Changes to the goods and services tax (GST)’, in which it was stated that ‘the Government intends upon passage of the Environment Protection and Biodiversity Conservation Bill 1998 it will commence a process of consultation with the states and other stakeholders on the issue of applying a Commonwealth greenhouse trigger under that legislation in relation to new projects that would be major emitters of greenhouse gases’: (a) can details be provided for each year from 2000-01 to 2003-04 of the consultation work that has so far been undertaken; and (b) does the Government intend to introduce a greenhouse trigger into the Environment Protection and Biodiversity Conservation Act 1999 during its next term of office.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

(a) A consultation paper on the possible application of a greenhouse trigger under the Environment Protection and Biodiversity Conservation Act 1999 was released for public comment in December 1999. During the periods in question (2000-2004) the following steps were taken:

• release of a model trigger design in May 2000;
• release of a discussion paper and draft greenhouse trigger regulation in November 2000; and
• formal consultation process with the States and Territories in accordance with section 25(3) of the Environment Protection and Biodiversity Conservation Act 1999.

Further consideration of the greenhouse trigger proposal may be undertaken in the context of the Australian Government’s overall response to climate change.

(b) Any announcement regarding the Government’s intentions in relation to a greenhouse trigger will be made at an appropriate time.

Transport: Bass Strait Vehicle Equalisation Scheme
(Question No. 2726)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 24 March 2004:

For each of the financial years 2001-02, 2002-03 and for 2003-04 to date:

(1) How much did the Commonwealth spend on the Bass Strait Vehicle Equalisation Scheme.

(2) How much was spent under the scheme for vehicles in the following categories as defined in the Ministerial Directions for the scheme: Passenger vehicle, Motorcycle, Caravan, Bicycle, and Motorhome.

(3) How many vehicles subject to the scheme fell into each of these categories.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>Year</th>
<th>Actual expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001-02</td>
<td>$17.05 million</td>
</tr>
<tr>
<td>2002-03</td>
<td>$31.8 million</td>
</tr>
<tr>
<td>2003-04</td>
<td>$34.3 million</td>
</tr>
</tbody>
</table>

Source: Department of Transport and Regional Services financial operating system

(2) Expenditure for various types of eligible vehicle: 2001-02 to 2003-04.

<table>
<thead>
<tr>
<th>Year</th>
<th>Cars</th>
<th>Buses</th>
<th>Motorcycles</th>
<th>Caravans</th>
<th>Motorhomes/Campervans</th>
<th>Bicycles</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001-02</td>
<td>$16.62 m</td>
<td>$0.04 m</td>
<td>$0.39 m</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>2002-03</td>
<td>$28.70 m</td>
<td>$0.07 m</td>
<td>$0.52 m</td>
<td>$1.1 m</td>
<td>$1.4 m</td>
<td>$0.02 m</td>
</tr>
<tr>
<td>2003-04</td>
<td>$29.98 m</td>
<td>$0.07 m</td>
<td>$0.65 m</td>
<td>$1.45 m</td>
<td>$2.1 m</td>
<td>$0.02 m</td>
</tr>
</tbody>
</table>

Source: Expenditure data is based on claims submitted by service operators under BSPVES.

Note: (1) Caravans, motorhomes and bicycles have been eligible for a rebate since 1 September 2002 while campervans have been eligible since 1 July 2003.


<table>
<thead>
<tr>
<th>Year</th>
<th>Cars</th>
<th>Buses</th>
<th>Motorcycles</th>
<th>Caravans</th>
<th>Motorhomes/Campervans</th>
<th>Bicycles</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001-02</td>
<td>132,001</td>
<td>326</td>
<td>6,380</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2002-03</td>
<td>196,846</td>
<td>475</td>
<td>7,023</td>
<td>7,359</td>
<td>5,991</td>
<td>1,188</td>
</tr>
<tr>
<td>2003-04</td>
<td>199,902</td>
<td>431</td>
<td>8,699</td>
<td>9,648</td>
<td>9,023</td>
<td>791</td>
</tr>
</tbody>
</table>

Source: Vehicle data is based on claims submitted by service operators under BSPVES.

Note: (1) Caravans, motorhomes and bicycles have been eligible for a rebate since 1 September 2002 while campervans have been eligible since 1 July 2003.

Transport: Bass Strait Vehicle Equalisation Scheme

(Question No. 2727)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 24 March 2004:
For each of the financial years 2003-04, 2004-05, 2005-06 and 2006-07:

(1) What is the projected Commonwealth expenditure on the Bass Strait Vehicle Equalisation Scheme.
(2) What is the projected Commonwealth expenditure on the scheme in relation to the following categories of vehicles, as defined in the Ministerial Directions for the scheme: Passenger vehicle, Motorcycle, Caravan, Bicycle and Motor home.
(3) How many vehicles which will be subject to the scheme are projected to fall into each of these categories.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) Projected expenditure on the Bass Strait Passenger Vehicle Equalisation Scheme:
(2) Projected expenditure for various types of eligible vehicles:

<table>
<thead>
<tr>
<th>Year</th>
<th>Cars</th>
<th>Buses</th>
<th>Motorcycles</th>
<th>Caravans</th>
<th>Motorhomes/</th>
<th>Bicycles</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003-04</td>
<td>$29.98m</td>
<td>$0.07m</td>
<td>$0.65m</td>
<td>$1.45m</td>
<td>$2.1m</td>
<td>$0.02m</td>
</tr>
<tr>
<td>2004-05</td>
<td>$38.74m</td>
<td>$0.08m</td>
<td>$0.82m</td>
<td>$1.83m</td>
<td>$2.65m</td>
<td>$0.03m</td>
</tr>
<tr>
<td>2005-06</td>
<td>$38.74m</td>
<td>$0.08m</td>
<td>$0.82m</td>
<td>$1.83m</td>
<td>$2.65m</td>
<td>$0.03m</td>
</tr>
<tr>
<td>2006-07</td>
<td>$38.74m</td>
<td>$0.08m</td>
<td>$0.82m</td>
<td>$1.83m</td>
<td>$2.65m</td>
<td>$0.03m</td>
</tr>
</tbody>
</table>

Source: 2003-04 figures are based on actual expenditure from the Department of Transport and Regional Services Financial Operations System. Projected expenditure for other years is based on the proportion of actual expenditure for each vehicle type in 2003-4, pro-rated to the total projected expenditure.

(3) Projected number of eligible vehicles in each category:

<table>
<thead>
<tr>
<th>Year</th>
<th>Cars</th>
<th>Buses</th>
<th>Motorcycles</th>
<th>Caravans</th>
<th>Motorhomes/</th>
<th>Bicycles</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003-04(1)</td>
<td>199,902</td>
<td>431</td>
<td>8,699</td>
<td>9,648</td>
<td>9,023</td>
<td>791</td>
</tr>
<tr>
<td>2004-05</td>
<td>251,600</td>
<td>533</td>
<td>10,933</td>
<td>12,200</td>
<td>11,373</td>
<td>1,429</td>
</tr>
<tr>
<td>2005-06</td>
<td>251,600</td>
<td>533</td>
<td>10,933</td>
<td>12,200</td>
<td>11,373</td>
<td>1,429</td>
</tr>
<tr>
<td>2006-07</td>
<td>251,600</td>
<td>533</td>
<td>10,933</td>
<td>12,200</td>
<td>11,373</td>
<td>1,429</td>
</tr>
</tbody>
</table>

Source: 2003-04 vehicle numbers are based on claims submitted for rebate during 2003-04. Projected numbers for other years are based on projected expenditure data from Table 2 divided by the maximum rebate for each category.

Environment: Fish Kills and Water Releases
(Question No. 2763)

Senator Bartlett asked the Minister for the Environment and Heritage, upon notice, on 26 March 2004:

(1) Has the Commonwealth investigated the fish kills in the Darling River between the Menindee Lakes and Pooncarie which took place during January 2004; if so, can the Minister table in the Senate any reports that have been prepared in relation to the incident.

(2) How many Murray cod are estimated to have been killed following releases of water from Menindee Lakes during January 2004.

(3) Under Part 7 of the Environment Protection and Biodiversity Conservation Act 1999, are state governments required to refer to the Minister any proposals to release water from water storages that were built prior to July 2000 that are likely to have a significant impact on a listed threatened species (other than a conservation dependent species).

(4) Does the Minister consider that the New South Wales Government was required to refer the proposals to make two 150 megalitre releases from Menindee Lakes in January 2004 under Part 7 of the Act; if not, why not.
(5) Has the Commonwealth investigated the fish kills in the Goulburn River between Nagambie and Murchison which took place during January 2004; if so, can the Minister table in the Senate any reports that have been prepared in relation to the incident.

(6) How many Murray cod and Trout cod are estimated to have been killed in the Goulburn River between Nagambie and Murchison during January 2004.

(7) Does the Minister consider that the Victorian Government was required to refer any proposals to make releases from Lake Eildon in January 2004 under Part 7 of the Act: if not, why not.

(8) Has the Commonwealth informed the New South Wales Government and Victorian Governments of their statutory obligations in relation to the management of water storages under the Act.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

(1) The Commonwealth is currently undertaking investigations into the fish kills in the Darling River between Menindee Lakes and Pooncarie, NSW.

(2) The total number of Murray Cod killed along the stretch of River between Menindee and Pooncarie is not known.

(3) The potential application of the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) to activities such as releases from water storages is dependent on a number of matters, including what permits, licences or other forms of authority may have been issued in respect of the water releases under State legislation.

(4) The possible application of the EPBC Act in relation to this matter is under investigation.

(5) The Commonwealth is currently investigating the fish kill in the Goulburn River between Nagambie and Murchison, Victoria.

(6) Advice from the Victorian Government puts estimates of the number of Murray Cod killed at more than 90 fish. The number of Trout Cod killed is not known at this stage.

(7) Refer to (3) above.

(8) The Department has contacted the relevant agencies in NSW and Victoria responsible for the management of water releases about these matters and discussions are continuing.

Australian Federal Police: Indonesian National Police

(Question No. 2765)

Senator Faulkner asked the Minister for Justice and Customs, upon notice, on 29 March 2004:

With reference to the answer to question no. 133 taken on notice on 27 May 2003 during the 2003-04 Budget estimates hearing of the Legal and Constitutional Legislation Committee:

(1) On what dates did the Australian Federal Police (AFP) approach the Indonesian National Police (INP) seeking permission to release the INP/AFP Memorandum of Understanding (MOU) [dated 5 August 1997] and the Protocol [dated 15 September 2000].

(2) Did the AFP request permission from the INP to release the MOU and protocol in writing or verbally; if the request was in writing, can a copy of the request be tabled.

(3) Has the protocol under the MOU been reinstated since it was cancelled in September 2001.

Senator Ellison—The answer to the honourable senator’s question is as follows:

(1) The AFP has made several approaches to the INP seeking permission to release the AFP/INP MOU. A verbal request was last made to the INP on 24 October 2003. This was followed by a written request on 28 October 2003.
(2) The AFP can provide this letter in-confidence.

(3) Yes. The protocol is part of the INP/AFP MOU which was signed in Perth on 13 June 2002.

**Environment: Natural Heritage Trust**

(Question No. 2798)

**Senator Bartlett** asked the Minister for the Environment and Heritage, upon notice, on 30 March 2004:

(1) Since November 2001, how much has been spent under the Natural Heritage Trust (NHT) on biodiversity conservation projects in the 15 biodiversity ‘hot spots’ identified by the Government.

(2) 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: (a) the Natural Reserve System; and (b) acquisitions under the system.

(3) Since November 2001: (a) how much has been spent under the NHT on bird conservation projects; and (b) can details of these projects be provided.

(4) Since November 2001: (a) how much money has been spent under the NHT on research into and the control and eradication of invasive species; and (b) can details of these projects be provided.

(5) Since November 2001: (a) how much money has been spent under the NHT on projects for the conservation of rangelands and (b) can details of these projects be provided.


**Senator Ian Campbell**—The answer to the honourable senator’s question is as follows:

Senator Bartlett’s questions span two phases of the Natural Heritage Trust (NHT), and are directed at both a thematic and a program level. Twenty-three broad-based thematic programs operated under the first phase of the Trust. The Australian Government has consolidated these into four “care” programs (Bushcare, Rivercare, Coastcare and Landcare) in the second phase of NHT. These programs are not separate funding sources for discrete natural resource management outcomes. Rather, they aim to deliver integrated outcomes through investment in regional natural resource management plans and investment strategies, in national projects and in the Australian Government Envirofund.

I provide information across all Trust programs that meet search criteria for the thematic issues raised by Senator Bartlett. Matching data can occur across themes when a project contains more than one direct environmental outcome - for instance, a pest control project that is specifically targeted to support a bird conservation project. The information for questions 1, 3, 4 and 5 covers approved funding from the full 2001/2002 financial year to 30 June 2004, in order to identify all projects since November 2001.

Further, the data I am providing excludes projects that do not directly refer to achieving a specific thematic outcome, but which may well contain a range of actions that could have a positive long-term outcome for a particular thematic issue. For instance, a Landcare Implementation Plan or Revegetation Program could contain activities that include pest control through fencing activities, or be directed at vegetation management that could have long-term positive affects for bird conservation; or a national reserve system project that reserves an area of rangeland for its specific biodiversity values (eg threatened bird species).

(1) The then Minister for the Environment and Heritage announced the national biodiversity hotspots initiative in October 2003. It is estimated that since that time for the period to 30 June 2004, over $12 million has been approved under the Trust for biodiversity conservation in regional areas that contain identified hotspots.
(2) The following table (Table 2) shows (a) annual approved funding for the National Reserve System (NRS) Program: and (b) actual expenditure on NRS acquisitions for respective years:

<table>
<thead>
<tr>
<th>Year</th>
<th>National Reserve System</th>
<th>NRS Acquisitions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996/97</td>
<td>$0.4</td>
<td>$0.07</td>
</tr>
<tr>
<td>1997/98</td>
<td>$2.9</td>
<td>$2.1</td>
</tr>
<tr>
<td>1998/99</td>
<td>$11.2</td>
<td>$7.2</td>
</tr>
<tr>
<td>1999/00</td>
<td>$11.4</td>
<td>$5.3</td>
</tr>
<tr>
<td>2000/01</td>
<td>$13.7</td>
<td>$10.9</td>
</tr>
<tr>
<td>2001/02</td>
<td>$23.6</td>
<td>$20.1</td>
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<td>2002/03</td>
<td>$13.5</td>
<td>$10.2</td>
</tr>
<tr>
<td>2003/04</td>
<td>$6.4</td>
<td>$3.9</td>
</tr>
</tbody>
</table>

Table 2: NHT – National Reserve System

(3) (a) It is estimated that $34 million in total has been approved on bird conservation projects between July 2001 and June 2004.

(b) I provide, at Attachment A, approved project titles identified under Trust phases 1 and 2 for the period 2001-02 to 2003-04 that deal specifically with the theme of bird conservation. Copies of this document have been provided to Senator Bartlett and further copies are available from the Senate Office. Further details are available on the NHT website (www.nht.gov.au).

(4) (a) It is estimated that $51.8 million in total has been approved under the NHT on research into and the control and eradication of invasive species.

(b) I provide, at Attachment B, approved project titles identified under Trust phases 1 and 2 for the period 2001-02 to 2003-04 that deal specifically with the theme of controlling invasive species or pests. Copies of this document have been provided to Senator Bartlett and further copies are available from the Senate Office. Further details are available on the NHT website (www.nht.gov.au).

(5) (a) In total, it is estimated that $10.2 million has been approved under the NHT on projects for the conservation of rangelands.

(b) I provide, at Attachment C, approved project titles identified under Trust phases 1 and 2 for the period 2001-02 to 2003-04 that deal specifically with the conservation of rangelands. Copies of this document have been provided to Senator Bartlett and further copies are available from the Senate Office. Further details are available on the NHT website (www.nht.gov.au).

(6) The following table (Table 3) shows annual expenditure under the Indigenous Protected Areas Program for each of the years 1996-97 to 2003-04:

<table>
<thead>
<tr>
<th>Year</th>
<th>Indigenous Management of Protected Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996/97</td>
<td>N/A</td>
</tr>
<tr>
<td>1997/98</td>
<td>$0.8</td>
</tr>
<tr>
<td>1998/99</td>
<td>$0.513</td>
</tr>
<tr>
<td>1999/00</td>
<td>$0.876</td>
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<tr>
<td>2000/01</td>
<td>$0.980</td>
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<td>2001/02</td>
<td>$1.691</td>
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<td>2002/03</td>
<td>$1.820</td>
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<td>2003/04</td>
<td>$2.484</td>
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</tbody>
</table>

Table 3: NHT – Expenditure under the Indigenous Protected Areas Program

ATTACHMENT A

3) Bird conservation projects - NHT 1

Birds - Projects matching search criteria: bird, parrot, plan.

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Rufous Bristlebird Habitat Project: Linking Port Campbell National Park to the Heytesbury</td>
</tr>
<tr>
<td></td>
<td>Recovery Of The Eyre Peninsula Yellow-Tailed Black Cockatoo</td>
</tr>
<tr>
<td></td>
<td>Muttonbird monitoring and habitat restoration on French Island</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
QUESTIONS ON NOTICE

**Project Title**

Island Care: Community Capacity Building
Cooee Point Foreshore Restoration
Little Penguin Management Guidelines for North West Tasmania
Educating coastal communities on the effects of gross pollutants on coastal habitats and wildlife; establishing a network of Australian Seabird Rescue groups along the NSW coast.
Coastal Corridor Feral Cat Control Program
Murray Mouth estuary restoration project
Chalky Island African boxthorn eradication to protect significant seabird habitat
Repair of Cat Island for Gannet Recolonisation
Further Studies of Significant Migratory/Coastal Bird Sites
Monitoring Migratory/Coastal Birds, Bowling Green Bay
Waterbird Care Campaign for Queensland’s Fishing Community
Training Proactive Waterbird Rescue Crews throughout Southeast Queensland
Cowley Beach Foreshore Rehabilitation - Stage 2
Protection of Internationally Significant Migratory Birds and Habitat - Attadale Foreshore
South-eastern Red-tailed Black-cockatoo Recovery Plan
Black-eared Miner Recovery Plan Implementation
Noisy Scrub-bird Recovery Plan Phase 2
Helmeted Honeyeater Recovery Plan Phase 2 (implementation)
Mt Lofty Ranges Southern Emu-wren Stipiturus malachurus intermedius Recovery Plan Implementation
Threatened Species Network
Wedge-tailed Eagle Recovery Plan (phase 2) - Implementation
Orange-bellied Parrot Recovery Plan (phase 3)
Gouldian Finch Recovery Program (phase 2)
South Australian Glossy Black-Cockatoo Calyptorhynchus lathami halmtarius Recovery Plan Implementation
Implementation of the Recovery Plan for the northern population of Eastern Bristlebird (formerly:Eastern Bristlebird Interim National Recovery Plan - Implementation for the northern subspecies)
Regent Honeyeater Recovery plan Phase 2 (implementation)
Actions for Recovery of the Endangered Carnaby’s Black Cockatoo
Implementation of the Swift Parrot Recovery Plan 2001-2005
Birds for Biodiversity - A multi-species recovery program for the threatened and declining birds of the Mt Lofty Ranges
Strategic Initiatives (EPBC Act recovery planning/critical habitat and NHT 1 review)
Preparation of Recovery Plans for Christmas Island Hawk-Owl & Christmas Island Goshawk & Christmas Island Frigatebird & Norfolk Island Green Parrot
Revision of Recovery Plans
Revision of Recovery Plans in Western Australia
Revision of Recovery Plan for the Abbott’s Booby Papasula abbotti
Revision of Recovery Plans for Victoria
Caloundra Sandbanks Conservation for Marine Shorebirds
Winter Oceanic Distribution of Adult Shy Albatrosses from Tasmania
Cassowary Advisory Group - Cassowary Recovery Strategy
Endangered Species Protection Through Fox Control at Sunnyside Station
N327 - Pumicestone Passage Ningi Creek and Upper Caboolture River, Wetland Protection
N435 - Acquisition of Duchers Swamp for addition to French Island National Park
### QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>Project Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>N254 - Acquisition of 'Hastings Tranquility' as a NSW North Coast Bioregional Reserve</td>
</tr>
<tr>
<td>N777 - Acquisition of Lot 110, Tranquil Drive, Esperance</td>
</tr>
<tr>
<td>N328 - Mt Mellum Biodiversity Conservation Project</td>
</tr>
<tr>
<td>N261 - Acquisition at Everlasting Swamp</td>
</tr>
<tr>
<td>N796 - Acquisition and management of Glenroy Station (Central Kimberly Bioregion).</td>
</tr>
<tr>
<td>N337 - Rainforest Land Acquisition - Blackall Range (Booroobin) Site 2</td>
</tr>
<tr>
<td>N343 - Coastal Lowland Land Acquisition - Pumicestone Passage (Tweedale) Site 3</td>
</tr>
<tr>
<td>N452 - Acquisition of Forbes Land on French Island</td>
</tr>
<tr>
<td>N041 - Acquisition of Long Point Reserve.</td>
</tr>
<tr>
<td>N537 - Geeegeela Conservation Park</td>
</tr>
<tr>
<td>N540 - Purchase of Grundy property to be incorporated into the Altona CSR Landcare Reserve</td>
</tr>
<tr>
<td>Protection of seabird habitat by eradication of Bridal Creeper, Lord Howe Island</td>
</tr>
<tr>
<td>Control of Parkinsonia aculeata in the Sturt Creek catchment and Birrindudu lakes, Northern Territory</td>
</tr>
<tr>
<td>A Water Management Plan and Water Targets for the Narran Lake Wetlands</td>
</tr>
<tr>
<td>Migratory and Threatened Shorebird Assessment and Conservation Action in NSW</td>
</tr>
<tr>
<td>Conserving The Coorong - Long-Term Monitoring Of The Coorong Wetlands, SA</td>
</tr>
<tr>
<td>Coordinating Implementation of the Asia Pacific Migratory Waterbird Conservation Strategy in 2001-2002</td>
</tr>
<tr>
<td>A Year on the Wing</td>
</tr>
<tr>
<td>Preliminary Estimates of populations of Australian Waterbirds, including EPBC listed Species</td>
</tr>
</tbody>
</table>

3) Bird Conservation Projects - NHT2

Birds - Projects matching search criteria: bird, parrot, plan.

