### INTERNET

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### SITTING DAYS—2005

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### RADIO BROADCASTS

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

- **CANBERRA**: 1440 AM
- **SYDNEY**: 630 AM
- **NEWCASTLE**: 1458 AM
- **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—SECOND 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, Claire Mary Moore 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. Christopher Martin Ellison
Manager of Opposition Business in the Senate—Senator Joseph William Ludwig

Senate Party Leaders and Whips

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 Lynette Fay Allison
Liberal Party of Australia Whips—Senators Jeannie Margaret Ferris and Alan Eggleston
National Party of Australia Whip—Senator Julian John James McGauran
Opposition Whips—Senators George Campbell and Geoffrey Frederick Buckland
Australian Democrats Whip—Senator Andrew John Julian Bartlett

Printed by authority of the Senate
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(1) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
(2) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. Warwick Raymond Parer, resigned.
(3) Chosen by the Parliament of 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

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<td>Prime Minister</td>
<td>The Hon. John Winston Howard MP</td>
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<tr>
<td>Minister for Transport and Regional Services</td>
<td>The Hon. John Duncan Anderson MP</td>
<td>Deputy Prime Minister</td>
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<tr>
<td>Treasurer</td>
<td>The Hon. Peter Howard Costello MP</td>
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<tr>
<td>Minister for Trade</td>
<td>The Hon. Mark Anthony James Vaile MP</td>
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<td>Minister for Defence and Leader of the</td>
<td>Senator the Hon. Robert Murray Hill</td>
<td>Government in the Senate</td>
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<tr>
<td>Minister for Foreign Affairs</td>
<td>The Hon. Alexander John Gosse Downer MP</td>
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<td>Minister for Health and Ageing and Leader of</td>
<td>The Hon. Anthony John Abbott MP</td>
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<td>Attorney-General</td>
<td>The Hon. Philip Maxwell Ruddock MP</td>
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<td>Minister for Finance and Administration,</td>
<td>Senator the Hon. Nicholas Hugh Minchin</td>
<td>Deputy Leader of the Government in the Senate</td>
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<tr>
<td>Minister for Agriculture, Fisheries and</td>
<td>The Hon. Warren Errol Truss MP</td>
<td>and Vice-President of the Executive Council</td>
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<td>Forestry</td>
<td>Senator the Hon. Amanda Eloise Vanstone</td>
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<tr>
<td>Minister for Immigration and Multicultural</td>
<td>The Hon. Dr Brendan John Nelson MP</td>
<td>Indigenous Affairs and Minister Assisting the</td>
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<tr>
<td>and Indigenous Affairs</td>
<td>Senator the Hon. Kay Christine Lesley</td>
<td>Prime Minister for Indigenous Affairs</td>
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<tr>
<td>Minister for Education, Science and Training</td>
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<td>Minister for Family and Community Services</td>
<td>The Hon. Ian Elgin Macfarlane MP</td>
<td>and Minister Assisting the Prime Minister</td>
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<td>and Minister Assisting the Prime Minister for</td>
<td>The Hon. Kevin James Andrews MP</td>
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<td>Minister for the Environment and Heritage</td>
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(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 Human Services: The Hon. Charles Roderick Kemp
Minister for Citizenship and Multicultural Affairs and Deputy Leader of the House: 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 and Minister Assisting the Minister for Defence: 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
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<td>Leader of the Opposition</td>
<td>The Hon. Kim Christian Beazley MP</td>
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<td>Deputy Leader of the Opposition and Shadow</td>
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<td>Leader of the Opposition in the Senate and Shadow</td>
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<tr>
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<td>Kelvin John Thomson MP</td>
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<td>Tanya Joan Plibersek MP</td>
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<td>Shadow Minister for Employment and Workplace Participation</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, Procurement 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>Senator Jan Elizabeth McLucas</td>
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<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 for Northern Australia and Indigenous Affairs</td>
<td>The Hon. Warren Edward Snowdon MP</td>
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The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 12.30 p.m. and read prayers.

AUSTRALIAN DEMOCRATS
Leadership and Officeholders

Senator ALLISON (Victoria—Leader of the Australian Democrats) (12.31 p.m.)—by leave—I am pleased to inform the Senate that, after a nationwide ballot of members of the Australian Democrats, I have been elected as federal parliamentary leader and Senator Bartlett has been elected as deputy parliamentary leader. Senator Bartlett has also been elected as whip. Following this change of leadership, there is a list of revised portfolio responsibilities which I seek leave to incorporate in Hansard.