<table>
<thead>
<tr>
<th>Project Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overarching - Development of National Recovery Plans (LWCD)</td>
</tr>
<tr>
<td>Threatened Species - Helmeted Honey Eater</td>
</tr>
<tr>
<td>Implementing the Red Tailed Black Cockatoo Recovery Plan</td>
</tr>
<tr>
<td>Biodiversity Integration: From Atlas to Planning - Applying the Bird Atlas in Regional NRM Planning</td>
</tr>
<tr>
<td>National recovery plan for Norfolk Island Golden Whistler Pachycephala pectoralis xanthoprocta and Norfolk Island Scarlet Robin Petroica multicolor multicolor</td>
</tr>
<tr>
<td>Orange-bellied Parrot Recovery Plan Implementation - Maintenance of Captive Breeding Program</td>
</tr>
<tr>
<td>Western Ground Parrot Recovery</td>
</tr>
<tr>
<td>Noisy Scrub-Bird Recovery</td>
</tr>
<tr>
<td>Habitat Restoration and Human Influences on Long-term survival of the Gouldian Finch</td>
</tr>
<tr>
<td>Implementing the South-eastern Red-tailed Black-Cockatoo Recovery Plan</td>
</tr>
<tr>
<td>Implementation of the Black-eared Miner Recovery Plan</td>
</tr>
<tr>
<td>Maintaining the Gains - Implementation of the SA Glossy Black-Cockatoo Recovery Plan</td>
</tr>
<tr>
<td>Protection of Key Threatened Species &amp; Habitat on Eyre Peninsula</td>
</tr>
<tr>
<td>Paruku (Lake Gregory) Indigenous Protected Area</td>
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<tr>
<td>Orange-bellied Parrot Recovery Plan Implementation</td>
</tr>
<tr>
<td>Swift Parrot Recovery Plan Implementation</td>
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</tbody>
</table>
Questions on Notice

Project Title
Implementation of actions from the Regent Honeyeater Recovery Plan
Seabird Initiatives
National Swift Parrot Recovery Program
Recombinant psittacine circovirus antigen production for vaccine development (Beak and Feather Disease) 2003-2004
Wind Farms
National Swift Parrot Recovery Plan
Survey guidelines for Threatened birds
Implementation of the National Recovery Plan and FFG Action Statements for the Orange Bellied Parrot
Implementing the Recovery Plan for the Red Tailed Black Cockatoo
Threatened Species Protection Including Helmeted Honeyeater and Threatened Orchids
Gippsland Plains - ‘Lakes to the Hinterland Recovery Project’
Overarching Project for Albatross & Seabird Initiatives
Drought Action for Woodland Birds
Habitat in a Hurry
Protection of Remnant Mallee Vegetation Particularly Belah Woodland, Castles Crossing Bushland Reserve.
Fire Control Work to Protect Old-growth Woodland and Threatened Birds
Breeding Shorebird Community Wardening Program - Gippsland Victoria
Monitoring Avian Communities during Management Trials in Remnant Eucalypt Woodlands
To add Discovery Bay to the East Asian-Australasian Shorebird Site Network
To add Shallow Inlet to the East Asian-Australasian Shorebird Site Network
Malleefowl Monitoring, Preservation and Awareness in the South West of WA
Eungai Bird Sanctuary & Erosion Control Project
Protecting the Waterbird Habitat of the Vittoria Bay Conservation Area
Coxen’s Fig-Parrot Recovery on the Blackall Range
Habitat Improvement and Monitoring of the Muttonbird Colony and the Grassland of Tortoise Head, French Island
Long-Term Monitoring of the Coorong Wetlands in South Australia
Development and Production of Shore Bird Education Resource Kits for Children
Woodland Bird and Mammal Recovery in the Pecelaha/Wilby/Booamhnoomoonah District
Rehabilitation of the Stockton Sandpit Migratory Shorebird Roosting Site
Birdhide at Lilliesmere Lagoon
Eyre Peninsula Yellow-tailed Black-Cockatoo Habitat Recovery Project
Jabiru Wetlands, Herbert River Catchment, NQ
Community Caring for Warriewood Wetland and Irrawong Reserve
Broome Bird Observatory
Robbins Passage Wetlands Community Awareness Program
Penguin Rehabilitation Project
Creating a Frog and Water Bird Sanctuary at Snake Gully at Abermain
Making the Lyrebird Link - Cape Liptrap to the Strezleki Ranges
Central Highlands Bird Monitoring and Mapping Project
Establishing Migratory Shorebird Monitoring Facilities, Stockton Sandspit
City Link for Birds
Community Engagement in Cassowary Conservation
Restoring Birds to Northwest Tasmania for Healthy Sustainable Landscapes
Habitat improvement and Monitoring Mutton birds; Chisholm Institute
Protection/Restoration of Migratory Bird Habitat, Long Point, Moulting Lagoon
Project Title
Protecting the Plover - Fencing out Foxes in the Jindera District
Towards National Best Practice Strategies for Bird Pests of Horticulture
Overarching Project - Conservation of Listed Migratory Water Birds
An Assessment of the Importance of Eastern Brigalow Belt Wetlands as Drought Refuge, Migration Stop-over and Breeding Area for Waterbirds
Conservation of Listed Migratory Water Birds

ATTACHMENT B
4) Control and eradication of invasive species - NHT1
Pests Control - Projects matching search criteria: pest, control, invasive, eradication.

Project Title
Focusing management actions to reduce secondary invasions of marine pests by all vectors.
The Australian Pilot Project for Treatment of Ships’ Ballast Water
Environmental Weed Demonstration and Management, Swan Avon Catchment
Restoration of Lake Canobolas Fish Habitat for Environmental and Recreational Improvement
Revegetation and weed control at Peter Murrell Reserves
Bounceback Flinders Ranges - Securing The Regional Gains
Restoration Strategies for Cape York Plant Communities threatened by sicklepod invasion
Funding of future research on Mundulla Yellows
Cape York Weeds and Feral Animal Project
Community Action on Sea Spurge (Brochure and Workshop Program)
Ragwort and Horehound control on Deal island
Establishing a herbarium of the flora of Lord Howe Island
Kattang Nature Reserve - Bitou Bush Control Community Program
Culburra Beach Community Network Bitou Bush Control Program
Southern Shoalhaven Bitou Bush Eradication Program
Best Practice Seeding Following Control of Bitou Bush
Community Awareness - Bellingen Bitou Bush Control Strategy Implementation / Stage I
Coastal Corridor Feral Cat Control Program
Chalky Island African boxthorn eradication to protect significant seabird habitat
Restoration and Enhancement of Innes Park Foreshore Area
Preparation of a regional phytophthora dieback control plan for Victoria
Community-based Effective Management of Phytophthora cinnamomi in South Australia
Sabella - An Education Key For Community Monitoring Of Exotic Marine Pests
National introduced marine pests information system
Building emergency response skills for marine pest detection and response
Network of community groups for early detection of Caulerpa taxifolia infestations in the Shoalhaven region
Presence of the invasive macroalga Caulerpa taxifolia in Australia - need for improved diagnostic tools to manage the problem
Eradicating and preventing the spread of the invasive alga, Caulerpa taxifolia, in NSW
Minimising the impacts of the Northern Pacific Seastar in Australia
Controlling the Northern Pacific Seastar in Australia
Development of a community field guide to introduced marine pests for tropical Australia
Implementing fox control to protect key nesting sites for marine turtles on the central Queensland coast
Impact of Fox Baiting on Tiger Quoll Populations

QUESTIONS ON NOTICE
Project Title
ISF - Integrated vertebrate pest management on subantarctic Macquarie Island
Cummeragunja Sandhill Revegetation
Katarapko Island Habitat and Species Restoration Program
Rabbit warren ripping post RCD to enhance regeneration of Acacia carnei.
The Arid Recovery Project: Erection of a Rabbit Proof Fence
Feral Rabbit Control: Integrated pest management in the Witera/Calca area, South Australia
Post-RCD rabbit control to benefit threatened species in the Finke Bioregion
South West Rabbit Control Management Plan Phase 3
Development of an Immuncontraceptive Vaccine for the Control of Foxes in Australia
Development of a humane felid specific toxin and bait delivery system for feral cat control
Development of a Cane Toad Biological Control (Years 1-2)
Eradication of Rabbits at Meelup Regional Park
Sustainable Orchard Soil and Weed Management - Stage 2
Integrated Weed Management for the Tamar Valley Northern Tasmania
Moving Towards Ecologically Based Pest Management in the Wimmera
Integration and Co-ordination of Weed and Pest Control
Demonstration of Ecologically Sustainable Management of Camels on Aboriginal and Pastoral Land
Protection & Enhancement of the East Coast Region’s Natural Resources through Effective, Coop-erative Management of Pest Plants
Western Australian Goldfields Weed Management Plan
Introduction and Monitoring of Gorse Biological Control Agents Using Community Groups
Mesquite - Integrated Management in the Northern Territory
Mesquite Surveying and Mapping Project
Bulloo River Floodplain Mesquite Management Program
Prevention of Mesquite Seed Spread by Stock and Feral Pigs
National Component Based Strategic Control of Mesquite
National Mesquite Communication and Awareness Campaign
Development of Best Practice for Roadside Control of Parthenium
Tailoring Management to Specific Landscapes
Prickly Acacia Eradication from the Northern Territory
Prickly Acacia Best Practice Management
Implementation of a National Buffer Zone
Chilean Needle Grass, ACT
Gorse Eradication in the Albany Region and the South West of WA
Helping the Community Control Chilean Needle Grass by Investigating New Herbicide Options for Control
Testing and Improving the Effectiveness of Best Practice Control of Chilean Needle Grass in a Range of Practical Land Management Contexts Using Combinations of Competitive Replacement, Fire and Slashing
Landscape Support - Weeds On Roadsides
Controlling Serrated Tussock at a Catchment Scale Through Landscape Change (Farm Forestry and Native Revegetation)
Prevention of Further Spread of Serrated Tussock
Helping the Community Control Serrated Tussock by Investigating New Herbicide Options for its Control
Addressing Knowledge Gaps to Improve Effective Management of Blackberry in Australia

QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>Project Title</th>
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<tbody>
<tr>
<td>Riverine Red Gum Forest Blackberry Elimination</td>
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<tr>
<td>Introduction and Monitoring of Gorse Biological Control Agents Using Community Groups</td>
</tr>
<tr>
<td>Implementation of Gorse Control Strategy for Victoria</td>
</tr>
<tr>
<td>Strategic Control of Lantana - Southern NSW</td>
</tr>
<tr>
<td>The Upper Murrumbidgee Catchment Strategic Serrated Tussock Management Project</td>
</tr>
<tr>
<td>Snowy River Shire Council Controlling Serrated Tussock Through Incentives</td>
</tr>
<tr>
<td>Strategic Community Based Control of Blackberry in Tasmania</td>
</tr>
<tr>
<td>Chilean Needle Grass (Nassella Neesiana): Raising Awareness, Determining Extent and Targeting Control</td>
</tr>
<tr>
<td>Implementation of Biological Control of Chilean Needle Grass and Serrated Tussock (Serrated Tussock Component)</td>
</tr>
<tr>
<td>Mt Lofty Regional Gorse Management Project Officer</td>
</tr>
<tr>
<td>Extension and Promotion (Lantana)</td>
</tr>
<tr>
<td>Collation and Demonstration of Best Practice (Lantana)</td>
</tr>
<tr>
<td>Biological control of Mimosa pigra and Integration with other control options</td>
</tr>
<tr>
<td>Creating community ownership for the establishment and redistribution of the Bitou bush moth (Tortrix sp)</td>
</tr>
<tr>
<td>Community involvement in the redistribution and monitoring of Bridal Creeper biocontrol agents</td>
</tr>
<tr>
<td>Protection of seabird habitat by eradication of Bridal Creeper, Lord Howe Island</td>
</tr>
<tr>
<td>Saving the biological diversity of SA’s Southern Hills region from Bridal Creeper</td>
</tr>
<tr>
<td>Coordination of Bridal Creeper Control on Eyre Peninsula</td>
</tr>
<tr>
<td>Integrated control of Bridal Creeper on Aboriginal Lands in South Australia</td>
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<tr>
<td>Mapping Bridal Creeper and controlling Bridal Creeper in Nature Park</td>
</tr>
<tr>
<td>Volunteer groups tackling Bridal Creeper in conservation areas and reserves</td>
</tr>
<tr>
<td>Weed Warriors - a Community Awareness Program targeting Bridal Creeper</td>
</tr>
<tr>
<td>Protecting the Wimmera’s Biodiversity through Bridal Creeper Management</td>
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<tr>
<td>Sustaining Natural Ecosystems - Bass Coast Integrated Bridal Creeper Control Program</td>
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<tr>
<td>Eradication of Bridal Creeper from Tasmania</td>
</tr>
<tr>
<td>Blackwood Valley Landcare - Beating the Bridal Creeper</td>
</tr>
<tr>
<td>Strategic Cabomba Control by Community Action</td>
</tr>
<tr>
<td>Aquatic Habitat Restoration after Cabomba Control</td>
</tr>
<tr>
<td>Eradication of Athel Pine from the Finke River</td>
</tr>
<tr>
<td>Tweed Coast Bitou Bush Control Strategy - Planning and Implementation</td>
</tr>
<tr>
<td>Coffs Harbour Dunal restoration/Bitou bush Control Programme</td>
</tr>
<tr>
<td>Mid-north Coast (NSW) ‘Volunteer worker’ Pilot Project on Bitou bush control</td>
</tr>
<tr>
<td>Bitou bush - Turning back the tide with community action</td>
</tr>
<tr>
<td>Bitou bush and Boneseed Control in the Northern Beaches region of Sydney</td>
</tr>
<tr>
<td>Bitou Bush control in Cromwell Park Malabar</td>
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<tr>
<td>Management of Bitou Bush and Kurnell Dune forest on the Kurnell Peninsula</td>
</tr>
<tr>
<td>Far South Coast Bitou Bush Control</td>
</tr>
<tr>
<td>Mount Lofty Region Boneseed Control</td>
</tr>
<tr>
<td>Tasmanian Strategic Boneseed Program: Community Extension Biological Control</td>
</tr>
<tr>
<td>Wywuri Swamp Esplanade Hymenachne Control/Eradication Program</td>
</tr>
<tr>
<td>Hymenachne control in the Lower Johnstone Basin</td>
</tr>
<tr>
<td>Protecting Remnant Vegetation in the Quairading Shire from Bridal Creeper invasion</td>
</tr>
<tr>
<td>Hymenachne control in the Cardwell Shire (Far North Queensland)</td>
</tr>
<tr>
<td>Hymenachne control in the Hinchinbrook Shire</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>Project Title</th>
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</thead>
<tbody>
<tr>
<td>Hymenachne control in Horseshoe and Pink Lily Lagoons</td>
</tr>
<tr>
<td>Clearing Hymenachne from Limestone Creek, North Rockhampton</td>
</tr>
<tr>
<td>Strategic onground control: Pond Apple eradication in the Mareeba Shire</td>
</tr>
<tr>
<td>Strategic onground control: Strategic control of Pond Apple in the Daintree River and Bailey Creek Catchments</td>
</tr>
<tr>
<td>Adaptive Management: Pond Apple control in the catchments of the Russell-Mulgrave and Tully-Murray River Systems</td>
</tr>
<tr>
<td>Mapping Current Infestations: Developing Remote Sensing Procedures for early detection of new Pond Apple infestations</td>
</tr>
<tr>
<td>Tumut-Adelong Region Black Willow Eradication Project</td>
</tr>
<tr>
<td>Lower Lachlan Willow Control</td>
</tr>
<tr>
<td>Utilising revegetation to shade out Hymenachne</td>
</tr>
<tr>
<td>Holly-leaved Senecio mapping and control program in Albany WA</td>
</tr>
<tr>
<td>Thunbergia laurifolia control in Rainforest Communities in Douglas Shire</td>
</tr>
<tr>
<td>Willow Control in Two Key Tributaries of the Gippsland Lakes</td>
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<tr>
<td>Bombala River and Delegate River Willow management project</td>
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<tr>
<td>Willow Control in the Buchan River Catchment</td>
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<tr>
<td>Research project to develop methods of containment of fragmented Alligator Weed following treatment</td>
</tr>
<tr>
<td>Grey box woodland rehabilitation in Sleeps Hill reserve</td>
</tr>
<tr>
<td>Regional Applications - Sydney Northwest Regional Weeds Committee</td>
</tr>
<tr>
<td>Bitou Bush Control and Restoration - Coomaditchie Wetland Lagoon</td>
</tr>
<tr>
<td>Bass Point Littoral Rainforest Protection Program</td>
</tr>
<tr>
<td>Control of Parkinsonia aculeata in the Sturt Creek catchment and Birrindudu lakes, Northern Territory</td>
</tr>
<tr>
<td>Barleria prionitis control in the Victoria River District, Northern Territory</td>
</tr>
<tr>
<td>Salvinia Control and Education - Protecting the Myall Lakes Waterways</td>
</tr>
<tr>
<td>Supplementary Feral Pig Trapper Trial.</td>
</tr>
<tr>
<td>2. Priority Weed Management through Community Involvement.</td>
</tr>
<tr>
<td>Assessment and Management of Introduced Marine Pests in Tasmania</td>
</tr>
</tbody>
</table>

4) Control and eradication of invasive species - NHT2

Pests Control - Projects matching search criteria: pest, control, invasive, eradication.

<table>
<thead>
<tr>
<th>Project Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protecting biodiversity through management of Bridal Creeper and other weeds of national significance</td>
</tr>
<tr>
<td>Reducing the risk of rabbit control works and the environment</td>
</tr>
<tr>
<td>Development of an Immunocontraceptive Vaccine for the Control of Foxes in Australia</td>
</tr>
<tr>
<td>A project to increase understanding of feral goat, feral cat, feral rabbit, fox and feral pig control required to minimise threats to native species and ecological communities</td>
</tr>
<tr>
<td>A project to increase understanding of interactions between feral cats, foxes and feral rabbits in Australia</td>
</tr>
<tr>
<td>Development of a Cane Toad Biological Control (Year 3)</td>
</tr>
<tr>
<td>National Weeds Management Facilitator</td>
</tr>
<tr>
<td>Victoria’s Dirty Half Dozen, Alert and Action on six new weeds in Victoria</td>
</tr>
<tr>
<td>A community biological control program for boneseed in Victoria and Tasmania</td>
</tr>
<tr>
<td>Development of a humane felid specific toxin and bait delivery system for feral cat control.</td>
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</tbody>
</table>

QUESTIONS ON NOTICE
Project Title

Education and Awareness project for Threats program
Protecting biodiversity on Narrung Peninsula through integrated vertebrate pest control
Active management to recover nationally threatened plant diversity on Kangaroo Island, South Australia
Weed control on Aboriginal Managed Lands in South Australia
Trade in exotic wildlife
Development of a Cane Toad Biological Control (Year 4)
Cane toad short to medium term control techniques - focusing on acoustic and chemical signaling and detection systems. Cane toad short to medium term control techniques - focusing on acoustic and chemical signaling and detection systems.
Completing planning targets setting and mapping priorities, define control levels for ecologically invasive species - NHT
Managing Serrated Tussock in Tasmanai
Feral Camel Research and Control Strategy
Cane toad short to medium term control techniques - focusing on spawning site preferences and trapping of tadpoles and juveniles.
Cane toad short to medium term control techniques - focusing on the cost and feasibility of exclusion as a mitigating control strategy.
A project that develops an agreed code of practice and standard operating procedures for the humane care and use of pest animals in Australia for the purposes of scientific research
Crazy Ant management and eradication in north north eastern Arnhem Land
Grow West Facilitator
CLIMATE project
National Coordination of Emergency Responses to Introduced Marine Pests
Overarching - National System for Preventing and Managing Introduced Marine Pests
Priority Existing Introduced Marine Pests
Introduced Marine Pests - Small Vessel Translocation of Key Threatening Species, Stage 1 - Asterias amurensis (Northern Pacific Seastar)
IMP Gene Technology for Caulerpa taxifolia
Genetic Markers for Determining NZ Screwshell Distribution
Christmas Island - the Control of the Key Threat of Crazy Ants
Development of a GIS-Based Risk Assessment Tool to Support Emergency Planning Response to Invasions by Marine Pests
Crown of Thorns Starfish Control Program on the Great Barrier Reef
‘Our Darling’ - The Anabranch Revival
Reducing Impact of Drought on Agriculture & Biodiversity at Nyah West ‘Green Shoots’
Eurobodalla Feral Control Program
Gorse Control on Cemetery Creek for Biodiversity Benefits
Eradication of Environmental Weeds in the Ravensthorne Shire
Enable Contractor Input within Weed Control Strategy
Bio-control of Primary Weeds and Rivercare Extension for the Upper Brumby Catchment
Rat Buster Cocos
Weeds Out - Indigenous Plants In - Protecting the Phillip Island Wildlife Corridor
Fire Regime Management of Weeds in the Upper Mitchell Headwaters and Associated Wetlands

QUESTIONS ON NOTICE
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Biological Control of Bridal Creeper on Roadsides and Public Land - Central Mallee</td>
</tr>
<tr>
<td>Smilax Control in Moonah Woodland (Melaleuca lanceolata)</td>
</tr>
<tr>
<td>Bridal Creeper control in the Karadoc Iraak Nangilcol Coigian Landcare Area</td>
</tr>
<tr>
<td>Biodiversity Conservation Project in the Kings Plains Catchment.</td>
</tr>
<tr>
<td>Evaluation of Non-1080 Techniques for Commercial Control of Marsupial Herbivores</td>
</tr>
<tr>
<td>Weeds of the Month - Community Education and Skill Development Program</td>
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<tr>
<td>Prevention of Weed Spread - Awareness &amp; Education in the Taroom Shire</td>
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<tr>
<td>Control of Non-Proclaimed Feral Plants in the Riverland</td>
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<td>Control of the Non-Proclaimed Feral Plants in the Mid-Murray Region.</td>
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<td>Weed Control</td>
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<td>Strategic Management of Bridal Creeper on Kangaroo Island</td>
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<td>Anangu Pitjantjatjara Yankunytjatjara Land Management Feral Herbivore Control</td>
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<tr>
<td>Eradication of Hymenachne from Endangered Ecosystems in Pioneer Catchment</td>
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<tr>
<td>Control Environmental Weeds on Public Land &amp; Adjoining Properties</td>
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<tr>
<td>Community Action Program to Control Ground Asparagus Fern in Pittwater</td>
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<tr>
<td>Protection of the Bushland of the Meehan Range</td>
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<tr>
<td>Establishment of Biological Control Agent Nursery Sites</td>
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<tr>
<td>Burnett Catchment East - Aquatic Weeds Project</td>
</tr>
<tr>
<td>Dirrawong Bushland Regeneration Program - Bitou control and integrated follow up</td>
</tr>
<tr>
<td>Control of Thistle Cholla on Mining Fields Surrounding Lightning Ridge</td>
</tr>
<tr>
<td>Revegetate and Weed Control in Upper Ovens Valley</td>
</tr>
<tr>
<td>Biological Control of Bridal Creeper on the Beaumaris Foreshore</td>
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<tr>
<td>Coordinated Weed Control and Strategic Revegetation on the Margaret River</td>
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<td>Control of English Broom on Crown Lands</td>
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<td>Control of Grey Sallow Willow on the Baw Baw Plateau</td>
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<tr>
<td>Protecting and Preserving Kurnell Dune Forest at Constables Point, Maianbar</td>
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<tr>
<td>Weed Swap 2003-2004</td>
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<tr>
<td>Cattai Creek Community Privet Control Project</td>
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<tr>
<td>Do-It-Yourself Illustrated Waterproof Guide to Weeding Herricks Foreshore</td>
</tr>
<tr>
<td>Weeds Out - Indigenous Plants In - Country to Coast Working Together</td>
</tr>
<tr>
<td>Selected Willow Tree Removal from Streambed of Boorowa River</td>
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<tr>
<td>Willows Out of Wallan (WoW) Project</td>
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<tr>
<td>Control and Reduction of Buffel Grass on the Anangu Pitjantjatjara Lands</td>
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<tr>
<td>Sustained Biological Control of Bridal Creeper on the Dudley Peninsula</td>
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<tr>
<td>Cooloola Coast Pandanus Palm Recovery</td>
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<td>Willow Control in the Headwaters of the Deddick River</td>
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<tr>
<td>Eradicate Siam Weed and Exotic Weeds</td>
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<tr>
<td>National Information initiative (Alert List)</td>
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<tr>
<td>Overarching Project for Preventing or Controlling the Introduction and Spread of Weeds, and Improving the Condition of Natural Resources that Underpins the Sustainability and Productivity of Resource-Based Industries (AFFA)</td>
</tr>
<tr>
<td>Investigation and Strategic Control of “sleeper weeds”</td>
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<tr>
<td>Integrated Serrated Tussock Control on the Upper Lachlan Tablelands</td>
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<tr>
<td>Overarching National Feral Animals Control Program (NFACP)</td>
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<tr>
<td>A project that improves the development of effective and humane trapping systems as a control method for feral goats in Australia, (tender number 5/2003)</td>
</tr>
<tr>
<td>Hymenachne management in the Daintree River system</td>
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<tr>
<td>Creating community ownership of the release and redistribution of the leaf-rolling moth Tortrix sp., a biological control agent for bitou bush</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
Project Title

Release and redistribution of three bridal creeper biological control agents
Biological control of Mimosa pigra and Integration with other control options (2002-2003)
Prioritising Pest Animal and Weed Threats in the Western Catchment
Biological Control of Alligator Weed - Native Range Surveys for New Agents
Sustainable Land Use Program - Delivering Weed Resilient Landscapes
Catchment and Regional Weed Planning to Help Deliver Weed Resilient Landscapes
Coordinated Pest Animal Control within the Warragamba Catchment
Development of an Immunocontraceptive Vaccine for the Control of Foxes in Australia
Biological Control of Mimosa Pigra and Integration with Other Control Options
Integrated rabbit control and revegetation recovery in pastoral areas
Feral animal control on Aboriginal Managed Lands in South Australia
Reducing the damage caused by feral species to the Anangu Pitjantjakara Lands
Feral Animal Threat Mitigation - Protecting & Repairing Lower Eyre Peninsula’s Biodiversity
ACT Bushfire Recovery Part Two - Spring Weed Control
National Weeds Management Facilitator
Snowy River Shire Council Controlling Serrated Tussock Through Incentives
Addressing Knowledge Gaps to Improve Effective Management of Blackberry in Australia
Helping the Community Control Serrated Tussock by Investigating New Herbicide Options for its Control
Strategic Community Based Control of Blackberry in Tasmania
Introduction and Monitoring of Gorse Biological Control Agents Using Community Groups (Victoria)
Prevention of Mesquite Seed Spread by Stock and Feral Pigs
Tailoring Management to Specific Landscapes
Development of Best Practice for Roadside Control of Parthenium
National Co-ordination of Serrated Tussock Demonstration Sites and National Best Practice Management Guide
Weed: Blackberry (Rubus Fruticosis) - Central Murray County Council
Blackberry Education and Awareness
Blackberry Reconnaissance, Extension and Management
New Biocontrol Agents for Blackberry in Australia
New Rust Strains For The Biological Control of Blackberry
Helping the Community Control Chilean Needle Grass by Investigating New Herbicide Options for Control
Chilean Needle Grass and Serrated Tussock - Biological Control
Implementation of Biological Control of Chilean Needle Grass and Serrated Tussock
Co-ordination of Chilean Needle Grass Demonstration Sites and Best Practice Management
Introduction and Monitoring of Gorse Biological Control Agents Using Community Groups (Tasmania)
Further Development of Feral Pig Baits and Control Strategies
Towards National Best Practice Strategies for Bird Pests of Horticulture
Effective implementation of regional fox control programs
Significantly Improving Access to Information on Feral Animal Management
Manual for Monitoring of Pest Animals and Their Impacts
Assessment of Risks Posed by Exotic Vertebrates in Australia
Overarching DEH - Preventing or Controlling the Introduction and Spread of Weeds, and Improving the Condition of Natural Resources
QUESTIONS ON NOTICE

Project Title
On Ground Pest Animal Management
National Weeds Management Facilitator (initial project 40598 03-04 continuation) [DEH]
Developing and implementing best-practice management for fire-tolerant mesquite in Australia.
Development and Registration of Manufactured Feral Pig Baits
Development of a Carbon Monoxide Fumigation Technique for the Control of the European Rabbit
Feral Animal Control in the VRD region
Control of Declared Weeds in the Victoria River District
Top End Exotic Grass Weed Mapping and Management Strategy Development Project
Best Management Practices (BMP) for the Management of Wetlands and Identification of Environmental Weeds and Pests of the Namoi
Investigate Distribution and Control of Gambusia holbrooki

ATTACHMENT C
5) Conservation of Rangelands - NHT1
Rangelands - Projects matching search criteria: rangeland.

Project Title
Katherine Region Rangeland Revegetation Centre
Rangelands Rehabilitation - Paddy’s Plain
Land for Wildlife - Lake Eyre Basin Pilot Project
Gascoyne-Murchison Strategy
Building the Future - Supporting Sustainable Industries in the Rangelands
A “Ute” Guide to Pastoral Plants of South Australia
Demonstration of Ecologically Sustainable Management of Camels on Aboriginal and Pastoral Land

5) Conservation of Rangelands - NHT2
Rangelands - Projects matching search criteria: rangeland.

Project Title
Focusing management actions to reduce secondary invasions of marine pests by all vectors.
The Australian Pilot Project for Treatment of Ships’ Ballast Water
Environmental Weed Demonstration and Management, Swan Avon Catchment
Restoration of Lake Canobolas Fish Habitat for Environmental and Recreational Improvement
Revegetation and weed control at Peter Murrell Reserves
Bounceback Flinders Ranges - Securing The Regional Gains
Restoration Strategies for Cape York Plant Communities threatened by sicklepod invasion
Funding of future research on Mundulla Yellows
Cape York Weeds and Feral Animal Project
Community Action on Sea Spurge (Brochure and Workshop Program)
Ragwort and Horehound control on Deal Island
Establishing a herbarium of the flora of Lord Howe Island
Kattang Nature Reserve - Bitou Bush Control Community Program
Culburra Beach Community Network Bitou Bush Control Program
Southern Shoalhaven Bitou Bush Eradication Program
Best Practice Seeding Following Control of Bitou Bush
Community Awareness - Bellingen Bitou Bush Control Strategy Implementation / Stage I
Coastal Corridor Feral Cat Control Program
Chalky Island African boxthorn eradication to protect significant seabird habitat
Restoration and Enhancement of Innes Park Foreshore Area
Preparation of a regional phytophthora dieback control plan for Victoria
<table>
<thead>
<tr>
<th>Project Title</th>
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<tbody>
<tr>
<td>Community-based Effective Management of Phytophthora cinnamomi in South Australia</td>
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<tr>
<td>Sabella - An Education Key For Community Monitoring Of Exotic Marine Pests</td>
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<tr>
<td>National introduced marine pests information system</td>
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<td>Building emergency response skills for marine pest detection and response</td>
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<tr>
<td>Network of community groups for early detection of Caulerpa taxifolia infestations in the Shoalhaven region</td>
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<tr>
<td>Eradicating and preventing the spread of the invasive alga, Caulerpa taxifolia, in NSW</td>
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<tr>
<td>Minimising the impacts of the Northern Pacific Seastar in Australia</td>
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<tr>
<td>Controlling the Northern Pacific Seastar in Australia</td>
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<tr>
<td>Development of a community field guide to introduced marine pests for tropical Australia</td>
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<tr>
<td>Implementing fox control to protect key nesting sites for marine turtles on the central Queensland coast</td>
</tr>
<tr>
<td>Impact of Fox Baiting on Tiger Quoll Populations</td>
</tr>
<tr>
<td>ISF - Integrated vertebrate pest management on subantarctic Macquarie Island</td>
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<tr>
<td>Cummeragunja Sandhill Revegetation</td>
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<tr>
<td>Katarapko Island Habitat and Species Restoration Program</td>
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<tr>
<td>Rabbit warren ripping post RCD to enhance regeneration of Acacia carnei.</td>
</tr>
<tr>
<td>The Arid Recovery Project: Erection of a Rabbit Proof Fence</td>
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<tr>
<td>Feral Rabbit Control: Integrated pest management in the Witera/Calca area, South Australia</td>
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<tr>
<td>Post-RCD rabbit control to benefit threatened species in the Finke Bioregion</td>
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<td>South West Rabbit Control Management Plan Phase 3</td>
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<tr>
<td>Development of an Immunocontraceptive Vaccine for the Control of Foxes in Australia</td>
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<tr>
<td>Development of a humane felid specific toxin and bait delivery system for feral cat control</td>
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<tr>
<td>Development of a Cane Toad Biological Control (Years 1-2)</td>
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<td>Eradication of Rabbits at Meelup Regional Park</td>
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<td>Sustainable Orchard Soil and Weed Management - Stage 2</td>
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<td>Integrated Weed Management for the Tamar Valley Northern Tasmania</td>
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<tr>
<td>Moving Towards Ecologically Based Pest Management in the Wimmera</td>
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<tr>
<td>Integration and Co-ordination of Weed and Pest Control</td>
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<tr>
<td>Demonstration of Ecologically Sustainable Management of Camels on Aboriginal and Pastoral Land</td>
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<tr>
<td>Western Australian Goldfields Weed Management Plan</td>
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<tr>
<td>Introduction and Monitoring of Gorse Biological Control Agents Using Community Groups</td>
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<tr>
<td>Mesquite - Integrated Management in the Northern Territory</td>
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<tr>
<td>Mesquite Surveying and Mapping Project</td>
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<td>Bulloo River Floodplain Mesquite Management Program</td>
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<tr>
<td>Prevention of Mesquite Seed Spread by Stock and Feral Pigs</td>
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<tr>
<td>National Component Based Strategic Control of Mesquite</td>
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<td>National Mesquite Communication and Awareness Campaign</td>
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<tr>
<td>Development of Best Practice for Roadside Control of Parthenium</td>
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<tr>
<td>Tailoring Management to Specific Landscapes</td>
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<tr>
<td>Prickly Acacia Eradication from the Northern Territory</td>
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<tr>
<td>Prickly Acacia Best Practice Management</td>
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<tr>
<td>Implementation of a National Buffer Zone</td>
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<td>Chilean Needle Grass, ACT</td>
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<tr>
<td>Gorse Eradication in the Albany Region and the South West of WA</td>
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<tr>
<td>Helping the Community Control Chilean Needle Grass by Investigating New Herbicide Options for Control</td>
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<td>Project Title</td>
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<tr>
<td>Landscape Support - Weeds On Roadsides</td>
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<tr>
<td>Prevention of Further Spread of Serrated Tussock</td>
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<td>Helping the Community Control Serrated Tussock by Investigating New Herbicide Options for its Control</td>
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<tr>
<td>Addressing Knowledge Gaps to Improve Effective Management of Blackberry in Australia</td>
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<tr>
<td>Riverine Red Gum Forest Blackberry Elimination</td>
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<td>Introduction and Monitoring of Gorse Biological Control Agents Using Community Groups</td>
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<tr>
<td>Implementation of Gorse Control Strategy for Victoria</td>
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<tr>
<td>Strategic Control of Lantana - Southern NSW</td>
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<tr>
<td>The Upper Murrumbidgee Catchment Strategic Serrated Tussock Management Project</td>
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<tr>
<td>Snowy River Shire Council Controlling Serrated Tussock Through Incentives</td>
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<tr>
<td>Strategic Community Based Control of Blackberry in Tasmania</td>
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<tr>
<td>Chilean Needle Grass (Nassella Neesiana): Raising Awareness, Determining Extent and Targeting Control</td>
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<tr>
<td>Implementation of Biological Control of Chilean Needle Grass and Serrated Tussock (Serrated Tussock Component)</td>
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<td>Mt Lofty Regional Gorse Management Project Officer</td>
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<tr>
<td>Extension and Promotion (Lantana)</td>
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<tr>
<td>Collation and Demonstration of Best Practice (Lantana)</td>
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<tr>
<td>Biological control of Mimosa pigra and Integration with other control options</td>
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<tr>
<td>Creating community ownership for the establishment and redistribution of the Bitou bush moth (Tortrix sp)</td>
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<tr>
<td>Community involvement in the redistribution and monitoring of Bridal Creeper biocontrol agents</td>
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<tr>
<td>Protection of seabird habitat by eradication of Bridal Creeper, Lord Howe Island</td>
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<tr>
<td>Saving the biological diversity of SA’s Southern Hills region from Bridal Creeper</td>
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<tr>
<td>Coordination of Bridal Creeper Control on Eyre Peninsula</td>
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<tr>
<td>Integrated control of Bridal Creeper on Aboriginal Lands in South Australia</td>
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<tr>
<td>Mapping Bridal Creeper and controlling Bridal Creeper in Nature Park</td>
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<tr>
<td>Volunteer groups tackling Bridal Creeper in conservation areas and reserves</td>
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<tr>
<td>Weed Warriors - a Community Awareness Program targeting Bridal Creeper</td>
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<td>Protecting the Wimmera’s Biodiversity through Bridal Creeper Management</td>
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<tr>
<td>Sustaining Natural Ecosystems - Bass Coast Integrated Bridal Creeper Control Program</td>
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<tr>
<td>Eradication of Bridal Creeper from Tasmania</td>
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<tr>
<td>Blackwood Valley Landcare - Beating the Bridal Creeper</td>
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<tr>
<td>Strategic Cabomba Control by Community Action</td>
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<td>Aquatic Habitat Restoration after Cabomba Control</td>
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<tr>
<td>Eradication of Athel Pine from the Finke River</td>
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<tr>
<td>Tweed Coast Bitou Bush Control Strategy - Planning and Implementation</td>
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<tr>
<td>Coffs Harbour Dunal restoration/Bitou bush Control Programme</td>
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<tr>
<td>Mid-north Coast (NSW) ‘Volunteer worker’ Pilot Project on Bitou bush control</td>
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<tr>
<td>Bitou bush - Turning back the tide with community action</td>
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<tr>
<td>Bitou bush and Boneseed Control in the Northern Beaches region of Sydney</td>
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<td>Bitou Bush control in Cromwell Park Malabar</td>
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<td>Management of Bitou Bush and Kurnell Dune forest on the Kurnell Peninsula</td>
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<td>Far South Coast Bitou Bush Control</td>
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<td>Mount Lofty Region Boneseed Control</td>
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<td>Tasmanian Strategic Boneseed Program: Community Extension Biological Control</td>
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<td>Wyvuri Swamp Esplanade Hymenachne Control/Eradication Program</td>
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QUESTIONS ON NOTICE
Senator Ludwig asked the Minister for Revenue and Assistant Treasurer, upon notice, on 1 April 2004:

For each of the past 10 financial years, how many private binding rulings did the Australian Taxation Office (ATO) issue in relation to (a) income tax; and (b) indirect tax.

Senator Minchin—As these questions deal with matters that are the responsibility of the Australian Taxation Office, I have asked the Commissioner for advice. I am advised that a breakdown of the number of private rulings in the categories referred to in the question is not publicly available.

Further, prior to 1 April 2001, this information was stored on a number of different systems and data may be incomplete.
Australian Defence Force: Medical Discharge
(Question No. 2842)

Senator Chris Evans asked the Minister for Defence, upon notice, on 13 April 2004:

(1) For each year since 1996, by service, how many members of the Australian Defence Force (ADF) have been medically discharged primarily or solely because of a sleep disorder (e.g. narcolepsy or sleep apnoea).

(2) For each year since 1995, by service, how many members of the ADF have been medically discharged for conditions other than a sleep disorder, indicating the range of conditions and approximate numbers medically discharged because of each condition.

(3) Are the figures given in answer to parts (1) and (2) regarded as broadly accurate in relation to the total numbers of ADF members who were medically discharged; if not, what margin of error is considered to exist between persons actually medically discharged and recorded as medically discharged.

(4) Are members who are medically discharged entitled to a lifetime pension that is indexed and not means tested; if not, what entitlements do ex-ADF personnel who are medically discharged receive.

(5) Can an explanation be provided for: (a) who is eligible for; and (b) the difference between (including in respect of eligibility tests), each of Military Superannuation and Benefits Scheme (MSBS) Class A, B and C invalidity pensions.

(6) (a) For which class of MSBS pension do ex-ADF personnel who are discharged primarily because of a sleep disorder qualify; and (b) if ex-ADF personnel qualify for different classes depending on the circumstances, can an explanation be provided in general terms of these circumstances.

(7) (a) For which class of MSBS pension do ex-ADF personnel who are medically discharged because of other conditions qualify; and (b) if these ex-ADF personnel qualify for different classes depending on the circumstances, can an explanation in general terms be provided of these circumstances.

(8) (a) Under what circumstances can a member of the ADF be discharged without a classification but with a stated reason for retiring being an impairment related to sleep disorders; and (b) how many ADF personnel fall within this category.

(9) Has the Chief of Navy exercised his discretion or considered exercising his discretion under regulation 99 of the Defence (Personnel) Regulations 2003 in relation to former member Warren Le Plastrier, if so, what was his decision.

(10) Can the Minister confirm that if a former ADF member successfully shows, to the department’s satisfaction, that he or she was medically discharged on grounds that appear unsound or incorrect, the department is not obliged to notify ComSuper of this new information.

(11) Has the department notified ComSuper that a delegate to the Chief of Navy determined that Mr Le Plastrier was medically discharged on apparently erroneous grounds.

(12) Has the relevant delegate to the Chief of Navy written to ComSuper to advise it of the outcome of Mr Le Plastrier’s request for amendment of his discharge type; if so, when; if not, why not.

(13) Does the Chief of Navy support Mr Le Plastrier’s desire to have the termination of his service classified as being for a reason other than medical discharge, under the terms of regulation 99 or any other mechanism; if so, has the reclassification of Mr Le Plastrier’s discharge been formally agreed to and/or recorded by the department and by ComSuper.

(14) Are a former member’s MSBS invalidity pension entitlements affected if the department notifies ComSuper of a determination under regulation 99 by any of the service Chiefs in relation to that member; if so, how.
(15) Has a review of Mr Le Pastrier’s eligibility for MSBS invalidity benefits been conducted; if so, when and what was the result.

(16) (a) Did the Defence Force Ombudsman or his delegate request that the department provide any documents relating to the medical discharge of Mr Le Pastrier on apparently erroneous grounds; and (b) was the request refused; if so, given that the request was made with Mr Le Pastrier’s consent, for what reasons.

(17) (a) How many determinations (for example, exercises of discretion) have been made under regulation 99; and (b) have any such determinations been notified to ComSuper; if so, how many.

Senator Hill—The answer to the honourable senator’s question is as follows:

(1) The number of Air Force members medically discharged primarily or solely because of a sleep disorder for each year since 1996 are:

<table>
<thead>
<tr>
<th>Year</th>
<th>1997</th>
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<td>1</td>
<td>0</td>
<td>1</td>
<td>3</td>
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</table>

Figures for the Navy and the Army are not readily available and Defence is not able to devote the considerable time and resources required to provide a response. However, limited information for 2002 and 2003 indicates that the following Army members were medically discharged primarily or solely because of a sleep disorder:

- 2002: 1
- 2003: 10

(2) For each year since 1995, the following numbers of Air Force members have been medically discharged for conditions other than a sleep disorder:

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<tr>
<td>Bipolar Disorder</td>
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<tr>
<td>Back Injury/Pain</td>
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<td>18</td>
<td>12</td>
<td>18</td>
<td>16</td>
<td>18</td>
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<td>Kidney/Renal</td>
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<td>Osteoarthritis</td>
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<td>Depression</td>
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<td>Other</td>
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QUESTIONS ON NOTICE
Figures for the Navy and the Army are not readily available and Defence is not able to devote the considerable time and resources required to provide a response. However, the Navy has advised that the following personnel were terminated on the basis of being medically unfit for naval service.

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It is estimated that in 2002-03 and 2003-04 that approximately 426 and 506 Army personnel were medically discharged.

(3) Yes.

(4) Subject to specified exclusionary circumstances (outlined in response to (8) below) members of the Australian Defence Force (ADF) who are discharged on medical grounds may be eligible to receive an indexed superannuation pension provided they are assessed as having 30 per cent or more incapacity for civilian employment arising from their retirement impairment. Such pensions are not means tested, but are subject to periodic review which may, depending on the health and ongoing incapacity of the person, result in variation or cessation of the pension. The pension classification of a person may increase, but may not reduce, after the age of 55.

Members who are medically discharged as a result of a service-related injury or disease may also be entitled to incapacity payments under the Military Rehabilitation and Compensation Act 2004 if they are incapacitated for civilian employment. The weekly rate of compensation payable is 100 per cent of the member’s ADF earnings for the first 45 weeks of incapacity and 75 per cent thereafter. Incapacity payments are offset dollar for dollar against the Commonwealth funded portion of the member’s superannuation. Compensation entitlements are periodically reviewed and may be reduced or ceased in the event that the member is able to work in civilian employment. Payments cease at age 65.

Where a service-related injury or disease is assessed at impairment of 50 or more impairment points and the member is unable to undertake paid work for more than 10 hours a week and is unlikely to be assisted by rehabilitation to undertake such work, the member has the choice of either continuing to be paid incapacity payments or to be paid a life time, tax free, Special Rate Disability Pension (SRDP). The SRDP is the equivalent of the Special Rate (Totally and Permanently Incapacitated) pension payable under the Veterans’ Entitlements Act 1986, but is reduced by all other compensation already paid for permanent impairment and by the Commonwealth funded portion of the member’s superannuation payments.