Leave granted.

The document read as follows—

Australian Democrat Senators
Portfolio allocation
(as at 13 December 2004)
*Indicates changes since last issued

Senator Lyn Allison [*Parliamentary Leader]
Energy & Resources
Health & Aging
*Prime Minister & Cabinet
Schools
*Treasury
Training
Transport

Senator Andrew Bartlett [*Deputy Parliamentary Leader & *Party Whip]
Animal Welfare
Children & Youth Affairs
Defence
*Environment
*Heritage
Immigration & Multicultural Affairs
Veterans’ Affairs

Senator John Cherry
Agriculture
Communications (incl. broadcasting & telecomms)
Employment & Employment Services
Housing
Regional Development & Services
Superannuation

Senator Brian Greig
Attorney-General & Justice
Disability Services
Family & Community Services (incl social security, childcare & child support)
Fisheries
Information Technology
Sexuality Issues

Senator Andrew Murray
Accountability
Customs
Electoral Matters & Public Administration
Public Service
Taxation, Finance, & Corporate Affairs
Workplace Relations

Senator Aden Ridgeway
Arts
Consumer Affairs
Forestry
Indigenous Affairs
Industry
Small Business
Sport
Tourism
Trade & Overseas Development

Senator Natasha Stott Despoja
Foreign Affairs
Higher Education
Privacy
Republic
Senator FERRIS (South Australia) (12.31 p.m.)—by leave—At the request of Senator Moore, I move:

That the Select Committee on the Administration of Indigenous Affairs be authorised to hold a public meeting during the sitting of the Senate today, to 1.30 p.m.

Question agreed to.

BUSINESS

Rearrangement

Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (12.32 p.m.)—I move:

That intervening business be postponed till after consideration of government business order of the day No. 6 (Australian Passports Bill 2004 and two related bills).

Question agreed to.

AUSTRALIAN PASSPORTS BILL 2004

Second Reading

Debate resumed from 9 December 2004, on motion by Senator Kemp:

That these bills be now read a second time.

Senator LUDWIG (Queensland) (12.32 p.m.)—This legislation, the Australian Passports Bill 2004, was introduced in the last parliament, along with the Australian Passports (Application Fees) Bill 2004 and the Australian Passports (Transitionals and Consequentials) Bill 2004. However, the legislation had not passed through the parliament before its prorogation and so it was reintroduced in the new parliament in December last year. This is our next opportunity to debate this legislation.

Two of the bills are unchanged since their previous introduction, while the Australian Passports Bill 2004 has been amended in a minor way. The Australian Passports Bill 2004 replaces the Passports Act 1938—and it is probably high time—and provides an entirely new passports act. It repeals Australian passports provisions in the 1938 act.

In a time of international terror, the maintenance of a world-class passports system is a key national security issue. Effective border security is part of the first line of defence in a strategic environment where threats may take the form of a lone individual or individuals, rather than the militarised conflicts we more normally associate with national security. Thus the Australian Passports Bill 2004 sets up a modern legal structure which will do a number of things. Firstly, it will provide Australian citizens with the best possible passports. Secondly, it will provide a passport law to complement national security, border protection and Australian law enforcement measures, as well as international law enforcement cooperation. And, thirdly, it will provide consistency with family law, privacy and administrative law principles.

The Australian Passports (Transitionals and Consequentials) Bill repeals superseded provisions of the 1938 act and renames that act the Foreign Passports (Law Enforcement and Security) Act 2004. This legislation makes the following improvements to the law governing Australian travel documents. Firstly, it provides, for the first time, a clear statement that Australian citizens have the right to a passport. Secondly, it increases the
penalties for passport fraud to 10 years imprisonment or fines totalling $110,000. Thirdly, it introduces a framework for the use of technology—and later we can talk about the current technological advancements in this area. Fourthly, it will establish that disputes between parents regarding the international travel of minors should be dealt with by the courts. Fifthly, it improves refusal or cancellation mechanisms on law enforcement grounds or if a person is likely to engage in harmful conduct. Sixthly, it attempts to ameliorate problems caused by lost and stolen passports—it tries to overcome the difficulties that people have when passports are either lost or stolen—and in that instance it will provide a much better outcome for customers. Seventhly, it introduces various privacy measures, such as increased transparency in obtaining information for the verification of identity and citizenship and it regulates the disclosure of passport information for other limited purposes.