(5) (a) Military Superannuation and Benefits Scheme (MSBS) Rule 22 explains who is eligible for each of the MSBS Class A, B and C invalidity pensions. The MSBS Rules are available at: www.scaleplus.law.gov.au.

(b) The difference between each of the MSBS classifications is as follows:

Class A – A Class A pension is based on the person’s actual and prospective service multiplied by their final average salary and divided by a conversion factor of 12 to produce an annual pension amount.

Class B – A Class B pension is based on 50 per cent of a Class A pension, as described above, unless the person’s actual service calculation is greater than that of 50 per cent of a Class A pension. In that case, the higher amount is the Class B pension payable.
Class C – A Class C classification is not pensionable and the person’s employer benefit is based on their actual period of service multiplied by their final average salary. This ‘lump sum amount’ is compulsorily preserved until the person:

(i) attains the age of 55 where he or she can access it as an indexed pension or rollover into another complying fund; or

(ii) attains preservation age (if greater than 55) where the benefit can be accessed by way of a pension, lump sum or combination of both.

The member’s benefit component, comprising contributions and interest, is either refunded or, in the case of service occurring after 1 July 1999, preserved.

(6) (a) The MSBS classification process does not automatically apply a ‘classification’ based on a particular medical condition.

(b) Members of the MSBS who may have the same retiring impairment may qualify for different classification levels (A, B or C) as each case is assessed on its own merits. There will usually be differences in each case, for example:

(i) the members will have different vocational, trade and professional skills, qualifications and experience;

(ii) by reason of (i) above, the members will have different kinds of civil employment which they might reasonably undertak e; and

(iii) the degree to which the physical or mental impairment of the member is assessed as having diminished his or her capacity to undertake the kinds of civil employments referred in (ii) above.

ComSuper records show that, while the majority of former ADF members who have retired on the ground of invalidity because of sleep disorders have been classified as Class C, some have, for the reasons shown above, been classified as Class B or Class A.

(7) See response to (6) above.

(8) (a) Rules 32, 33 and 34 of the MSB rules outline circumstances in which a person retired on the ground of invalidity is not entitled to be classified for invalidity benefits, where:

(i) the person has less than two years service and has a pre-existing condition that was not substantially contributed to, or materially aggravated, by their military service (Rule 32);

(ii) the invalidity was due to an intentional act (Rule 33); or

(iii) the invalidity arose during a period of absence without leave exceeding 21 days (Rule 34).

Sections 27, 28 and 29 of the Defence Force Retirement and Death Benefits (DFRDB) Act 1973 contain similar but not identically worded exclusion provisions.

(b) As at January 2004, available ComSuper records show six former ADF personnel have been discharged with a retirement impairment specified as including, but not necessarily limited to, a sleep disorder but who have not received a medical classification under either the MSB or DFRDB schemes.

(9) This is currently being considered by Defence and its legal advisers in the context of a claim for damages that Mr Warren Le Plastrier has made against the Commonwealth arising out of the circumstances of his discharge from the Royal Australian Navy (RAN). Under those circumstances it would not be appropriate to comment any further on the circumstances relating to that former RAN member, particularly as the former RAN member has foreshadowed litigation against the Commonwealth in respect of the claim for damages.
(10) If a former ADF member is able to demonstrate to Defence’s satisfaction, that he or she was discharged for a reason that later appears unsound or incorrect, there is no statutory obligation to notify ComSuper. As a matter of administrative practice, the ADF does notify ComSuper of any change in the reason for discharge when the change may be relevant to that former ADF member’s entitlement to receive benefits under applicable Commonwealth military superannuation legislation.

(11) On 31 July 2003, ComSuper was provided with the same advice that had been given to Mr Warren Le Plastrier on 30 July, that there was sufficient doubt in the medical evidence surrounding Mr Le Plastrier’s discharge to change the reason for termination to “administrative/normal”.

(12) ComSuper was advised in writing on 31 July 2003 and it has been confirmed that ComSuper received this correspondence on 1 August 2003.

(13) See response to questions (9) to (12) above.

(14) Not directly. ComSuper considers that action taken under regulation 99 of the Defence (Personnel) Regulations 2002 does not result in a retrospective change to a member’s actual ground of termination from the ADF. In the case of a MSBS member, such action might, however, either prompt the MSB Board to reconsider on its own motion the initial invalidity classification decision made under rule 22 by its delegate or to review the member’s current classification under rule 23. In the case of a DFRDB member, review of the member’s current classification under section 34 of the DFRDB Act could result.

(15) Yes. On 26 February 2004, a letter was sent to Mr Le Plastrier’s father advising that his son remained entitled to the superannuation entitlements payable to a person who had been discharged medically.

(16) (a) Yes.
(b) No.

(17) (a) Since 1 December 2002, eight cases have been considered by the Director General Navy Personnel and Training for change of reason for termination under regulation 99 of the Defence (Personnel) Regulations 2002. The Army does not keep this information and the Air Force has made no determinations under regulation 99.
(b) With regard to the Navy, ComSuper was advised of the decision in the two cases where the decision changed the member’s circumstances and hence potentially affected their benefits. For the Army and the Air Force see the response to (17) (a) above.

Australian Defence Force: Military Pensions
(Question No. 2843)

Senator Chris Evans asked the Minister for Defence, upon notice, on 13 April 2004:

(1) (a) What investigations, if any, are being conducted into claims by various individuals and media outlets that military pensions have been awarded to members of the Australian Defence Force (ADF) who were medically discharged, where the condition that led to their discharge was shown later to have been diagnosed erroneously; and (b) for each investigation: (i) what is the scope of the investigation, (ii) who is conducting the investigation and to whom do they report, (iii) when is the investigation expected to be completed, and (iv) will the results of the investigation be made public; if so, when.

(2) Is the Minister aware that there is no mechanism or system that requires the department to automatically notify ComSuper of any change in status of a person who was discharged from the ADF (for example, under regulation 99 of the Defence (Personnel) Regulations 2003).
(3) Is the Minister seeking advice as to whether an automatic review of a person’s entitlement to receive the invalidity pension under the Military Superannuation Benefits Scheme should occur where it is found that the medical diagnosis that caused their defence service to be terminated was apparently incorrect.

**Senator Hill**—The answer to the honourable senator’s question is as follows:

(1) (a) Defence does not investigate unsubstantiated claims in the media. Defence is not conducting any general investigations into such allegations. However, Defence is undertaking an investigation into the circumstances where a former Royal Australian Navy (RAN) member was medically discharged. This is currently the subject of a claim for damages that the former member has made against the Commonwealth.

(b) Given the circumstances to (1) (a) above, it is not appropriate to provide the detail requested.

(2) Yes, there is no statutory provision that requires the Australian Defence Force (ADF) to notify ComSuper of any variation in the reason for discharge of a former ADF member made under Regulation 99 of the Defence (Personnel) Regulations 2002. Under current arrangements ComSuper is, however, notified of such a decision by the ADF.

(3) No.

**Environment: Mount Heemskirk**

**(Question Nos 2925 and 2926)**

**Senator Brown** asked the Minister for the Environment and Heritage, upon notice, on 13 May 2004:

With reference to Hydro Tasmania’s proposed wind farm at Heemskirk on Tasmania’s west coast:

(1) Did Hydro Tasmania refer the proposed development under the Environment Protection and Biodiversity Conservation Act 1999; if not, should the proposal have been referred.

(2) Is the proposed development largely within the Mt Heemskirk Regional Reserve and is this reserve part of the comprehensive, adequate and representative reserve system established in the Tasmanian Regional Forest Agreement (RFA).

(3) (a) Was Mt Heemskirk Regional Reserve protected under the RFA because it is ‘predominantly in a natural state’; and (b) does Attachment 7 of the RFA require regional reserves to be managed for ‘mineral exploration and development of mineral deposits and small scale use of other natural resources while providing at the same time, for the protection and maintenance of natural and cultural values’.

(4) Does section 24 of the RFA require Tasmania to ‘manage areas in the CAR reserve system … in accordance with the relevant objectives set out in Attachment 7’.

(5) Does the Minister consider that the proposed development of a wind farm in the Mt Heemskirk Regional Reserve is in accordance with Attachment 7 and section 24 of the RFA; if so, why.

(6) What action will the Minister take to ensure that Mt Heemskirk Regional Reserve is protected from incompatible developments, including the proposed wind farm.

**Senator Ian Campbell**—The answer to the honourable senator’s question is as follows:

(1) Yes.

(2) Yes.

(3) (a) and (b) Attachment 7 of the Tasmanian Regional Forest Agreement (RFA) defines the purposes of a Managed Natural Area/Regional Reserve as ‘an area of land with high mineral potential or prospectivity which is predominantly in a natural state; and which should be managed for mineral
exploration and development of mineral deposits and small scale use of other natural resources while providing, at the same time, for the protection and maintenance of natural and cultural values’.

(4) Yes.

(5) The proposed windfarm development at Heemskirk is currently being assessed under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

(6) The assessment and approval process under the EPBC Act, will inform me of considerations on the proposed Heemskirk windfarm development so that I can take into account all relevant matters.

Aboriginal and Torres Strait Islander Commission: Mr Brian Johnstone

(Question No. 2953)

Senator O’Brien asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 4 June 2004:

With reference to the answer to question on notice no. 2587 (Senate Hansard, 29 March 2004, p. 22207) concerning Mr Brian Johnstone:

(1) (a) Why did the Minister preface the answer with the words “Aboriginal and Torres Strait Islander Services (ATSIS) has provided the following information in response to the honourable senator’s question”; and (b) does the Minister accept responsibility for the accuracy of the information contained in the answer.

(2) (a) Why did the Minister fail to answer parts (1) (a) through to (d), (4), (6), (7) and (11); and (b) can the Minister now provide answers to these parts of the question.

(3) Is it correct that, notwithstanding the Minister’s advice, under the Public Service Act Mr Johnstone’s contract could not be extended beyond 31 March 2003, and that the Aboriginal and Torres Strait Islander Commission (ATSIC) signed Mr Johnstone up to a new Australian workplace agreement with a June 2004 expiry date; if so: (a) why did ATSIC take such action; and (b) why did the Minister not disclose this information in the previous answer.

(4) (a) Who initiated the internal inquiry into Mr Johnstone’s conduct; and (b) why was the internal inquiry initiated when no complaint had been received from the Minister, an ATSIC commissioner or any external source.

(5) (a) Which senior officers were involved in discussions about the code of conduct matter; and (b) what demonstrable technical expertise did each officer possess.

(6) (a) Was Mr Johnstone first advised of the non-renewal of his contract by hand-delivered letter on 18 December 2002; (b) was this letter delivered to his home in Queanbeyan; (c) which officer delivered this letter; and (d) on whose authority was it delivered.

(7) In relation to Mr Wayne Gibbons’ role in filling the position of ATSIC Manager, National Media and Marketing: (a) on what date did Mr Gibbons become aware that the position needed to be filled; (b) on what date did Mr Gibbons first speak to Mr Brian Aarons about the position; (c) on what date was Mr Aarons identified for transfer to the position; (d) was Mr Gooda aware of negotiations with Mr Aarons about the position when he moved to suspend Mr Johnstone; and (e) on what basis was the decision made not to advertise the position.

(8) (a) Can the Minister confirm that Mr Johnstone was employed at the Senior Public Affairs Officer grade 1 (SPAO1) level; (b) is it the case that Mr Aarons was transferred to the media manager position at executive level 2 (EL2); and (c) is it correct that EL2 is ranked below the SPAO1 level; if so, how did the appointment represent an upgrading of the position, per Mr Gibbons’ notice to staff, which was attached to the Minister’s previous answer.

Senator Vanstone—The answer to the honourable senator’s question is as follows:

QUESTIONS ON NOTICE
Aboriginal and Torres Strait Islander Services (ATSIS) has provided the following information:

1. (a) The answer was prefaced in this way as staff employed by the Aboriginal and Torres Strait Islander Commission (ATSIC) are engaged under the provisions of the Public Service Act 1999. Under the Public Service Act staffing matters in general are the responsibility of the Chief Executive Officer of the Agency, not the Minister.

(b) The information was provided by the CEO of ATSIS and the answer acknowledged his responsibility in relation to staffing matters.

2. A detailed answer to matters surrounding this particular case was provided in the answer to Question 2587 on 29 March 2004.

3. (a) Yes – however, the nominal expiry date of 30 June 2004 applied to all AWAs approved in early 2002. It should be noted that the AWA is not a contract of employment it is an instrument which specifies the remuneration arrangements and conditions of employment of the officer concerned. Mr Johnstone was employed as a non ongoing employee under the Public Service Act under a separate contract that expired on 31 March 2003. It is this contract which established his term of employment.

(b) The information provided previously is consistent in that Mr Johnstone’s contract as a non ongoing employee expired on 31 March 2003.

4. (a) The internal inquiry was initiated by the A/g CEO of ATSIC at the time, Mr Mick Gooda. Following this internal inquiry an investigation into a possible breach of the Code of Conduct was contracted to an independent investigator who provided a report on his findings to ATSIC. The Report was considered by the Deputy CEO of ATSIC (details of this were provided in the answer to Question 2587).

(b) It is not necessary for a complaint to be received from an external source in order to instigate an investigation. It is open for the CEO to at any time initiate an internal inquiry into matters where there is a suspected breach of the APS Code of Conduct by staff of the agency.

5. (a) Only senior SES officers were involved in discussions about the matter.

(b) The officers concerned were all highly experienced senior APS staff at the SES level or equivalent. The investigation was handled externally by Mr Paddy Gourley, an individual well experienced in handling code of conduct matters.

6. (a) Yes.

(b) Yes.

(c) An ATSIC employee, Ms Beverly Dunn, delivered the letter.

(d) The letter was signed and authorised by Ms Bronwyn Nimmo, Branch Manager, National People and Development Branch.

7. The CEO of ATSIC has primary responsibility for staffing matters within the agency. It is a matter for the CEO to decide when, and under what circumstances, to advertise or fill any position. Details of the circumstances surrounding Mr Aaron’s appointment were provided in the answer to Question 2587.

8. (a) Yes.

(b) No – Mr Aarons was transferred at the SPAO2 level.

(c) It depends on the increment level but generally an EL2 would be ranked lower than the SPAO1. However, as indicated above, Mr Aarons was transferred at the SPAO2 level.
Environment: Point Nepean  
(Question No. 3002)

Senator Allison asked the Minister for the Environment and Heritage, upon notice, on 11 June 2004:

(1) Does the Federal Government intend to burn Point Nepean bushland as suggested in the Age on 25 May 2004; if so: (a) will the burn be a high intensity burn; (b) how will the Government ensure the safety of such a burn over a former defence site which probably has unexploded ammunitions buried in the land; and (c) how will the sensitive Moonah woodland be protected.

(2) Has the trust deed for Point Nepean been signed; if so, can a copy be provided.

(3) If the trust deed has not been signed: (a) why not; and (b) what is the reason for the delay.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

(1) (a) The proposal is for a slow moving and low intensity burn to remove groundcover and thin lower-storey bush;  
(b) measures will be employed to ensure the safety of the public, personnel and the environment from unexploded ordnance; and  
(c) the burn will be managed to ensure that significant damage to Coastal Moonah Woodland does not occur.  

(2) Yes. The Minister for Defence has forwarded a copy of the Deed of Settlement for the Point Nepean Community Trust to your office separately.

(3) Not applicable.

Environment: Threatened Species  
(Question No. 3004)

Senator Bartlett asked the Minister for the Environment and Heritage, upon notice, on 11 June 2004:

(1) Has the Threatened Species Scientific Committee provided advice to the Minister on whether Harrison’s dogfish should be included on the list of threatened species under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act); if so (a) when was the advice provided; and (b) did the advice recommend the species be listed.

(2) Has the Threatened Species Scientific Committee provided advice to the Minister on whether the endeavour dogfish should be included on the list of threatened species under the EPBC Act; if so (a) when was the advice provided; and (b) did the advice recommend the species be listed.

(3) Has the Threatened Species Scientific Committee provided advice to the Minister on whether the southern dogfish should be included on the list of threatened species under the EPBC Act; if so (a) when was the advice provided; and (b) did the advice recommend the species be listed.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

(1) No.  
(2) No.  
(3) No.

Community Settlement Services Scheme  
(Question No. 3014)

Senator Allison asked the Minister representing the Minister for Citizenship and Multicultural Affairs, upon notice, on 16 June 2004:
(1) Is the Minister aware that the Kurdish Association of Victoria, which is funded by the Community Settlement Services Scheme, has been successfully providing settlement assistance to migrants, refugees and humanitarian entrants in Victoria since 1988.

(2) Does the Minister agree that without the help of the Community Settlement Services Scheme’s provision of culturally-sensitive and ethno-specific services, including assistance with access to Centrelink services, referral to community health centres, access to childcare etc., these vulnerable and disadvantaged members of the community would probably be even more marginalised.

(3) Does the Minister agree that the settlement needs of the Kurdish community are ongoing and that, given the current instability in the Middle East, the arrival of Kurdish refugees is not likely to abate in the immediate future.

(4) Why has funding for the position of ‘Grant in Aid Worker’ with the Kurdish Association of Victoria been cut.

Senator Vanstone—The Minister for Citizenship and Multicultural Affairs has provided the following answer to the honourable senator’s question:

(1) The Kurdish Association of Victoria has received funding from the Community Settlement Services Scheme (CSSS) and its predecessor program, the Grant in Aid (GIA) scheme since 1992-1993.

(2) The Government seeks, at any point in time, to ensure that the combination of services funded through the CSSS and the Migrant Resource Centre (MRC)/Migrant Service Agency (MSA) network are appropriate to meet the settlement needs of newly arrived migrants, refugee and humanitarian entrants.

(3) In the period 1 July 1999 to 30 June 2004, 988 Kurdish migrants arrived in Australia. Of the 988 Kurdish migrant arrivals nationally, only 196 settled in Victoria. In 2004-05 under the Humanitarian Program it is expected that 25 per cent of entrants will be from the Middle East; while the proportion of Kurdish arrivals in 2004-05 is unknown, the number of arrivals nationally has declined from 247 in 2000-01 to 152 in 2003-04.

(4) The GIA scheme ceased in 1996 and was replaced in 1997 by the CSSS. CSSS funding is limited and aims to address the most pressing settlement needs. Funding is not recurrent or guaranteed. The application process every year is very competitive. There was keen interest in the 2004-05 CSSS round, with the Department receiving 328 applications Australia-wide. Each application is assessed on its merits against advertised eligibility and assessment criteria and against the relative priorities of the needs applicants proposed to address. In 2004-05 the Department was able to fund 229 applications. Funding was offered to a broad range of community organisations across different regions to provide maximum benefit and access to settlement services for migrants, refugee and humanitarian entrants.

Given the increasing numbers of small and diverse immigrant groups in Australia, it is necessary for some small groups to be served by more generalist settlement service providers such as MRCs/MSAs, which are able to cater for a wider range of communities. The Northern and North West MRCs have established outposts in the local government areas of Moreland and Hume, where the Victorian Kurdish community has predominantly settled, and members of the Kurdish community are accessing their services. Some settlement services are also provided to the Kurdish women in Victoria by Dianella Community Health, a CSSS funded organisation.

Defence: Legal Services
(Question No. 3025)

Senator Chris Evans asked the Minister for Defence, upon notice, on 18 June 2004:
QUESTIONS ON NOTICE

Tuesday, 16 November 2004 SENATE

(1) How much was spent on internal and external legal services for the 2002-03 financial year.
(2) What is the proposed expenditure on internal and external legal services for the 2003-04 financial year.
(3) How does this compare to expenditure in the past 4 financial years.
(4) What is the reason for the differential in the figures provided to the Australian Labor Party under a freedom of information (FOI) request, showing that the department’s expenditure reported to the Government’s review of legal expenditure (the Tongue Report) was much lower than stated in the FOI request.
(5) Has the Minister acted to correct the record of figures provided to the Attorney-General’s Department for the purpose of the government review.
(6) How did this mistake occur.
(7) (a) When did the department become aware of the massive discrepancy in its reporting to the Attorney-General’s Department for the purposes of the Tongue Report; and (b) what actions, if any, were taken to remedy this discrepancy, and when.
(8) What guidelines does the department follow in the contracting out of legal services.
(9) What reporting arrangements are in place to account for this expenditure.
(10) How is legal expenditure estimated for the forward years.
(11) Why is this not publicly reported anywhere in the department’s annual report or portfolio budget statements.
(12) Can a list be provided of the five external legal firms to whom the most money was paid, and how much was paid to each, in the 2001-02 financial year.
(13) What amount was allocated to each of these firms in the past 5 years.
(14) With reference to the review process being conducted by the Australian National Audit Office (ANAO); (a) has the department contacted ANAO with any reform ideas or other proposals; and (b) has ANAO raised any concerns with the department about its legal spending, or accounting of legal spending; if so, what concerns were raised.
(15) Is it correct, as reported in the Financial Review on 11 June 2004, that the department: (a) spent $61 million on legal services in the 2002-03 financial year, up from $44 million the previous year; (b) is conducting a reform of its in-house legal services; and (c) predicts that its legal costs overall will fall in the 2003-04 financial year by 13 per cent, including a 4 per cent drop in the cost of in-house legal services.
(16) (a) What are the terms and scope of the review and reform of in-house legal services; and (b) what reform is regarded to be desirable.
(17) (a) When will this review be complete; and (b) will it be publicly available.

Senator Hill—The answer to the honourable senator’s question is as follows:

(1), (2) and (3)

2003-04 $61.0m ($22.3m internal and $38.7m external).
2002-03 $61.3m ($22.5m internal and $38.8m external).
2001-02 $41.8m ($18m internal and $23.8m external).
2000-01 $19.1m (external only. The external figure includes sessional fee payments which, from 2001-02, have been included in internal legal expenditure. Internal figures are not available.
1999-2000 $17.0 (external only. The external figure includes sessional fee payments which, from 2001-02, have been included in internal legal expenditure. Internal figures are not available.

QUESTIONS ON NOTICE
QUESTIONS ON NOTICE

(Note: All the figures provided have been obtained from interrogation of the relevant legal codes in Defence’s financial management information system. External legal services include professional fees, disbursements and other related expenses.)

(4) See my response to (5) and (6) below.

(5) and (6) Defence provided estimates to the Tongue Inquiry in response to a set of questions. Those estimates were subsequently combined with estimates provided by Defence in response to a different set of questions on a Parliamentary Question on Notice No 3182. The combined figures are claimed to support the proposition that there has been a discrepancy in Defence legal costs. Defence has, subsequently, sent a letter to the Attorney-General’s Department to avoid further confusion.

(7) (a) Defence became aware of this issue in the figures when investigating the claims of the Australian Financial Review articles in late May and early June 2004. (b) See my answer to questions (5) and (6) above.

(8) The guidelines in Defence for the use of the Legal Panel are: Defence Procurement Policy Instruction: 3/2001 – Defence Legal Services Panel, and subsequent Defgrams 234/2002 and 180/2004. In addition, the primary reference document for all Defence procurement is the Defence Procurement Policy Manual. It incorporates the Commonwealth Procurement Guidelines and Best Practice Guidance and is intended to be used in conjunction with other Defence documents such as the Defence Chief Executive’s Instructions, contracting templates, the Legal Services Directions issued under the Judiciary Act 1903 and required legislation, such as the Financial Management and Accountability Act 1997 and Regulations.

(9) In accordance with the Commonwealth Procurement Guidelines and Best Practice Guidance, all agencies subject to the Financial Management and Accountability Act 1997 are to report certain procurement activities in the Commonwealth Purchasing and Disposal Gazette. The Defence Procurement Policy Manual provides an outline of the requirements for reporting of procurement activities undertaken by Defence. These requirements mandate that procurement of legal services is to be reported, as per all contracts that are valued at over $2,000, on the Gazette Publishing System. Additionally, the Defence Policy Procurement Manual also mandates that any contracts or purchase orders that are valued over $100,000 are required to be reported on the Buy Australia Website and in accordance with the Senate Order No. 192.

(10) Legal cost estimates for the coming financial year are based on historical expenditure profiles, adjusted for known activity-level changes or efficiency targets, with the capacity to adjust estimates if emerging pressures arise during the financial year.

(11) Defence produces financial information in its Portfolio Budget Statements and Annual Report in accordance with the Finance Minister’s Orders, which are underpinned by the Financial Management and Accountability Act 1997 and guidelines prepared by the Departments of Finance and Administration and Prime Minister and Cabinet respectively. There is no requirement to specifically disclose legal costs, although Defence did disclose legal compensation costs, which includes external legal service provider costs, at Note 4B p227 of the 2002-03 Annual Report.

(12) The five external legal firms to whom the most money was paid, as recorded against the relevant legal codes, in the Defence financial management system for the 2001-02 financial year were: Australian Government Solicitor ($12.7m); Clayton Utz ($4.9m); Blake Dawson Waldron ($2.0m); Phillips Fox ($1.0m); and Minter Ellison ($0.046m).
(13) Defence does not have a set allocation for each firm. Funding is dependent on demand from year to year with services sourced from the most appropriate firm available in accordance with established guidelines for the use of the Defence Legal Panel.

(14) (a) No. (b) No.

(15) (a) No. Actual figures were $61.3m in 2002-03 up from $41.8m in 2001-02. (b) Yes, an internal review was completed last year. (c) No, Defence’s overall legal costs have fallen in 2003-04 by about 0.5 per cent including an approximate 1 per cent drop in internal legal service costs.

(16) (a) A review was conducted to improve governance and management arrangements to better meet Defence’s in-house legal requirements. (b) Desirable reforms include improvements in customer focus and overall productivity.

(17) (a) The review was completed on 31 March 2003. (b) No.

Garrett, Mr Peter Robert
(Question No. 3034)

Senator Brandis asked the Special Minister of State, upon notice, on 22 June 2004:
Does the Australian Electoral Commission have any record of receiving any statutory declaration from Mr Peter Robert Garrett of New South Wales, between the years 1984 and 2004; if so: (a) how many declarations were received; and (b) in what year or years.

Senator Abetz—The answer to the honourable senator’s question is as follows:
The following answer has been provided by the Australian Electoral Commission:
The Australian Electoral Commission (AEC) will not be providing the Special Minister of State with the information to answer the question on notice on the grounds that it is the AEC’s practice not to disclose personal information about an elector without the elector’s consent unless otherwise compelled to do so by law and that it is in the public interest for the AEC to continue to safeguard personal information it holds about an individual’s electoral history.

Garrett, Mr Peter Robert
(Question No. 3035)

Senator Brandis asked the Special Minister of State, upon notice, on 22 June 2004:
Does the Australian Electoral Commission have any record of Mr Peter Robert Garrett of New South Wales seeking to be enrolled on the electoral roll between 1984 and 2003; if so: (a) on how many occasions did he seek to be enrolled; and (b) in what year or years.

Senator Abetz—The answer to the honourable senator’s question is as follows:
The following answer has been provided by the Australian Electoral Commission:
The Australian Electoral Commission (AEC) will not be providing the Special Minister of State with the information to answer the question on notice on the grounds that it is the AEC’s practice not to disclose personal information about an elector without the elector’s consent unless otherwise compelled to do so by law and that it is in the public interest for the AEC to continue to safeguard personal information it holds about an individual’s electoral history.

Garrett, Mr Peter Robert
(Question No. 3036)

Senator Brandis asked the Special Minister of State, upon notice, on 22 June 2004:
Does the Australian Electoral Commission have any record of Mr Peter Robert Garrett of New South Wales requesting, under the provisions of section 104 of the Commonwealth Electoral Act 1918, that
his address not be included on the electoral roll between 1984 and 2003; if so: (a) on how many occasions did he make such a request; and (b) in what year or years.

Senator Abetz—The answer to the honourable senator’s question is as follows:
The following answer has been provided by the Australian Electoral Commission:
The Australian Electoral Commission (AEC) will not be providing the Special Minister of State with the information to answer the question on notice on the grounds that it is the AEC’s practice not to disclose personal information about an elector without the elector’s consent unless otherwise compelled to do so by law and that it is in the public interest for the AEC to continue to safeguard personal information it holds about an individual’s electoral history.

Garrett, Mr Peter Robert
(Question No. 3037)

Senator Brandis asked the Special Minister of State, upon notice, on 22 June 2004:
Does the Australian Electoral Commission have any record of Mr Peter Robert Garrett of New South Wales enrolling in the electorates of either Hume or Macarthur between 1990 and 1998; if so: (a) on how many occasions was he enrolled; and (b) in what year or years.

Senator Abetz—The answer to the honourable senator’s question is as follows:
The following answer has been provided by the Australian Electoral Commission:
The Australian Electoral Commission (AEC) will not be providing the Special Minister of State with the information to answer the question on notice on the grounds that it is the AEC’s practice not to disclose personal information about an elector without the elector’s consent unless otherwise compelled to do so by law and that it is in the public interest for the AEC to continue to safeguard personal information it holds about an individual’s electoral history.

Environment: Tasmanian Giant Freshwater Crayfish
(Question Nos 3049 and 3050)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 30 June 2004:
With reference to the Tasmanian giant freshwater crayfish, Astacopsis gouldi:
(1) What impact do clearfell logging and associated activities like road-building or regeneration burning have on the crayfish and its habitat.
(2) What studies have been done to assess the crayfish and/or its survival status.
(3) How many of these crayfish remain.
(4) (a) What is the extent of its habitat; and (b) is it increasing or decreasing in numbers and range.
(5) Has a recovery plan been prepared; if not, why not.
(6) What are the Minister’s responsibilities under the Environment Protection and Biodiversity Conservation Act 1999 and the regional forest agreement, to ensure that neither this crayfish nor its habitat is compromised or degraded.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:
(1) Depending on the manner in which they are undertaken, forestry and related activities have the potential to cause a deterioration of water quality and crayfish habitat.
(2) The Department of the Environment and Heritage is aware of the following studies which assess the crayfish and/or its survival status are:


(3) Based on studies of populations in various river reaches and the extent of its range, the population is thought to be in the order of tens of thousands of individuals.

(4) (a) The species is found in rivers in the north of Tasmania below about 400 metres altitude; and (b) evidence indicates the species is declining in numbers and its area of occurrence is reducing.

(5) A Recovery Plan is being prepared.

(6) Actions that are likely to have a significant impact on this species, with the exception of forestry operations undertaken in accordance with the Tasmanian Regional Forest Agreement (RFA), require the approval of the Australian Government Minister for the Environment and Heritage. A recovery plan is also required.
Immigration and Multicultural and Indigenous Affairs: Charley Bear Foundation
(Question No. 3055)

Senator O’Brien asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 1 July 2004:

(1) Has the Minister, the department, or any agency within the portfolio initiated any investigation in relation to the activities of the Charley Bear Foundation; if so, did a facsimile to the Minister in March 2004 requesting a personal donation prompt the investigation; if not, what did.

(2) Did the Minister direct, request or otherwise initiate the investigation.

(3) When was the investigation initiated.

(4) Which division of which department and/or agency conducted the investigation.

(5) What was the scope of the investigation.

(6) When was the Charley Bear Foundation informed that an investigation was underway.

(7) Was information sought from any Commonwealth or state department or agency as part of the investigation; if so: (a) from which departments and/or agencies; and (b) what information was sought.

(8) When did the investigation conclude.

(9) What were its findings.

(10) Did the Minister and/or the Minister’s office request and/or receive a copy of the findings.

(11) What action, if any, resulted from the investigation.

(12) What was the cost of the investigation.

Senator Vanstone—The answer to the honourable senator’s question is as follows:

(1) No department or agency within the portfolio has initiated any investigation in relation to Charley Bear Foundation.

(2) and (3) N/A.

(4) The Foundation wrote to me requesting funding. In line with departmental processes, an officer from Field Operations Section of the Sydney office of ATSIS made contact with the Foundation to seek information so that a response to the Foundation’s request could be prepared for my consideration. However, there was no investigation.

(5) and (6) N/A.

(7) No.

(8) to (12) N/A.

Defence: Lieutenant Colonel Lance Collins
(Question No. 3056)

Senator Brown asked the Minister for Defence, upon notice, on 5 July 2004:

With reference to investigations instigated in relation to the Lance Collins affair:

(1) (a) How many investigations have been instigated; (b) by whom; and (c) on whose instructions or authority.

(2) What is the legal and constitutional authority for these investigations.

(3) Which agencies are involved in the investigations.
(4) Have any Defence personnel been interrogated without being: (a) informed of their rights; (b) shown any authorising document; or (c) allowed any witnesses or legal representation to be present during these investigations.

Senator Hill—The answer to the honourable senator’s question is as follows:

(1) (a) There have been one investigation and five related inquiries. Lieutenant Colonel Lance Collins lodged an Application for Redress of Grievance concerning personnel issues affecting him, which led to an investigation by Captain Martin Toohey RANR into that application. Captain Toohey’s Report (‘the Toohey Report’) was commented upon by Colonel Brown and reviewed by Colonel Tracey QC, although these were not investigations. Colonel Tracey advised that the Toohey Report should be regarded as ultra vires (beyond legal power) and a nullity.

The first related inquiry was by the Inspector of Intelligence and Security (IGIS) into the matters raised by Lieutenant Colonel Collins in a letter to the Minister of 6 December 2000.

Mr Blick PSM (then the IGIS) found that there were two issues into which he should not inquire. One of these was a security issue which was referred to ASIO, which advised in April 2001 that the allegations had been investigated and were without foundation. The second related to the joint Department of Foreign Affairs and Trade/Defence security inquiry into Mr Mervyn Jenkins, the conduct of which had been previously inquired into by Mr Tony Blunn AO on behalf of the IGIS. That inquiry had been finalised in October 2000.

Mr Blick inquired into the remaining three issues and reported in May 2003.

The Chief of the Defence Force referred information relating to the Collins Redress of Grievance to the current IGIS (Mr Ian Carnell) for consideration.

The fourth related inquiry concerns the leaking of the Toohey Report. This inquiry is being carried out by the Security Investigation Unit of the Defence Security Authority (DSA) of the Department of Defence.

The Inquiry into Australian Intelligence Agencies by Mr Philip Flood AO also examined a number of the matters raised by Lieutenant Colonel Collins and found nothing to substantiate them.

(b) Captain Toohey was appointed as an Investigating Officer under the Defence (Inquiry) Regulations 1985 by Lieutenant Colonel B Carey, Commanding Officer, Headquarters Training Command-Army.

The IGIS inquiries were commissioned by the relevant Minister for Defence at the time.

The matter referred to ASIO was referred by the Chairman of the Defence Intelligence Board.

The DSA inquiry was instigated by Deputy Secretary Intelligence and Security.

The Flood inquiry was instigated by the Prime Minister.

(c) The Commanding Officer is required by Defence Force Regulations 1952 Reg 77 to investigate a complaint (Redress of Grievance). There was a statutory obligation on Lieutenant Colonel Carey to initiate an investigation when he received the Application for Redress of Grievance from Lieutenant Colonel Collins.

The IGIS inquiries were commissioned by the relevant Minister for Defence at the time.

The Chairman of the Defence Intelligence Board referred the subject matter of the ASIO Inquiry to ASIO.

The DSA inquiry was instigated by Deputy Secretary Intelligence and Security on his own authority.

The Flood inquiry was instigated by the Prime Minister.

(2) The Commanding Officer’s legal authority to appoint an investigating officer is conferred by the Defence (Inquiry) Regulations 1985 Reg 70A. The constitutional authority for the investigation...
under the Defence (Inquiry) Regulations 1985 is the defence power under section 51(vi) of the Constitution.

The legal authority for the IGIS inquiries is the Inspector-General of Intelligence and Security Act 1986. The legal authority for the ASIO inquiry is the Australian Security Intelligence Organisation Act 1979. The constitutional authority for the inquiries under the Inspector-General of Intelligence and Security Act 1986 and the Australian Security Intelligence Organisation Act 1979 is the defence power under section 51(vi) of the Constitution, the incidental power under section 51(xxix) of the Constitution and the executive power under section 61 of the Constitution.

The legal authority for the DSA inquiry is Defence Instruction (General) ADMIN 45-2 Reporting and Investigation of Alleged Offences within the Australian Defence Organisation. The constitutional authority for the DSA inquiry is the defence power under section 51(vi) of the Constitution and the executive power of the Commonwealth under section 61 of the Constitution.

The legal and constitutional authority for the inquiry by Mr Flood is the executive power of the Commonwealth under section 61 of the Constitution.

(3) The Toohey investigation was instigated by Headquarters Training Command-Army. The investigation was conducted by a Reserve Naval officer, Captain Martin Toohey. No other agency was involved in the inquiry.

IGIS inquiries are done by the IGIS. No other agency was or is involved in the inquiries.

The DSA inquiry is being carried out by the Security Investigation Unit of the DSA of the Department of Defence. No other agency is involved in the inquiry.

(4) (a) Witnesses are not interrogated in inquiries under the Defence (Inquiries) Regulations 1985. They are interviewed, or they may provide a statement. The procedure is regulated by Australian Defence Force Publication 06.1.4 Administrative Inquiries Manual, which provides that all witnesses are to be given a copy of a document outlining their rights and obligations. It is the obligation of the Investigating Officer to ensure that witnesses understand their rights and obligations before commencing an interview. Captain Toohey gave a copy of this document to each witness and complied with these requirements.

IGIS inquiries are conducted in accordance with Divisions 3 and 4 of Part II of the Inspector-General of Intelligence and Security Act 1986.

The DSA inquiry is being carried out in accordance with the Commonwealth Protective Security Manual and the Australian Government Investigation Standards. All investigations undertaken by the Security Investigation Unit comply with best investigative practice.

(b) Captain Toohey showed his Instrument of Appointment and his Terms of Reference to each witness, but there is no legal or policy requirement for an Investigating Officer to do so.

IGIS inquiries are conducted in accordance with Divisions 3 and 4 of Part II of the Inspector-General of Intelligence and Security Act 1986.

DSA Investigators are authorised by virtue of Defence Instruction (General) ADMIN 45-2 Reporting and Investigation of Alleged Offences within the Australian Defence Organisation. When obtaining statements, persons are told of the basis of the inquiry but are not shown any Instrument of Appointment authorising the investigation. Persons are only cautioned if there is a prospect of their being criminally charged.

(c) Witnesses in a Defence (Inquiries) Regulations investigation may seek legal advice. The issue of legal representation is a matter for the Investigating Officer. No witness before Captain Toohey asked for permission to be legally represented. The Investigating Officer may also allow a supporting person to be present during the interview, particularly when the witness is clearly distressed.
IGIS inquiries are conducted in accordance with Divisions 3 and 4 of Part II of the Inspector-General of Intelligence and Security Act 1986.

Witnesses in the DSA inquiry are allowed to have legal representation present if they request it.

**Environment: Tiwi Islands**

*(Question Nos 3059 and 3060)*

**Senator Brown** asked the Minister for the Environment and Heritage, upon notice, on 5 July 2004:

With reference to forest clearing and plantation establishment in the Tiwi Islands:

(1) Did the Commonwealth approve the existing forest clearing and Acacia mangium plantation establishment project conducted by Sylvatech on the Tiwi Islands?

(2) (a) What area of forest was approved for clearing; and (b) what area of plantation was approved for establishment.

(3) Is the Minister aware of recent advertisements placed by Sylvatech in national newspapers for ‘aggressive expansion plans’ for the Tiwi operation, involving ‘up to 100,000 hectares’ of forest clearing and plantation establishment.

(4) What Commonwealth involvement will there be in relation to any expansion of the forest clearing and plantation establishment operation beyond that already approved.

(5) What impact is the proposed expansion of this project likely to have on identified endangered species and other ecological values of the forests of the Tiwi Islands.

(6) (a) Has the Commonwealth provided any funding for this project; if so, how much; and (b) has the Commonwealth been asked for further funding in relation to the expansion of this project; if so: (i) by whom, (ii) when, (iii) how much was sought, and (iv) for what purposes.

(7) Is the operation eligible for tax subsidies under the 13 month prepayment rule.

**Senator Ian Campbell**— The answer to the honourable senator’s question is as follows:

(1) Yes.

(2) (a) Up to 26,000 hectares; (b) up to 26,000 hectares.

(3) No.

(4) A proposal that is likely to have a significant impact on a matter of National Environmental Significance will require the approval of the Minister for the Environment and Heritage.

(5) Assessment of the expansion of the project would be required to determine the likely impacts on listed threatened species and other matters of National Environmental Significance.

(6) (a) $113,600 was provided in 2000-01, and $18,500 in 2001-02 to the Tiwi Land Council to identify the natural conservation values of the island, minimise conflict between areas of high conservation value and sites selected for plantations, establish management guidelines for areas of high conservation value and to establish a monitoring program for the plantation industry; and (b) No.

(7) No.

**Environment: Threatened Ecological Communities**

*(Question No. 3069)*

**Senator Allison** asked the Minister for the Environment and Heritage, upon notice, on 14 July 2004:

With reference to the answer to question on notice no. 2594 (Senate Hansard, 13 May 2004, p. 23354):
(1) Has the Minister agreed to reassess any of the ecological communities listed in part (2) of the answer because the advice of the Threatened Species Scientific Committee (TSSC) concerning their rejection of the nominated ecological communities does not properly address the criteria set out under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

(2) Given that the Minister has agreed to reconsider the rejection of the Coolabah (Eucalyptus coolabah)/Black Box (Eucalyptus largiflorens) woodlands of the northern New South Wales wheatbelt and Queensland Brigalow Belt Bioregion: (a) is the Minister aware that the legislative timeframe set out under the EPBC Act for a decision on this public nomination has now expired; (b) when will the Minister’s new recommendation on the listing of this community be forthcoming; and (c) which other ecological communities has the Minister referred back to the TSSC for re-assessment in the light of the potential invalidity of existing TSSC advice.

(3) Is the Minister aware that the New South Wales Government has listed the Coolabah/Black Box community as an endangered ecological community under the Threatened Species Conservation Act 1995.

(4) What estimated area of the Coolabah/Black Box community has been cleared in New South Wales and Queensland since the community was first nominated for listing under the EPBC Act.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

(1) No.

(2) (a) There is no statutory timeframe.

(b) It is not possible at this time to determine a date.

(c) None.

(3) Yes.

(4) There are no nationally published statistics.

Solomon Islands: Dolphins

(Question No. 3078)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 15 July 2004:

(1) What steps has the Minister taken to ascertain the welfare of 28 dolphins held in captivity off Gavutu Island in the Solomon Islands.

(2) (a) Did a former naval attaché officer to the Australian High Commissioner in Honiara transport dolphins from Fanalei to the Gavutu Island seapen for the benefit of dolphin traders; and (b) is it correct that a number of these dolphins died in transit and that more died subsequently in the seapen.

(3) Has the former naval attaché officer applied for an export licence for dolphins from the Solomon Islands Government.

(4) Is the former naval attaché officer in breach of the Environment Protection and Biodiversity Conservation Act 1999; if so, what steps are being taken to charge the formal naval attaché officer.

(5) Is it correct that Regional Assistance Mission to the Solomon Islands police officers have, on a number of occasions, gone to Gavutu Island to swim with these dolphins.

(6) Is it correct that: (a) 74 dolphins were recently captured and held in a seapen off the industrial estate in Honiara; and (b) 64 of these dolphins have been exported.

(7) What steps has the Government taken to investigate the recent captures.
(8) To which country or countries have these 64 dolphins been exported.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

(1) The Australian Government has been closely monitoring the situation and was advised in September 2003 by a team of experts from the World Conservation Union/Species Survival Commission (IUCN/SSC) Cetacean and Veterinary Specialist Group that the captive dolphins were being held in adequate conditions and appeared healthy.

Updated information is currently being sought through the appropriate authorities.

(2) (a) This allegation is currently under investigation.

(b) This allegation is currently under investigation.

(3) See (2) above.

(4) See (2) above.

(5) I am not aware of this.

(6) I am not aware of this.

(7) See (6) above

(8) See (6) above.

Royal Commission of Inquiry into the Centenary House Lease

(Question No. 3093)

Senator Faulkner asked the Minister representing the Attorney-General, upon notice, on 23 July 2004:

(1) What are the total budgeted costs for the Royal Commission of Inquiry into the Centenary House Lease.

(2) What are the total budgeted costs, including any fees and disbursements and travel, accommodation and other expenses, for: (a) the Royal Commissioner; (b) the senior counsel assisting the inquiry; (c) the junior counsel assisting the inquiry; (d) solicitors to the inquiry; and (e) staff of the inquiry.

(3) What is the equivalent annual remuneration, including salary and superannuation, payable to the Royal Commissioner.

(4) What are the relevant hourly and/or daily professional fees payable to: (a) the senior counsel assisting the inquiry; and (b) the junior counsel assisting the inquiry.

(5) What are the total budgeted costs for: (a) advertisements placed by the inquiry; (b) office accommodation; (c) information technology; (d) media liaison services; (e) printing; and (f) other services required by the inquiry.

Senator Ellison—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) The total budgeted costs for the Inquiry into the Centenary House Lease comprises $100,000 for Attorney-General’s Department staff, $884,000 for assistance for persons assisting the Inquiry. The remaining administered costs are outlined below.