The bill also sets out the following major changes: first, it empowers the minister to make determinations regarding methods or technologies for identification or other purposes under the bill; secondly, it changes the framework and procedures by which passports may be refused or cancelled; thirdly, it creates new offences and enhances penalties; and, fourthly, it establishes new measures in regard to the use of information and associated privacy procedures.

You can see from the range of changes that they are not small changes. These changes ensure the modernising of the passports system in Australia. They provide in total a better position. Therefore, Labor supports the measures. The new bills include an amendment sought by Labor to division 2, clause 47 of the Australian Passports Bill 2004. There is always an opportunity for Labor to not only examine and agree to contents but also suggest improvements. It is worthwhile mentioning at this point that the government has picked up on the improvements that Labor has put forward.

This amendment refers to the authorisation by the minister of the use of particular methods and technologies as they apply to passports. That ministerial determination must now specify the nature of the personal information to be collected and the purpose for which it may be used. This is to build community confidence that personal information will be protected, while allowing for the adoption of new technologies such as biometrics. I suspect over the years we will hear more about biometrics and their use in identifying individuals. It is one of those areas that is important to get right at the beginning so we do not end up in a position where it becomes unclear whether personal information can be collected and what uses are appropriate. We need to make sure that it is adapted for the purposes it is supposed to be used for.

The integration of such technologies into the Australian passports system is necessary to ensure that our passports system not only provides maximum protection but can also integrate with other systems being adopted around the world. These are not simply advancements that are occurring within Australia. There have also been advancements overseas in ensuring that travel documents identify the individual, remain secure to the individual and are protected from being copied or otherwise used unlawfully. Australia has to maintain vigilance in this area to ensure that we are within world’s best practice. The Australian Passports Bill also includes certain changes from the original bill in regard to the cancellation of passports. I will not discuss them here. Suffice it to say that Labor supports those changes.

There have also been changes in regard to privacy provisions. The first clarifies ar-
rangements for requesting information from private sector organisations. The second removes the specific reference to disclosure of passport information for national security purposes. That particularly relates to clause 46(d), which is an area covered specifically by the Privacy Act. In another change from the previous bill, the government has attempted to align this legislation more closely with administrative law principles, which in my view is always a good thing. The Australian Passports (Application Fees) Bill 2004 and the Australian Passports (Transitionals and Consequentials) Bill 2004 remain unchanged.

We support the proposed amendments in the Australian Passports Bill 2004, reintroduced into the House of Representatives on 2 December and now available for debate in the Senate. We believe that the delay of several months in the passage of the legislation, and the refinement that it has allowed, will provide a better legal framework for Australian travel documents. I would like to concur with my colleague in the other House Kevin Rudd, the shadow minister for foreign affairs and international security, that it is unfortunate that these improvements would not have occurred had it not been for the proroguing of parliament.

Simply put, the additional time, closer scrutiny and willingness to compromise has produced a much better document in the end. It is certainly a much better bill and has thus been able to gain our support. This legislation has been improved through closer examination and, I believe, will serve the Australian people better than the original proposal. So Labor supports the passage of this legislation and the modernisation of our passports law to reflect contemporary needs. It is long overdue. We support it as an attempt to strengthen our national security structures and to provide a better service to the Australian public.

Senator BARTLETT (Queensland) (12.42 p.m.)—I speak on behalf of the Australian Democrats to this package of legislation to do with Australian passports. The Australian Passports Bill 2004, the Australian Passports (Application Fees) Bill 2004 and the Australian Passports (Transitionals and Consequentials) Bill 2004 are important. They update the laws covering the issuing and cancellation of passports and administrative matters relating to passports, including fees. The legislation is thus welcome.

The bills cover a number of different areas, as Senator Ludwig has just outlined. There are changes to the methods and technologies for identification in relation to passports that are aimed at combating identity fraud, which is not just the production of fraudulent documents. Identity theft is certainly an area that needs continued vigilance, with most people thinking it is more important to ensure that a passport really belongs to the person holding it. Updating the laws to enable better effectiveness in addressing identity fraud is certainly a goal that the Democrats and, I expect, all Australians are supportive of.

The key question is how you do that: what powers you give to the minister, the government or the department and whether those powers are appropriate and whether the protections in place are adequate. Certainly, some privacy questions arise that I will touch on shortly. There are issues to do with the grounds for refusal and cancellation of passports, and issues to do with the criminal offences relating to travel documents—including increasing penalties, fines and maximum terms of imprisonment in relation to those offences. There are also aspects of the bill which enable the minister to obtain various pieces of personal information for a range of purposes. The general goals of the bills are something that most people would be very supportive of. The key question—
and part of the important role of the Senate is to answer this—is whether it achieves those goals in a way that is going to be as effective as possible and that ensures sufficient protections for the Australian public.