(2) (a) Royal Commissioner—$160,000

(b) and (c) Senior and Junior Counsel assisting the inquiry—$473,000

(d) Solicitors to the inquiry—$412,000

(e) Staff of the inquiry—$431,000

(3) Royal Commissioner is paid $1,500 per day.
(4) Successive governments have adopted the policy of not disclosing daily rates payable to counsel.

(5) Total budgeted cost for:
   (a) advertisements placed by the inquiry—see 5(f)  
   (b) office accommodation—$314,000  
   (c) information technology—$649,000  
   (d) media liaison services—$25,000  
   (e) printing—$130,000  
   (f) other services required by the inquiry including advertisements to be placed by the inquiry—$260,000

**Members of Parliament Staff: Entitlements**  
(Question No. 3094)

**Senator Faulkner** asked the Special Minister of State, upon notice, on 23 July 2004:

With reference to the matter of Andrew Dempster versus the Commonwealth of Australia (Matter number 73346/03, Chief Industrial Magistrates Court of NSW):

1. What was the total amount that the department was ordered to pay to the applicant.
2. What was the total amount of legal expenses incurred by the department in connection with the matter.
3. Did the department incur additional legal expenses in connection with its review of its policies and procedures with respect to determining the termination entitlements of staff employed under the Members of Parliament (Staff) Act 1984 (MOPS Act), including responding to issues raised by the Australian National Audit Office and considering amendments to the Members and Senators Handbook; if so, what was the total cost of these additional legal expenses.
4. (a) How many MOPS Act staff have been terminated, other than through resignation since, 3 October 1998; and (b) of these staff, how many had been employed for more than 12 months at the time of their termination.
5. Since 3 October 1998, how many MOPS Act staff have been paid less than their full termination entitlements as a result of the manner in which the department has administered its obligations under the Workplace Relations Act 1996 and the Long Service Leave (Commonwealth Employees) Act 1976.
6. (a) What steps has the department taken to ensure that previously terminated MOPS Act staff who received less than their full termination entitlements are now paid their full entitlements; and (b) what will be the total cost to the Commonwealth of paying these entitlements.
7. What steps has the department taken to ensure that MOPS Act staff who are terminated in future are paid their full termination entitlements.
8. How many MOPS Act staff who have been terminated since 2 March 1996 have lost their right to recover unpaid termination entitlements by virtue of the operation of statute of limitation provisions.

**Senator Abetz**—The answer to the honourable senator’s question is as follows:

1. $6,562.50 in outstanding entitlements plus interest of $559.88 on this amount from 4 August 2003 to 14 July 2004, totalling $7,122.38.
2. $20,168.93.
3. $23,997.55.
(4) (a) The number of MOP(S) Act staff who have been terminated since 3 October 1998 is 848.

(b) This information is not available from the Department’s Human Resource Information Management System and will only be available once the 848 personnel records have been considered on an individual basis.

(5) Not known at this stage.

(6) (a) The Department has established a dedicated taskforce to assess and process any entitlements that former MOP(S) employees may have to payment in lieu of notice and/or pro rata long service leave. The taskforce will be responsible for writing to both former MOP(S) Act employees and those Senators or Members who employed them to ascertain the facts surrounding termination of the MOP(S) Act employment. It will also calculate any payments in lieu of notice and/or pro rata long service leave and process those payments. It is anticipated that this process may take up to six months.

(b) Not known at this stage.

(7) The Department has complied with its legal advice at all times. When the more recent legal advice was received and independently confirmed on 22 October 2003 in relation to notice and 10 March 2004 in relation to long service leave, the Department took immediate steps to implement changes to its administrative practices to ensure compliance with the new advice. These steps have included informing Senators and Members of their employer responsibilities in relation to the provision of notice in advance of the termination of employment through amendments to the Senators and Members Entitlements handbook, the inclusion of a specific reference to the minimum notice period requirements of section 170CM of the Workplace Relations Act 1996 in the employment agreements signed by all MOP(S) Act employees, and appropriate changes to the department’s internal administrative practices to ensure the appropriate payments in lieu of notice and/or pro rata long service leave are made at the time of employment termination.

(8) Based on statute of limitation considerations, those staff terminated prior to 1 July 1998 would not normally have their entitlements reviewed. However, the Government is prepared to review the termination entitlements of any former MOP(S) Act employees since 2 March 1996, or before, on a case by case basis.

Environment: Mandatory Renewable Energy Targets

(Question No. 3096)

Senator Allison asked the Minister for the Environment and Heritage, upon notice, on 26 July 2004:

(1) What is the basis of the former Minister’s claim that lifting mandatory renewable energy targets to 5 per cent would cost $11.5 billion in lost economic growth.

(2) Can the data and assumptions supporting this claim be provided.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

(1) The economic modelling undertaken to inform the Tambling Review of the operation of the Renewable Energy (Electricity) Act 2000, which enacts the Mandatory Renewable Energy Target (MRET), demonstrates the significant economic costs of the measure, particularly for higher targets. This modelling indicates that a target of 20,000 gigawatt hours by 2020, as recommended by the Tambling Review, would impose a cumulative net present value (NPV) cost of $5.1 billion in foregone economic growth over the period to 2020.

Compared to the Tambling recommendation, a target of 5 percent by 2010 would require liable parties to source 50 to 70 per cent more Renewable Energy Certificates (RECs) by 2020. In addition, the more rapid increase in the target in the period through to 2010 would require that more expensive renewable generators be installed, resulting in higher average REC prices.
Given the lack of precision in regard to the specifications of alternative targets, the extrapolation from available modelling to assess the economic impacts of imprecisely defined alternatives can only provide an estimate of the costs associated with such targets. A figure of $11.5 billion is a reasonable estimate of costs within this range of uncertainty.

(2) Data and assumptions supporting the claim are outlined above.

**Defence: Exercises**

(Question No. 3097)

_Senator Allison_ asked the Minister for Defence, upon notice, on 28 July 2004:

With reference to the use of live munitions in military exercises and the effects this may have on the marine environment:

(1) Does the Minister consult with the Minister for the Environment and Heritage on plans for military activities and strategic exercises where live munitions are to be used in the Australian marine environment.

(2) What assessment has been made of the effects of explosive ordnance on marine wildlife.

(3) Can details be provided of the safety margins required (that is, distance in relation to size of explosives) for marine mammals, turtles, fish and seabed ecosystems including coral reefs and seagrass beds.

(4) Will military exercises using explosive ordnance be conducted within the range that is unsafe for marine mammals, turtles, fish and seabed ecosystems: (a) in areas of the Australian marine environment recognised for natural heritage values on the Commonwealth Heritage List; and (b) all other areas of the Australian marine environment.

(5) To what degree do Australia’s domestic laws, especially those intended to protect the environment, extend to foreign nationals who participate in military exercises and operations within Australian territories.

_Senator Hill_—The answer to the honourable senator’s question is as follows:

(1) In accordance with the Environment Protection and Biodiversity Conservation Act 1999, Defence consults with the Minister for the Environment and Heritage on any activities that have the potential to have a significant impact on the environment.

(2) Defence has developed an environmental management plan for maritime exercise areas, which includes an environmental impact assessment of all Defence activities in the marine environment.

(3) Safety margins vary depending upon the activity and equipment being employed and the sensitivity of the resident species. Any risks to important environmental values, plants or animals have been considered in risk assessments undertaken during the development of the Maritime Exercise Area Environmental Management Plan.

(4) (a) and (b) No. There are no circumstances, except incidentally when engaged in armed conflict, where the Australian Defence Force would deliberately detonate explosive ordnance in a way that intentionally caused harm to marine animals or caused a significant adverse impact on the environment.

(5) Australian domestic law applies to all military exercises within Australian territory including the territorial sea. Accordingly, foreign nationals who participate in such activities must do so in accordance with Australian domestic law.
Environment: Military Exercises
(Question No. 3098)

Senator Allison asked the Minister for the Environment and Heritage, upon notice, on 28 July 2004:

With reference to the use of live munitions in military exercises and the effects this may have on the marine environment:

(1) Did, or will, the Minister consult with the Minister for Defence during planning processes for military exercises, particularly those using live munitions within the Australian marine environment; if so, can details be provided.

(2) What are the safety margins required in those military exercises (that is, distance in relation to size of explosives) for marine mammals, turtles, fish and seabed ecosystems including coral reefs and seagrass beds.

(3) Will military exercises using explosive ordnance be permitted to take place within the range that is unsafe for marine mammals, turtles, fish and seabed ecosystems: (a) in areas of the Australian marine environment recognised for natural heritage values on the Commonwealth Heritage List; and (b) all other areas of the Australian marine environment.

(4) To what extent do Australia’s domestic laws, especially those intended to protect the environment, extend to foreign nationals who participate in military exercises and operations within Australian territories.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

(1) Yes. Details of military exercises that have been referred by the Department of Defence for consideration under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) are notified on my Department’s internet site at (www.deh.gov.au/epbc/publicnotices/index.html).

(2) Approval conditions are determined on a case by case basis.

(3) See 2 above.

(4) Foreign nationals who participate in military exercises and operations within Australian Territories are subject to the full extent of Australian Law except where they are exempted pursuant to that law. There is no such exemption in relation to the EPBC Act.

Foreign Affairs: Haiti
(Question No. 3105)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 30 July 2004:

(1) Does the Government recognise as president of Haiti the self-appointed Mr Boniface Alexandre or the democratically-elected Dr Jean-Bertrand Arastide.

(2) What has the Government done to ensure democracy is upheld in Haiti.

(3) How many people were murdered in Haiti in 2004.

(4) What efforts has the Government made, directly or through the United Nations, to reduce the death toll in Haiti that has followed the violent revolution which took place in 2004.

Senator Hill—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

(1) Australia recognises the interim president of Haiti, Mr Boniface Alexandre.
QUESTIONS ON NOTICE

Foreign Affairs: Indonesia

(Question No. 3107)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 30 July 2004:

(1) What knowledge does the Government have or has the Government sought about Indonesian journalists Mr Ersa Siregar and Mr Fery Santoro, who were presumed to have been kidnapped by the armed wing of the Free Aceh Movement in 2003.

(2) What action is the Government taking to aid their rescue.

Senator Hill—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

(1) The Government is aware that Mr Ersa Siregar and Mr Fery Santoro were reportedly kidnapped by the Free Aceh Movement (GAM) on 29 June 2003. The Government is also aware from media reports that Mr Siregar was killed on 29 December 2003 during a clash between GAM and Indonesian military forces. The Government understands that Mr Santoro is still being held captive by GAM. The Australian Embassy in Jakarta regularly monitors the situation in Aceh.

(2) The Australian Government believes that a negotiated outcome to the conflict in Aceh is the best way to meet the aspirations of the Acehnese within a united Republic of Indonesia. The Government has called on all sides to respect human rights, including the release of any hostages.

Immigration: Detainees

(Question No. 3108)

Senator Brown asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 30 July 2004:

With reference to the 27 North Koreans who were detained at the Baxter Detention Centre after having been discharged following a committal hearing in March 2004 on the charge of attempting to import heroin into Australia:

(1) Are those persons still held at the Baxter Detention Centre.

(2) How long have they been held or were they held at the centre.

(3) Were they, or have they been, held in detention for longer than the usual time prior to deportation; if so, what was the reason for the extended detention.

(4) Whilst in detention, were or have they been kept in isolation from other detainees.

(5) Whilst in detention, were or have they been allowed visitors.

Senator Vanstone—The answer to the honourable senator’s question is as follows:

(1) No, the persons are no longer held at the Baxter Immigration Detention Facility (IDF).

(2) They were moved to immigration detention at Baxter IDF on 5 March 2004. Twenty-six of the group were removed from Australia on 24 June 2004. The remaining member of the group has been charged by the Australian Federal Police (AFP) and remains in criminal remand custody.
(3) Unlawful non-citizens are removed from Australia as soon as reasonably practicable. In this case, ongoing action by the AFP until June 2004, supported by a Federal Court order, prevented removal of the group.

(4) During their detention, the group was accommodated in a general compound separate from other detainees, at the request of the group.

(5) Yes. During their detention, the group had visits from their consular representative and from representatives of their shipping company in Korea. Telephone calls in and out were not restricted during their stay.

Environment: Flinders Island
(Question No. 3109)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 30 July 2004:

With reference to Telstra’s work in the Patriarchs mountain range on Flinders Island during 2003:

(1) What assessment has been made of how this work affected: (a) the Tasmanian wedge-tailed eagle; and (b) the 40 spotted pardalotes.

(2) Was cinnamon fungus (root rot) introduced or spread as a result of Telstra’s work; if so, what potential impact on the environment will this have.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

(1) On the information available to my Department the activities by Telstra at Middle Patriarch did not result in a significant impact on the Tasmanian wedge-tailed eagle or the 40 spotted pardalotes.

(2) I am not aware of any information which indicates the installation caused the spread of cinnamon fungus in the area.

Environment: Toxic Industrial Waste
(Question No. 3110)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 30 July 2004:

With reference to the proposal by the Victorian Government to develop a site for the storage of toxic industrial waste at Nowingi in the Victorian Mallee:

(1) Has the environmental impact study of the development been examined by the department; if so, has a report of the results of this examination been prepared.

(2) If a report has been prepared, does this report indicate whether there is any significant risk of toxic waste leaching from the waste dump into the nearby Murray River.

(3) If the department has not yet reached a conclusion as to whether there is a significant risk of pollution of the Murray River by toxic chemicals leaking from the site, does it intend to do so.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

(1) The Victorian Government referred the proposal under the Environment Protection and Biodiversity Conservation Act 1999 on 20 July 2004. My Department determined that the proposal is a controlled action on 18 August 2004. The proposal will need to go through a comprehensive public assessment process before it can be considered for approval.

(2) See above.

(3) See above.
Environment: Australian Greenhouse Office
(Question No. 3111)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 30 July 2004:
With reference to the answer to question on notice no. 3019: Given that the Minister did not provide a defined figure in the answer, for each of the past 5 years, how many tonnes of: (a) carbon dioxide; and (b) other greenhouse gases (itemised), have been released as a result of logging Tasmanian forests.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:
The Australian Greenhouse Office (AGO) has not produced an estimate of commercial harvest emissions in Tasmania for the last 5 years. The AGO produces estimates of commercial harvest emissions on a regular basis at the national level only. These are derived from a range of statistical sources, including some Australian Bureau of Agricultural and Resource Economics (ABARE) statistics that are only published at the national level. The AGO emissions estimates are published annually in the National Greenhouse Gas Inventory (NGGI).
The production of state harvest emissions estimates for state inventories requires additional analysis and disaggregation that is not undertaken to produce the NGGI estimates. Therefore the numbers requested are not available as yet.
The AGO will be working with the States and Territories to develop 2002 state inventories for future publication, which will include disaggregated national statistics relevant to commercial harvest emissions.

Anangu Pitjatjantjara Yankunytjatjara Lands
(Question No. 3112)

Senator O’Brien asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 30 July 2004:
With reference to the evidence given during the 2004-05 Budget estimates hearings of the Legal and Constitutional Affairs Legislation committee on 27 May 2004 (Hansard p. 73) about the Anangu Pitjatjantjara Yankunytjatjara (APY) lands:

1. (a) What funding has the Commonwealth provided to the APY Lands for power and water maintenance in each of the financial years 2000-01, 2001-02, 2002-03, 2003-04, 2004-05 to date; and (b) for each year, can details of this funding be provided, including allocation, actual expenditure, funding program, funding agency, and funding recipient.

2. (a) When in 2003-04 financial year did the Commonwealth withhold funds for maintenance; (b) who authorised that decision; (c) what funds were withheld; and (d) why was the decision made.

3. (a) When was the meeting at which an agreement was brokered allowing for the funds to be released; (b) who was present at the meeting; and (c) can a record of the meeting be provided; if not, why not.

4. (a) When did additional disputation arise; (b) what was the nature of the dispute; and (c) who authorised the further decision to withhold funds.

5. When was a regular contractor contracted to complete the work in the 2003-04 financial year; (b) who authorised this contract; (c) on the basis of what previous work for the Commonwealth was the contractor classified as ‘regular’ and (d) what was the value of this contract.
(6) (a) When was planning for work in the 2003-04 financial year undertaken; (b) was the planned work, said to be ‘well underway’ in May 2004, completed; if not, what work remained outstanding as at 30 June 2004; and (c) has this work been completed.

Senator Vanstone—The answer to the honourable senator’s question is as follows:

(1) The only funding provided by the Australian Government for power and water maintenance is for homelands (refer table below). Under a bi-lateral agreement between the Australian Government and SA Government, the State through the SA Department of Aboriginal Affairs and Reconciliation (DAARE) has responsibility for water and power maintenance on major communities and the Australian Government funds the capital component. DAARE also provide some funding for repairs and maintenance to homelands power and water.
Commonwealth Funding provided to APY Lands for Power & Water

<table>
<thead>
<tr>
<th>Funding Recipient</th>
<th>Funding Agency</th>
<th>Funding Program</th>
<th>2000-01 Allocation</th>
<th>Expenditure</th>
<th>2001-02 Allocation</th>
<th>Expenditure</th>
<th>2002-03 Allocation</th>
<th>Expenditure</th>
<th>2003-04 Allocation</th>
<th>Expenditure</th>
<th>2004-05 Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pitjantjatjara Council</td>
<td>ATSIC</td>
<td>Community Infrastructure</td>
<td>$30,960</td>
<td>$30,960</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Anangu Pitjantjatjara</td>
<td>ATSIC</td>
<td>Community Infrastructure</td>
<td></td>
<td>$77,730</td>
<td></td>
<td>$77,730</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>AP Services</td>
<td>ATSIS</td>
<td>Community Infrastructure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$80,000</td>
<td></td>
<td>$80,000</td>
<td></td>
</tr>
<tr>
<td>AP Services</td>
<td>FACS</td>
<td>Community Infrastructure</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Not decided</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
(2)  
(a) No funding was withheld for maintenance, but funding was withheld for capital.
(b) The ATSIS Regional Manager in Port Augusta.
(c) Capital funding of $700,000 was released on 11 May 2004.
(d) Because AP refused to allow a regional energy audit to be undertaken. The Regional Council decided to undertake the audit as part of their planning processes.

(3)  
(a) 23 November 2003.
(b) ATSIC: Commissioner Wanganeen, Chairperson Alwyn McKenzie, AP Regional Councillors Leonard Burton, Frank Young, Donald Fraser and Bernard Singer.
ATSIC: CEO Mr Wayne Gibbons, Rodney Gibbins, State Manager (SA), Maralyn Leverington, Regional Manager, Port Augusta and Fiona Buzzacott (COAG trial).
COAG: Secretary Health and Ageing, Jane Halton.
AP Executive: Gary Lewis, Warren Tunkin, Glen Raymond, Peter Munkuri, David Miller.
AP Staff: John Buckskin, Rex Tjami, Julie White, Bebe Ramzan, Dave Bajali.
(c) Yes, subject to the agreement of all attendees.

(4)  
(a) No additional disputation has arisen.
(b) Not applicable.
(c) Not applicable.

(5)  
(a) AP Services was offered the remaining 2003-04 essential services funding of $700,000 on 20 April 2004 under the same conditions as the National Aboriginal Health Strategy (NAHS) funding was offered to them. AP Services is undertaking the majority of the work for power and SA Water and other contractors are undertaking the water projects. All of these projects involve Parsons Brinkerhoff overseeing the work.
(b) The delegate in the Adelaide ATSIS office.
(c) Parsons Brinkerhoff have been program managers for National Aboriginal Health Strategy funding in the region since 1996 and have a proven track record. It is important to note that Parsons Brinkerhoff is the program manager, not the contractor, for delivery of the essential services on the AP Lands.
(d) The value of the contract with Parsons Brinkerhoff was $60,900.

(6)  
(a) Planning of essential services was initially developed in the 2003-04 AP submission process in early 2003. Further planning was completed on 30 April 2004.
(b) No. On the 9 June 2004, AP Services and Parsons Brinkerhoff requested an extension for the completion of the work. Work progress had been hindered by considerable rain and the unavailability of sub-contractors to undertake the work. The agreed extension date for completion was 31 October 2004.
(c) No. Completion date is now 31 October 2004.

Foreign Affairs: Sudan
(Question No. 3117)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 2 August:

With reference to the crisis in Darfur, Sudan: After the initial contact with the Sudanese Government on this matter, what further representations have been made and when.
**Senator Hill**—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

The Government has made the following representations on the crisis in Darfur:

- On 3 February 2003 the Minister for Foreign Affairs first expressed Australia’s concerns about the deteriorating situation in Darfur to the Sudanese Ambassador.
- On 14 June 2004 Australia, Canada and New Zealand urged the UN Security Council to take immediate action to end the war crimes and crimes against humanity being committed in Darfur.
- On 21 June 2004 the Minister for Foreign Affairs wrote to the Sudanese Foreign Minister expressing Australia’s deep concern over the crisis in Darfur and urging the Sudanese Government to end the widespread abuses of human rights, restore peace and ensure the distribution of international aid to the victims of the conflict.
- On 27-30 July 2004 Australia, with Canada, the Netherlands and New Zealand, made representations to UN Security Council members urging them to support a strongly-worded resolution on the situation in Darfur. On 30 July the Security Council adopted Resolution 1556.
- During August 2004 the Government made representations to regional organisations and countries with influence in Sudan and the region, urging them to pressure Sudan into complying with UN Security Council Resolution 1556.
- Since July 2004 the Government has been consulting regularly with likeminded countries to find ways to ease the crisis in Darfur.

**Workplace Relations: Company Injunctions**

(Question No. 3120)

Senator Murray asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 4 August 2004:

(1) Since the promulgation of the Workplace Relations Act 1996, have any company injunctions been taken out under that Act or the Trade Practices Act 1974 against protests and boycott actions by consumers, environmentalists or human rights activist, whether individuals, groups or body corporates: if so, can details be provided.

(2) Have any complaints been received since the promulgation of the Workplace Relations Act 1996 and the new sections 45D, 45DA and 45DB of the Trade Practices Act 1974 contending that the new legislation has stifled environmental, human rights, spiritual, cultural or consumer protest in any way; if so, can details be provided.

**Senator Abetz**—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(1) The Department of Employment and Workplace Relations does not collect data on company injunctions taken out under the Workplace Relations Act 1996 or the Trade Practices Act 1974.

(2) No complaints on these matters have been received by the Department of Employment and Workplace Relations.

**Defence: Property**

(Question No. 3121)

Senator Chris Evans asked the Minister for Defence, upon notice, on 3 August 2004:

Can a list be provided of all Defence property sold during the 2003-04 financial year, indicating: (a) the date of sale; (b) the property name and/or address; (c) the type of property (vacant buildings etc); (d) the
size of the property; (e) the type of sale (auction, request for proposal, advertised price); (f) the sale price; and (g) the details of the buyer.

Senator Hill—The answer to the honourable senator’s question is as follows:
A spreadsheet providing details of 2003-04 sales is attached. In addition, Defence received in June 2004 a final payment for the sale, in November 2002, of Building 72 in Wests Road, Maribyrnong, Melbourne of $1.294 million.
<table>
<thead>
<tr>
<th>Settlement Date</th>
<th>Location</th>
<th>Address</th>
<th>State</th>
<th>Post Code</th>
<th>Description</th>
<th>Area (ha)</th>
<th>Sale Price (incl GST) $m</th>
<th>Purchaser</th>
<th>Type of Sale</th>
</tr>
</thead>
<tbody>
<tr>
<td>31 July 2003</td>
<td>Darwin</td>
<td>84 Coonawarra Road, Winnellie</td>
<td>NT</td>
<td>0820</td>
<td>Storage Depot</td>
<td>2.7</td>
<td>3.685</td>
<td>Cydor Pty Ltd</td>
<td>Tender</td>
</tr>
<tr>
<td>22 August 2003</td>
<td>Sydney</td>
<td>Chisolm Road, Regents Park</td>
<td>NSW</td>
<td>2143</td>
<td>Storage Depot (part)</td>
<td>0.7</td>
<td>0.880</td>
<td>RP1 Pty Ltd</td>
<td>Tender</td>
</tr>
<tr>
<td>19 December 2003</td>
<td>Townsville</td>
<td>Lot 568, Dalrymple Road</td>
<td>QLD</td>
<td>4810</td>
<td>Vacant land</td>
<td>19.9</td>
<td>0.138</td>
<td>Queensland Building Supplies Pty Ltd</td>
<td>Private Treaty</td>
</tr>
<tr>
<td>22 December 2003</td>
<td>Melbourne</td>
<td>Afton Street, West Essendon</td>
<td>VIC</td>
<td>3040</td>
<td>Vacant land - part of former Explosives Factory Maribyrnong</td>
<td>17.0</td>
<td>0.990</td>
<td>City of Mooney Valley</td>
<td>Priority Sale</td>
</tr>
<tr>
<td>23 December 2003</td>
<td>Darwin</td>
<td>Lot 9736, Lee Point Road</td>
<td>NT</td>
<td>0810</td>
<td>Buffer land (vacant) at former Transmitting Station</td>
<td>89.0</td>
<td>8.000</td>
<td>Defence Housing Authority</td>
<td>Priority Sale</td>
</tr>
<tr>
<td>23 January 2004</td>
<td>Sydney</td>
<td>Macarthur Drive and Heathcote Road, Holsworthy</td>
<td>NSW</td>
<td>2173</td>
<td>Former Kokoda Oval, Holsworthy Barracks</td>
<td>1.9</td>
<td>5.550</td>
<td>Prestdell Pty Ltd</td>
<td>Tender</td>
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<tr>
<td>27 January 2004</td>
<td>Sydney</td>
<td>Chisolm Road, Auburn (Regents Park) Charles Street</td>
<td>NSW</td>
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<td>Storage Depot (part)</td>
<td>11.4</td>
<td>36.175</td>
<td>Mirvac Homes (NSW) Pty Ltd</td>
<td>Tender</td>
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<tr>
<td>25 February 2004</td>
<td>Korumburra</td>
<td>Charles Street</td>
<td>VIC</td>
<td>3950</td>
<td>Former Army Drill Hall</td>
<td>0.3</td>
<td>0.058</td>
<td>South Gippsland Shire Council</td>
<td>Priority Sale</td>
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<td>7 April 2004</td>
<td>Bogan Gate</td>
<td>Lots 2&amp;6 Bedgerebong Road</td>
<td>NSW</td>
<td>2876</td>
<td>Ammunition Storage Depot</td>
<td>330.8</td>
<td>0.610</td>
<td>Timber Creek Holdings Pty Ltd</td>
<td>Auction</td>
</tr>
<tr>
<td>Settlement Date</td>
<td>Location</td>
<td>Address</td>
<td>State</td>
<td>Post Code</td>
<td>Description</td>
<td>Area (ha)</td>
<td>Sale Price (incl GST) $m</td>
<td>Purchaser</td>
<td>Type of Sale</td>
</tr>
<tr>
<td>-----------------</td>
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<td>23 April 2004</td>
<td>Bogan Gate</td>
<td>Lot 1 Bedgerebong Road</td>
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<td>Ammunition Storage Depot</td>
<td>336.4</td>
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<td>WA &amp; MM Green</td>
<td>Auction</td>
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<td>30 April 2004</td>
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<td>Lots 3&amp;5 Bedgerebong Road</td>
<td>NSW</td>
<td>2876</td>
<td>Ammunition Storage Depot</td>
<td>363.6</td>
<td>0.120</td>
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<td>Auction</td>
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<td>23 June 2004</td>
<td>Darwin</td>
<td>Howard Springs Road</td>
<td>NT</td>
<td>835</td>
<td>Part sale ‘Kowandi North’ - Portions 1362/1366</td>
<td>18.2</td>
<td>0.150</td>
<td>Northern Territory Government</td>
<td>Priority Sale</td>
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<td>25 June 2004</td>
<td>Ermington</td>
<td>Spurway Street, Ermington</td>
<td>NSW</td>
<td>2115</td>
<td>Storage Depot (part)</td>
<td>3.9</td>
<td>16.050</td>
<td>Stockland Developments (Holdings No1) Pty Ltd</td>
<td>Tender</td>
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<tr>
<td>25 June 2004</td>
<td>Paddington</td>
<td>2 Oatley Road</td>
<td>NSW</td>
<td>2021</td>
<td>Ambulance Station (part)</td>
<td>0.0</td>
<td>1.694</td>
<td>New South Wales Health Amin Corp</td>
<td>Priority Sale</td>
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<td>28 June 2004</td>
<td>Broadmeadows</td>
<td>2 Camp Road</td>
<td>VIC</td>
<td>3047</td>
<td>Maygar Barracks (part)</td>
<td>21.1</td>
<td>5.775</td>
<td>Gibins Pty Ltd</td>
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<td>29 June 2004</td>
<td>Bendigo</td>
<td>Mollison Street</td>
<td>VIC</td>
<td>3550</td>
<td>Passchendal Barracks</td>
<td>0.3</td>
<td>0.908</td>
<td>Glenlaton Investments Pty Ltd</td>
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<td>30 June 2004</td>
<td>Wodonga</td>
<td>Bakers Lane</td>
<td>VIC</td>
<td>3689</td>
<td>Vacant Land at Bandiana</td>
<td>15.0</td>
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Defence: Property
(Question No. 3122)

Senator Chris Evans asked the Minister for Defence, upon notice, on 3 August 2004:
Can a breakdown be provided of all costs associated with the disposal of Defence properties during the 2003-04 financial year, including all marketing, advertising, tender evaluation, legal and other costs.

Senator Hill—The answer to the honourable senator’s question is as follows:

<table>
<thead>
<tr>
<th>Disposal expenses for 2003-04</th>
<th>$</th>
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<tbody>
<tr>
<td>Legal and professional services</td>
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<tr>
<td>Property studies</td>
<td>$5,959,770.37</td>
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<tr>
<td>Heritage</td>
<td>$2,043,927.70</td>
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<tr>
<td>Site management</td>
<td>$4,318,388.96</td>
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<td>Marketing</td>
<td>$717,649.90</td>
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<tr>
<td>Decontamination</td>
<td>$5,110,944.47</td>
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<tr>
<td>Total</td>
<td>$22,411,005.77</td>
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Defence: Bambi Kindergarten, Ingleburn
(Question No. 3125)

Senator Chris Evans asked the Minister for Defence, upon notice, on 3 August 2004:
With reference to the Bambi Kindergarten at Ingleburn in New South Wales:
(1) Is the kindergarten situated on Defence land.
(2) Does the Government propose to sell the land on which the kindergarten is situated.
(3) When is the sale expected to occur.
(4) What is the size of the site occupied by the kindergarten.
(5) What is the size of the entire package of land at Ingleburn that is to be sold.
(6) What is the current valuation of the Ingleburn land.
(7) When was the kindergarten established.
(8) What will happen to the kindergarten once the land is sold.
(9) What advice and/or options has Defence provided to the kindergarten about its future following the sale of the land.
(10) Is Defence aware of the kindergarten’s historical attachment to the site, including the establishment of a Korean War Memorial.
(11) Was this historical attachment taken into account by Defence when deciding the future of the site on which the kindergarten sits.
(12) Has Defence considered ‘gifting’ the kindergarten site to the kindergarten so that it can continue to operate; if not, why not.

Senator Hill—The answer to the honourable senator’s question is as follows:
(1) Yes. The kindergarten leases a small portion of the Defence land at Ingleburn under a concessional lease arrangement.
(2) The Defence land at Ingleburn was declared surplus to requirements in 1997 and vacated by Defence in December 2000. The Defence site is an integral part of the Edmondson Park Release Area which, as announced by the NSW Government on 25 September 2003, is to be rezoned to include
approximately 8,500 homes and a town centre. Defence, as a stakeholder, is working with both Liverpool and Campbelltown Councils towards the Edmondson Park rezoning, with planning documentation to be exhibited by both councils shortly.

(3) Disposal of the site is due to commence this financial year, but the timing for the disposal of portions of the site has not yet been finalised.

(4) Approximately 0.2 hectares.

(5) Approximately 311 hectares.

(6) Valuations for surplus Defence sites prior to the sale of the property are considered commercial-in-confidence and not made available to the public.

(7) Defence understands the kindergarten was established in 1952, but it was initially established in another location on the Ingleburn site.

(8) The kindergarten’s concessional lease is due to expire on 28 February 2005. However, the Parliamentary Secretary to the Minister for Defence has recently offered the kindergarten a further and final 12-month extension to its lease term. Should the kindergarten accept the lease extension offer, this will enable the kindergarten to remain in its current location until 28 February 2006, at which time the kindergarten will need to secure alternative accommodation.

(9) Defence has advised the kindergarten, on a number of occasions since 1997, of the intention to dispose of the site in accordance with the Commonwealth Property Disposals Policy. Defence has suggested the kindergarten contact the local councils and relevant state agencies regarding future pre-school and kindergarten services for Edmondson Park, noting Defence will not be involved in the future redevelopment of the area.

(10) and (11) Yes. A heritage analysis of the site, completed in 2001 by Godden Mackay Logan, identified the Bambi Kindergarten is one of the few features on the site that represents the Korean period. However, the analysis concluded that the significance rested in the use and activity rather than the buildings themselves, which need not be retained, and that future decisions about the Bambi Kindergarten as an activity and community facility would be subject to the commercial viability of the activity. The heritage analysis also concluded that the Korean War Memorial should be conserved in its present location or relocated in association with other memorials. Defence has offered to relocate and preserve the memorial within the Ingleburn Military Heritage Precinct, which houses a number of other memorials and conserved heritage buildings, and which was recently added to the new Commonwealth Heritage List.

(12) The kindergarten has been assessed as not eligible for concessional priority sale status under the Commonwealth Property Disposals Policy (a concessional sale being a priority sale concluded at a purchase price below market value). In addition, the present location of the kindergarten sits within the footprint identified for a future high school in the draft planning documents for the Edmondson Park Release Area, of which the Defence land at Ingleburn forms a significant part.

**Australian Defence Force: Cadets**

*(Question No. 3128)*

**Senator Chris Evans** asked the Minister for Defence, upon notice, on 3 August 2004:

With reference to a Navy cadets promotion course that was held at Bulimba Barracks during Easter 2004:

(1) Did cadets who attended this camp have to pay any costs.

(2) What was the cost for cadets who attended this camp.

(3) Is it normal practice for a fee to be charged for cadet camps of this kind; if not, why was a fee charged for the Easter camp at Bulimba.
(4) Do similar camps run by the other services (that is, Army cadets and Air Force cadets) attract a similar fee; if not, why does the Navy camp attract a fee.

Senator Hill—The answer to the honourable senator’s question is as follows:

(1) Yes.
(2) $35.00.
(3) Yes.
(4) Yes.

Heritage: Victorian Alpine Country

(Question No. 3139)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 3 August 2004:

(1) Did the Victorian Government submit for Government consideration a World Heritage nomination of the Victorian alpine country in 1998; if so: (a) did the Commonwealth assess the nomination; and (b) what was the outcome of that assessment.

(2) Is the Commonwealth currently considering any nomination for a natural area in Victoria.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

(1) No.
(2) The Commonwealth is not currently considering any World Heritage nominations for natural areas in Victoria.

Defence: Defence Capability Plan

(Question No. 3142)

Senator Allison asked the Minister for Defence, upon notice, on 4 August 2004:

With reference to the Defence Capability Plan 2004-2013:

(1) Which of the defence acquisition and upgrade proposals listed in the section ‘Proposals by Estimated Expenditure’ (pp 161-5) have become necessary following Australia’s commitment to the United States of America (US) missile defence system.

(2) What technical components of Australia’s defence and intelligence gathering services (other than the Jindalee over-the-horizon radar) have been committed to having a specific role in the US missile defence system.

(3) Following the signing of the Memorandum of Understanding (MOU) with the US on missile defence: (a) what action has the Government taken to assess the international political implications of Australia’s involvement in the US missile defence system; and (b) given the importance of China in the missile defence debate and the importance of its relationship with Australia, has the Government made an assessment of the Chinese reaction to Australia’s signing of the MOU; if so, what has been China’s reaction.

Senator Hill—The answer to the honourable senator’s question is as follows:

(1) No acquisition or upgrade proposals have become necessary.
(2) The Relay Ground Station at the Joint Defence Facility Pine Gap will continue its ballistic missile early warning function. No other technical components have been committed to having a specific role in the United States (US) missile defence system. The Jindalee Over the Horizon Radar is not
committed to the US Missile Defence Program. Australia and the US are investigating the potential application of over-the-horizon radar to missile defence.

(3) (a) The Government believes that the region is generally understanding of our position on missile defence. We maintain a regular dialogue with other countries through ministerial and senior-level discussion, and brief regional countries on specific developments in our approach to missile defence as appropriate.

(b) Although China has stated its general opposition to missile defence, indicating its preference for using diplomatic and political means to respond to contemporary proliferation challenges, the Chinese Government has not been critical of Australia’s decision to take part in the US Missile Defence Program.

Defence: Defence Capability Plan
(Question No. 3146)

Senator Chris Evans asked the Minister for Defence, upon notice, on 4 August 2004:

With reference to the 2004-2014 Defence Capability Plan (DCP) and Project Air 9001:

(1) Can a brief description be provided of all of the phases of this project.

(2) Was this project included in the 2001-2010 DCP.

(3) What was the timeline for this project in the 2001-2010 DCP, including the dates for each of the phases in the project, and when was it due to be completed.

(4) What was the budget for this project in the 2001-2010 DCP, including a breakdown for each of the phases in the project.

(5) What is the current schedule for the completion of this project, including the dates for each of the phases in the project, and when is it due to be completed.

(6) What is the current budget for the project, including the budget for each of the phases in the project.

(7) What has been the cost of this project to date (provide the cost of each phase completed).

(8) Has the Government approved funding for phase 1 of this project; if not, when is it expected that the Government will grant approval for phase 1 of this project.

(9) To date, how much has Defence spent on plans for phase 1 of this project.

(10) Why did the Defence Capability and Investment Committee (DCIC) endorse COSC Option 4 over COSC Option 3.

(11) a) Can an outline be provided of the costs associated with the transition to a civil training regime; and (b) given these costs, why was COSC Option 4 endorsed over COSC Option 3.

(12) Was DCIC aware of this costing deficiency when it endorsed COSC Option 4; if not: (a) what corrective action is being taken to remedy this situation to avoid problems in the future with this project; and (b) if no action is being taken, why not.

(13) Can the Minister confirm the accuracy of the operational and performance data used for the aircraft types in defining capability impact, and in support of the case for COSC Option 4; if so: (a) how was this data derived; and (b) how was the accuracy of this data validated; if not, why not.

(14) Are there any concerns about the risk of the MIRTASS concept; if so: (a) what is the nature of those concerns; and (b) given these concerns, why has the Minister allowed MIRTASS to be presented to Cabinet when significant risk issues remain unresolved.

(15) Given that in December 2002 the Prime Minister stated that the Air 9000 aircraft would be fast-tracked for early delivery, yet for reasons still not explained, it appears these aircraft will not be available until 2009, is the COSC Option 3 not a more cost-effective solution through wet lease of

QUESTIONS ON NOTICE
an appropriate 2-3 T trainer and the continuation of the Sea King until the Air 9000 aircraft is introduced into service.

(16) Why it is necessary to introduce another aircraft type as an interim solution when the Air 9000 rationale is to reduce inventory numbers.

(17) What provision has been made for Commonwealth liability in relation to leased aircraft in an operational environment.

(18) Will the new aircraft satisfy civil registration and safety standards; if not, what will be the cost of meeting these standards.

(19) (a) What is the weight of the aircraft being considered; and (b) what is the weight of aircraft normally used for training purposes.

**Senator Hill**—The answer to the honourable senator’s question is as follows:

(1) AIR 9001 has only one phase in the Defence Capability Plan (DCP). The options for training and support helicopters for the Navy, including the AIR 9001 DCP project, are currently under consideration by Defence.

(2) Although provision was made for this project in the funding flowing from the Defence 2000 White Paper, the project did not appear in the public 2001-2010 DCP.

(3) Not applicable.

(4) Not applicable.

(5) The Year of Decision is 2005-06. In-Service Date is 2006 to 2008.

(6) The 2004-2014 DCP lists $30-50 million. In addition to this, Defence is considering a range of options for the provision of its training and support helicopters capability.

(7) Nil – the project is not yet approved.

(8) No. Depending on the outcome of internal Defence and Ministerial considerations, the Government may consider First Pass approval for AIR 9001 Phase 1 this year.

(9) Activities in support of project planning and development are not separately costed or identified by project.

(10) to (19) Defence has considered this project internally, but has yet to provide formal advice to the Government on the matter. Internal Departmental considerations without Government endorsement have no standing.

**Environment: York Park**

(Question No. 3147)

**Senator Brown** asked the Minister for the Environment and Heritage, upon notice, on 4 August 2004:

With reference to the application by the Department of Finance and Administration to clear a heritage-listed English oak plantation in York Park, Canberra, for the purposes of building a multi-storey car park and new public service offices:

(1) Does the inclusion of York Park on the Commonwealth Register of the National Estate establish a presumption that it should be protected.

(2) Is transplantation of the oak trees part of the proposal by the department; if so, has there been any investigation of whether transplantation of oaks of this size is feasible.

(3) Given the report in the *Canberra Times* of 16 June 2004 that ‘moves to list Canberra as a World Heritage city could be abandoned if a heritage-listed English oak plantation is cleared’: (a) has the
Government investigated whether World Heritage listing of Canberra could be affected by destruction of the plantation; and (b) has the Government assessed the benefit to the tourism industry of Canberra if it were declared a World Heritage city.

(4) Have alternative proposals for the department’s offices and car parking been investigated.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

(1) Yes.

(2) The Department of Finance and Administration is exploring alternatives which would mean that the trees do not have to be transplanted.

(3) (a) No.
    (b) No.

(4) Yes.

**Foreign Affairs: Papua New Guinea**

(Question No. 3148)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 4 August 2004:


(1) Has the Government investigated claims of such action on the part of a Malaysian multinational company.

(2) If these claims are substantiated, will the Government use its influence to encourage the Government of Papua New Guinea to clamp down on such behaviour.

(3) Will the Government act to restrict the importation into Australia of timber products from illegal logging operations.

Senator Hill—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

(1) The Australian Government is aware of the Greenpeace report. As a sovereign country, PNG has the primary responsibility for responding to claims made in the report.

(2) The Australian Government considers illegal logging an important issue in sustainable forest management. Australia is working constructively with many members of the Asia-Pacific region to build institutional and technical capacity to address illegal logging. Australia provides development assistance through bilateral, regional and multilateral programs. The Government is also active in international forums addressing illegal logging, such as in the United Nations Forum on Forests where an international arrangement on forests is currently being negotiated. In the case of PNG, the Australian Government is helping to improve the management of PNG forestry resources and ensure that the country’s forestry legislation is enforced. The Government is also actively supporting the World Bank’s efforts to improve forestry governance in PNG, and has made this position clear including through direct representations at the annual Australia-PNG Ministerial Forum.

(3) The Australian Government considers that working cooperatively with other countries remains the best way forward in addressing the illegal logging issue. The Government is not aware of any country where measures instituted to prevent the importation of illegally sourced timber are effectively enforced. Without the cooperation of other countries, acting unilaterally to restrict the importation of illegally logged timber would place the burden heavily on Australia to identify illegally
logged timber and enforce the restrictions. At the same time, import restrictions might be burd-

Foreign Affairs: Consular Assistance
(Question No. 3149)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon no-
tice, on 4 August 2004:

(1) Did the Australian Consular Office in San Francisco, United States of America (US), receive in
May 2004 a request for assistance from Mr Terence J Gaynon.

(2) Did Mr Gaynon allege that he had been mistreated by officers of the Immigration and Naturaliza-
tion Service of the US Department of Justice, or by prison officers in the San Mateo Jail or the Los
Angeles County Jail.

(3) Given the undertaking on the Department of Foreign Affairs and Trade’s website that Australian
consular officials ‘can provide assistance to you if you are arrested, notify next of kin, provide a list
of local lawyers, conduct prison visits, and ensure an Australian receives the same treatment as
could reasonably be expected by the host country’s own citizens’, did Consular officials investigate
whether Mr Gaynon had been improperly treated while in custody in the US; if so, what was the
result of this investigation.

Senator Hill—The Minister for Foreign Affairs has provided the following answer to the
honourable senator’s question:

(1) First contact was through my Department’s 24 hour Consular Emergency Centre in Canberra which
tasked the Australian Consulate in Los Angeles to assist Mr Gaynon.

(2) No.

(3) Consular officials provided considerable assistance to Mr Gaynon. However, this did not extend to
investigating claims of improper treatment as these were not raised with my Department or the
Consulate-General.

Foreign Affairs: Laos
(Question No. 3150)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon no-
tice, on 4 August 2004:

With reference to the articles, ‘Welcome to the Jungle’, dated 5 May 2003, and ‘Licensed to Kill’, dated
30 June 2003, which were published in *Time Asia* (the Asian version of *Time* magazine) and which al-
leged murderous treatment of the Hmong people by the Laotian Government:

(1) Has the Government made representations to the Government of Laos regarding the treatment of
the Hmong people.

(2) Will the Government use its influence with the Laotian Government to encourage them to seek a
peaceful relationship with the Hmong people.

Senator Hill—The Minister for Foreign Affairs has provided the following answer to the
honourable senator’s question:

(1) Yes.

(2) Yes. The Government, through the Australian Embassy in Vientiane, maintains an ongoing dia-
logue with the Lao Government on human rights issues, including on ethnic minority issues. The
Embassy has met senior provincial and central government officials on several occasions to en-
courage a peaceful resolution to the issues of the treatment, resettlement and development of Hmong communities. It has also arranged training for Lao government officials on their human rights obligations.

Foreign Affairs: West Papua
(Question No. 3153)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 5 August 2004:
With reference to West Papua: What role does the Government have in mediating between the Indonesian Government and West Papuans who are seeking independence.

Senator Hill—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:
The Government supports strongly Indonesia’s territorial integrity, including Papua. The Government does not have a mediating role between the Indonesian Government and its citizens. The Government does emphasise to Indonesia the importance of prompt and comprehensive implementation of special autonomy as the best option for realising the aspirations of Papuans within a united Indonesia.

Foreign Affairs: West Papua
(Question No. 3154)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 5 August 2004:
With reference to West Papua:
(1) What information does the Government have concerning the West Papuan freedom movement’s new policy of seeking a peaceful resolution of its differences with the Indonesian Government.
(2) What action has been taken to accommodate or foster this new policy.

Senator Hill—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:
(1) The Government is aware of media reports that some Free Papua Movement (OPM) leaders have declared their intention to seek self-determination from Indonesia through peaceful means. According to the reports, the leaders have also decided to establish a united Council for Papuan independence.
(2) The Government has emphasised that a political resolution to conflict in Papua can only be achieved through dialogue and the prompt and comprehensive implementation of special autonomy.

Communications: Television
(Question No. 3156)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 5 August 2004:
(1) Is the Minister aware that television programs for older people such as Move it or lose it, aired by Renaissance Television, which broadcasts on Channel 31, were axed on 1 August 2004.
(2) Is the Minister aware that over the past 4 years, Move it or lose it provided exercises designed for older people to help with arthritis and diabetes.
(3) Does the Minister agree that these programs are effective in preventing ill health in older people.

QUESTIONS ON NOTICE
(4) What action will the Government take to encourage the resumption of broadcasting of such programs for older people.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) This matter is the responsibility of the Minister for Communications, Information Technology and the Arts.
(2) This matter is the responsibility of the Minister for Communications, Information Technology and the Arts.
(3) The National Physical Activity Guidelines for Australians recommend at least 30 minutes of moderate-intensity activity on most, preferably all, days of the week. Some regular vigorous exercise can provide extra protection against heart disease.

Television can be an effective medium for conveying important health messages to a wide audience.

While there is no ‘one size fits all’ approach and the population of older Australians encompasses the whole range of health status, a well designed evidence-based television exercise program may well encourage some older men and women to increase their levels of activity.

(4) This matter is the responsibility of the Minister for Communications, Information Technology and the Arts.

Communications: Television Programs for Older People
(Question No. 3158)

Senator Allison asked the Minister representing the Minister for Ageing, upon notice, on 5 August 2004:

(1) Is the Minister aware that television programs for older people such as Move it or lose it, aired by Renaissance Television, which broadcasts on Channel 31, were axed on 1 August 2004.
(2) Is the Minister aware that over the past 4 years, Move it or lose it provided exercises designed for older people to help with arthritis and diabetes.
(3) Does the Minister agree that these programs are effective in preventing ill health in older people.
(4) What action will the Government take to encourage the resumption of broadcasting of such programs for older people.

Senator Patterson—The Minister for Ageing has provided the following answer to the honourable senator’s question:

(1) This matter is the responsibility of the Minister for Communications, Information Technology and the Arts.
(2) This matter is the responsibility of the Minister for Communications, Information Technology and the Arts.
(3) The National Physical Activity Guidelines for Australians recommend at least 30 minutes of moderate-intensity activity on most, preferably all, days of the week. Some regular vigorous exercise can provide extra protection against heart disease.

Television can be an effective medium for conveying important health messages to a wide audience.
While there is no ‘one size fits all’ approach and the population of older Australians encompasses the whole range of health status, a well designed evidence-based television exercise program may well encourage some older men and women to increase their levels of activity.

(4) This matter is the responsibility of the Minister for Communications, Information Technology and the Arts.

Environment: Ludlow Tuart Forest
(Question No. 3159)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 9 August 2004:

With reference to the Ludlow Tuart Forest near Busselton, Western Australia:
(1) What are the environmental assets of this forest.
(2) Is there any threat to this forest; if so, what is the nature of this threat.
(3) Are there any species in the forest listed under the Environment Protection and Biodiversity Conservation Act 1999.
(4) What action is the Government taking to protect this forest.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:
(1) The question should be addressed to the Western Australian Government which is responsible for management of State Forests.
(2) See (1) above.
(4) See (1) above.

Workplace Relations: Agreements
(Question No. 3162)

Senator Murray asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 10 August 2004:

(1) With reference to agreements under the Workplace Relations Act 1996, can figures be provided for:
   (a) the number of agreements in force; (b) the number of businesses covered; and (c) the number of employees covered by each of the following: awards, collective union agreements, collective non-union agreements, statutory individual agreements, and any other industrial instruments.
(2) Can a breakdown be provided for the States of New South Wales, Queensland, South Australia, Tasmania and Western Australia of the information sought in (1) for each type of agreement.
(3) Can estimates be provided of the number of businesses and the number of employees not covered by awards or agreements under either federal or State workplace/industrial relations laws.

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:
(1) (a) The Department of Employment and Workplace Relations (DEWR) estimates that as at 30 June 2004 there were 14,874 current Certified Agreements made under the Workplace Relations Act 1996 (the WR Act). Current agreements are agreements that have not been terminated nor reached an expiry date. The Office of the Employment Advocate (OEA) estimates that as at 30 June 2004 a total of 503,552 Australian Workplace Agreements had been approved by the Employment Advocate in accordance with the WR Act.
(b) According to DEWR, there is no reliable estimate of the number of businesses covered by the agreements made under the WR Act.

(c) DEWR estimates that, as at 30 June 2004, employee coverage for certified agreements was:

- Union agreements - 1,305,400 employees
- Non-union agreements - 166,100 employees

Unpublished data from the ABS Employee Earnings and Hours survey (ABS Catalogue No. 6306.0) estimates the following breakdown of award and agreement coverage presented as a percentage of the total workforce as at May 2002:

Table 1

<table>
<thead>
<tr>
<th>Category</th>
<th>Awards only (Federal and State)</th>
<th>Registered Federal Collective Agreements</th>
<th>Registered State Collective Agreements</th>
<th>Unregistered Collective Agreements</th>
<th>Registered Federal Individual Agreements</th>
<th>Registered State Individual Agreements</th>
<th>Unregistered Individual Agreements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>20.5%</td>
<td>23.0%</td>
<td>13.0%</td>
<td>2.2%</td>
<td>1.2%</td>
<td>0.8%</td>
<td>39.3%</td>
</tr>
</tbody>
</table>

Unregistered Individual Agreements include employees whose pay is set by an individual common law contract, employees receiving overaward payments by individual agreement and working proprietors of incorporated enterprises who set their own rate of pay.

(2) According to DEWR there are no reliable estimates showing the State breakdown of certified agreements made in accordance with the WR Act. Many certified agreements operate Australia-wide or in more than one State or Territory.

OEA estimates show the State breakdown of Australian Workplace Agreements as follows (rounded to the nearest 100):

(i) Western Australia, 121,800
(ii) New South Wales, 121,600
(iii) Queensland, 62,400
(iv) South Australia, 46,700
(v) Tasmania, 17,400

According to unpublished data from the ABS Employee Earnings and Hours survey the State breakdown of award and agreement coverage presented as a percentage of the total workforce at May 2002 is as follows:

Table 1

<table>
<thead>
<tr>
<th>Category</th>
<th>Awards only (Federal and State)</th>
<th>Registered Federal Collective Agreements</th>
<th>Registered State Collective Agreements</th>
<th>Unregistered Collective Agreements</th>
<th>Registered Federal Individual Agreements</th>
<th>Registered State Individual Agreements</th>
<th>Unregistered Individual Agreements</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>21.3%</td>
<td>15.5%</td>
<td>17.9%</td>
<td>2.0%</td>
<td>1.0%</td>
<td>0.0%</td>
<td>42.4%</td>
</tr>
<tr>
<td>Queensland</td>
<td>24.6</td>
<td>16.9</td>
<td>21.7</td>
<td>2.4</td>
<td>0.8</td>
<td>0.5</td>
<td>33.1</td>
</tr>
<tr>
<td>South Australia</td>
<td>25.1</td>
<td>22.1</td>
<td>16.2</td>
<td>0.9</td>
<td>1.0</td>
<td>0.0</td>
<td>34.7</td>
</tr>
<tr>
<td>Western Australia</td>
<td>15.0</td>
<td>17.6</td>
<td>16.8</td>
<td>1.7</td>
<td>1.7</td>
<td>7.7</td>
<td>39.5</td>
</tr>
<tr>
<td>Tasmania</td>
<td>23.8</td>
<td>26.2</td>
<td>12.6</td>
<td>8.5</td>
<td>1.4</td>
<td>0.0</td>
<td>27.4</td>
</tr>
</tbody>
</table>
(3) According to DEWR, there are no reliable estimates of the number of businesses and the number of employees not covered by awards or agreements under either federal or State workplace/industrial relations laws.

Senator Faulkner asked the Minister for Justice and Customs, upon notice, on 11 August 2004:

(1) How much has the Crime Prevention Kit for Small Business cost to:  (a) research; (b) produce; (c) design; and (d) print.

(2) How many copies have been printed.

(3) (a) How were those kits distributed; and (b) when.

(4) If the kits were distributed by mailing list, was the mailing list assembled from a departmental database or from another source; if another source, please specify.

(5) Was the research, writing and design production of this kit outsourced; if so, which consultants or companies were involved in each of those production phases.

Senator Ellison—I am advised that the answer to the honourable senator’s question is as follows:

(1) (a) The Australian Institute of Criminology (AIC) undertook the research as part of its ‘crimes against small business’ programme.

(b) Editing (Words and Pics Pty Ltd)—$1,388

(c) Design (GWi Green Words & Images)—$2,119

(d) Printing (PMP Print Pty Ltd)—$62,329

*All figures quoted are GST exclusive

(2) 50,000 copies of the kits have been printed.

(3) (a) The Minister for Justice and Customs wrote to all Federal Members of Parliament enclosing a copy of the kit. Universal Express, the distribution agency for the Attorney-General’s Department crime prevention publications, is providing copies of the kit on request. As at 14 September 2004, approximately 11,500 copies of the kit have been distributed. The kit is also available for download from the website, www.crimeprevention.gov.au.

(b) the kits have been progressively distributed from 27 July 2004.

(4) N/A.

(5) Research and initial drafting was undertaken by the Australian Institute of Criminology. Editing, design and printing were undertaken by the organisations mentioned at 1 ((b), (c) and (d) above. These were the only consultants or companies involved in the production process.

Environment: Indonesia and Malaysia

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 17 August 2004:

With reference to orangutans that are found only in Indonesia and Malaysia which, at the current rate of habitat loss, are facing extinction in the wild in the next 10 years:

(1) What is the Government doing to: (a) ensure that this does not happen; and (b) allow consumers to make an informed choice when choosing timber that may have come from these areas.
QUESTIONS ON NOTICE

(2) Why is country of origin labelling of timber not compulsory as it is for other goods.

(3) Is the Government certain that it is not using illegally-felled timbers.

(4) How many litres of Indonesian and Malaysian palm oil are being imported into Australia each year.

(5) Are Australian consumers aware that the main reason for rainforest habitat destruction is to allow palm oil plantations to be established and that this oil is being used in Australia for low-grade cooking applications.

(6) What else is the government doing to assist our neighbours in the protection of our closest relative, the orangutan.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

The questions that concern agriculture, timber and timber products should be addressed to the Minister for Agriculture, Fisheries and Forestry. For questions that address the plight of the orangutan, I refer to my answer to your Question on Notice No. 3168.

Environment: Indonesia and Malaysia

(Question No. 3168)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 17 August 2004:

With reference to orangutans that are found only in Indonesia and Malaysia which, at the current rate of habitat loss, are facing extinction in the wild in the next 10 years: Has the Government supported the United Nations Great Ape Survival Project (www.grasp.org.au); if not, does it intend to.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

The Australian Government has not provided direct financial assistance to the United Nations Great Ape Survival Project but currently funds a number of initiatives that support great ape conservation. These include:

• strongly supporting and strictly enforcing the import and export requirements of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, which affords great apes its highest level of protection;
• contributing resources and expertise via Australian zoos and facilitating exchange of great apes for conservation breeding programs; and
• through the Regional Natural Heritage Program, providing $10 million in grants over three years to protect biodiversity in hotspot areas of South-East Asia and the Pacific, including projects that specifically target conservation outcomes for great apes, for example, supporting the orang-utan rehabilitation program in Indonesia.

Australian Customs Service: Olive Oil

(Question No. 3171)

Senator Brown asked the Minister for Justice and Customs, upon notice, on 20 August 2004:

With reference to the Australian Customs Service (ACS) decision to terminate the investigation of the subsidisation of olive oil exported to Australia from the European Union (EU):

(1) Why did the ACS terminate the investigation of the subsidisation of EU olive oil entering the Australian domestic market.

(2) Is olive oil exported from Australia to the EU subject to an import duty in the EU.
QUESTIONs ON NOTICE

Tuesday, 16 November 2004

(3) (a) Did Argentina overcome the inability of local produce to compete with imported EU olive oil by imposing a countervailing duty in 1998; and (b) is that countervailing duty still current.

(4) Did the ACS take into account the actions of Argentina when reaching a decision to terminate its study of EU subsidies; if so, what were its conclusions.

(5) Will the Government now consider imposing a countervailing duty to nurture the developing Australian olive oil industry; if not, why not.

(6) What is the Government’s assessment of its failure to proceed with the investigation of the subsidies and its failure to impose a countervailing duty on the viability of the Australian olive oil industry.

Senator Ellison—The answer to the honourable senator’s question is as follows:

(1) The ACS terminated its investigation in accordance with the requirements of the relevant legislation. Its investigation found that there was a subsidy known as “production aid” paid to EU olive growers in certain circumstances. The production aid was not a countervailable (or actionable) subsidy in terms of Australia’s anti-dumping legislation and the World Trade Organization (WTO) agreement to which Australia is a signatory.

(2) Olive oil exported from Australia to the EU is subject to an import duty of Eu1.25, unless the oil is re-exported within 90 days, in which case no import duty applies.

(3) (a) The ACS did not examine the Argentinean olive oil market as part of its investigation, so no conclusions can be drawn as to the effect of any countervailing duties. (b) The countervailing duty is still current; however, the European Commission has informed the ACS that the countervailing duty imposed by Argentina was based on an aid scheme different from the existing production aid scheme.

(4) The ACS was aware of the countervailing duty imposed by Argentina but countervailing measures implemented by Argentina cannot be used as a precedent for similar action by Australia.

(5) In specific circumstances, the Government may impose a countervailing duty. In the case of EU olive oil imported in retail packs, Customs found that there is no legal basis to impose a countervailing duty.

(6) The ACS did not fail to proceed with the investigation of subsidised olive oil from the EU—it completed its investigation and terminated the case as required by the legislation. An independent body, The Trade Measures Review Officer, has affirmed the ACS decision to terminate.

Environment: Tasmanian Wilderness World Heritage Area

(Question No. 3179)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 30 August 2004:

With reference to alien invasive fish species in the Tasmanian Wilderness World Heritage Area:

(1) Have any alien invasive fish species such as trout and atlantic salmon been found in the Gordon or Franklin rivers in the Tasmanian Wilderness World Heritage Area; if so: (a) how many been found; (b) how far up the river systems have they been discovered; (c) what monitoring is taking place to identify; (i) the rate of their reproduction; and (ii) the rate of expansion of their range in these rivers; and (d) what impacts are these alien invasive fish species having on endemic species in Tasmanian rivers and lakes in the World Heritage Area.

(2) Have trout, atlantic salmon or any other alien fish invasive species been introduced in the past four years into any other rivers or hydro dams leading into river systems which rise in the World Heritage Area; if so, where.

QUESTIONS ON NOTICE
(3) What environmental impact assessment was conducted before alien invasive fish species were permitted to be released or farmed in proximity to the World Heritage Area.

(4) Who gave permission for the releases.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:
The day-to-day management of the Tasmanian Wilderness World Heritage Area is the responsibility of the Tasmanian Government.

Fisheries management within the World Heritage Area, including the management of introduced fish species, is the responsibility of the Inland Fisheries Service. As such, the Inland Fisheries Service would be best placed to answer these questions.

**Heritage: Recherche Bay**

(Question No. 3180)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 30 August 2004:

With reference to the listing of Recherche Bay on the National Heritage List:

(1) Is the Commonwealth currently assessing the northern peninsula of Recherche Bay for listing on the National Heritage List.

(2) When does the Commonwealth expect to make a decision regarding the listing.

(3) Has the Commonwealth met with the Tasmanian Government concerning the listing; if so: (a) when; and (b) what was the outcome.

(4) What natural and cultural heritage and archaeological studies have been conducted or are planned to be conducted as part of the Commonwealth’s assessment of the site.

(5) (a) Who has been employed to conduct the assessments; and (b) what results are available to date.

(6) What powers does the Commonwealth have to list the area in the event of an emergency which threatens the values of the site.

(7) What protection does an emergency listing offer a site.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

(1) I have requested the Australian Heritage Council (the Council) to assess whether the place meets any of the National Heritage criteria.

(2) I refer the honourable senator to my answer to his Question No. 3084 (3) - The Council is required to make a recommendation to me within the 12 months statutory assessment period which concludes on 2 March 2005. Within 20 business days of receiving the assessment I am required to decide to list or not to list the place unless I decide to seek public comment on the inclusion or proposed inclusion of the place in the National Heritage List. If I decide to seek public comment then within 60 business days after the end of the period for comments (40 business days) I am required to decide whether the place should be listed or not.

(3) The Council has not met with the Tasmanian Government concerning the listing.

(4) The decision on what studies that may be undertaken is a matter under consideration by the Council.

(5) I understand that no non-Departmental staff have been employed to conduct the assessment but a thematic study has been commissioned to acquire comparative data.
(6) I am able to include the place in the National Heritage List under s324F of the Environment Protection and Biodiversity Conservation Act 1999 (the Act) but the place and the threat would have to satisfy the requirements of this section for emergency listing.

(7) If listed on the National Heritage List within the 10 business day period I have for consideration of an emergency listing proposal, a place has the same protection as if it was included in the National Heritage List by the more usual process. However, I do still have to request an assessment of the place against the National Heritage criteria from the Council, which is required to do this assessment within 40 business days rather than the normal 12 months and this may result in the removal of the place from the National Heritage List or a change to the values or boundary as considered in the initial examination of the emergency listing proposal. Certain actions which have or are likely to have a significant impact on the National Heritage values of a National Heritage place are prohibited by the Act, subject to a number of exclusions. The exclusions include Regional Forest Agreement (RFA) forestry operations. RFA forestry operations undertaken in accordance with an RFA are excluded (s38 of the Act) from the Act’s protective provisions - unless they are included in section 42.

Environment: Spotted Handfish
(Question No. 3181)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 30 August 2004:

(1) What is the current conservation status of the spotted handfish.
(2) What is its habitat range.
(3) When was it recognized as an endangered species.
(4) Given the Government’s responsibility for endangered species, why has the Government failed to ratify a recovery plan for the period 2002 to 2006.
(5) Was the recovery plan for 1996 to 2001 fully implemented; if not, why not.
(6) What funding was expended in the recovery effort for 1996 to 2001.
(7) (a) What funding is required to fully implement the draft recovery plan for 2002 to 2006; and (b) how much has been allocated and expended to date.
(8) When will the Government ratify and publicly release the recovery plan for 2002 to 2006.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

(1) It is listed as endangered under Commonwealth and Tasmanian State legislation namely, the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and the Threatened Species Protection Act 1995, respectively.
(2) Spotted Handfish are only found in Tasmanian State waters.
(3) 1996 (Australian Government).
1995 (Tasmanian Government).
(4) The Recovery Plan for the species was made on 2 February 2000. In 2001 the Australian Government funded the development of a revised Recovery Plan to be prepared by the Spotted Handfish Recovery Team in consultation with the Tasmanian Government Department of Primary Industry, Water and Environment (DPIWE). A draft revised plan has been submitted to my department for review. This plan has not yet met all the requirements for making recovery plans under the EPBC Act, in particular the need to consider public comments on the draft plan. DPIWE is yet to finalise public comment on the plan and is expected to submit the final version for my consideration once this process is complete.
(5) The highest priority actions for this species were implemented.
(6) $478,191 (Australian Government).
   Unknown (Tasmanian Government).
(7) Unknown until draft Plan is finalized.
(8) As soon as practicable following the submission of a recovery plan that meets the requirements of
   the EPBC Act.

**Environment: Epacris stuartii**

(Question No. 3182)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on
30 August 2004:

With reference to the *Epacris stuartii*:
(1) What is the current status of the *Epacris stuartii*.
(2) When was it identified as an endangered species.
(3) What is its range.
(4) What are the Government’s responsibilities under the convention for the protection of biodiversity
   in relation to the *Epacris stuartii*.
(5) Is there a ratified management plan and recovery plan in place for the *Epacris stuartii*; if not, why
   not.
(6) What are the major threats to the *Epacris stuartii*.
(7) When will the Government ratify and implement a management and recovery plan for the *Epacris
   stuartii*.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:
(1) Critically endangered.
(2) Listed as endangered under the Endangered Species Protection Act on 30 June 1992. Subsequently
    listed as critically endangered under the Environment Protection and Biodiversity Conservation Act
    1999 (the EPBC Act) on 16 October 2001.
(3) Epacris stuartii is restricted to 0.3 ha of heathland near Southport, south-east Tasmania. An ex-situ
    population has been established on Southport Island.
(4) Under the UN Convention on Biological Diversity, Parties are required to:
    “Develop national strategies, plans or programmes for the conservation and sustainable use of bi-
    ological diversity, or adapt for this purpose existing strategies, plans or programmes which shall re-
    flect, inter alia, the measures set out in this Convention relevant to the Contracting Party con-
    cerned.”
    The conservation provisions within the EPBC Act exceed the standards set by Convention’s guide-
    lines and program elements in relation to biodiversity conservation.
(5) The ‘Recovery Plan for Epacris stuartii 1996-2005’ was adopted under the EPBC Act on 9 March
(6) The major threats are: Phytophthora cinnamomi, high frequency fires, fires followed by drought;
    and extreme storm events.
(7) See Question 5 above.