When giving a minister, or indeed anybody, power over people’s information and details, we should always ask whether those powers are necessary and whether the protections surrounding the use of those powers are adequate. This broader issue is something that has been raised in relation to this legislation because of its ability to enable biometrics to be used as part of passports in the future. As I understand it, the bill does not specifically mention biometric technology, but I think the Minister for Foreign Affairs made it clear that there is an intention that the bill will provide for the introduction of facial recognition or photo-matching technology and, potentially, other technology down the track.

It is important to emphasise—and I draw on comments which the former Privacy Commissioner, Mr Malcolm Crompton, made in an address about biometrics and privacy he gave to the Biometrics Institute Conference in Sydney—that there are strong arguments in favour of the use of biometrics from a privacy perspective, as well as strong arguments or cautions against it. What really matters is the protections surrounding it. The technology itself is not inherently bad or inherently good, as with any of the other technologies that are currently used. In many respects, at least in terms of the initial likely usage of this, it is probably not going to be particularly different from the current situation of facial or photo matching via the use of photographs that are provided—and, as anybody who has applied for a passport would know, a photograph is one of the things you have to provide. We already use biometrics in a range of areas in Australia, and some of the key considerations that are involved—and these are things that Mr Crompton flagged—are bodily privacy in the collection of biometrics, openness and choice in the collection of biometrics, the potential for data linkage and function creep, and the potential for that information to act as a universal unique identifier.

In terms of what the government or minister is likely to use the updated and clarified powers under this new legislation for, it is not particularly likely that concerns are going to be raised as part of that. But concern does need to be raised about its potential future usage. This is an important question and principle that will need to be highlighted far more specifically into the future, given that the single greatest protection for the rights and freedoms of Australians is about to be lost—the independence of the Senate. From 1 July the government will have control of the Senate. It will mean they will be able to push through any changes to legislation they like. They will be able to push through any regulations they like. Until that situation changes back again and there is some degree of independent scrutiny of what the government does in the future, then it makes it all the more vital that any powers that are given to a minister or a department have enough protections already built into the legislation to ensure that the powers cannot be misused down the track by not just this government but any future government of any political persuasion. That is why it is appropriate to raise concerns about what powers might be used for in the future, even though the current minister can give, and indeed has to some extent given, satisfactory commitments about what the powers will be used for with photo-matching technology in the immediate future.

Extra uses can be brought in in future via regulation and, as senators would know but perhaps the public does not, regulations or secondary legislation is far less adequate in
terms of guaranteeing proper parliamentary and public scrutiny. Similarly, regulations cannot be overturned if the government has control of the Senate unless there is a sudden outbreak of genuine independence amongst government senators—and I will believe that when I see it. So that basic principle is one that applies not just to this bill but to every bill the Senate passes from now on. Every Senate committee will certainly need to closely examine every piece of legislation to determine not just what the government of today will use the powers contained in the legislation for but whether there are protections built into the legislation against a future government using those powers for means that may be less benign or positive.

For the record, my view is that in most respects the changes and the aims that are contained in this legislation are positive measures. Measures that reduce the chances of identity theft and identity fraud are clearly very positive. Measures that reduce the ability of criminals, terrorists or whoever to obtain false passports or misrepresent themselves as somebody else should be supported but, as I and other Democrats have repeatedly said in this chamber, we have to be very careful to make sure that, in bringing in necessary changes, we do not also put in place extra discretionary powers for a minister that will allow freedoms to be taken away in the future unless a clear justification is given.

I make those comments more as a broad statement of principle about the general need to ensure that there are checks and balances on the discretion and power of any government minister. The statements are not an attack, or anything of the sort, on this government or the current minister. They are a statement of principle about the way our system of government is meant to function. It is a system of checks and balances where no one individual will have too great a concentration of power with too little scope for independent accountability, for oversight of how those powers are used and for limitations on those powers being expanded without further scrutiny and further agreement from an independent source. That system of checks and balances is now much more at risk with the loss of the independence of the Senate that will occur shortly, and it is particularly important when we are talking about new technologies down the track. In most respects, photo matching is not a particularly new concept, although perhaps it may now be being done in a different way.

This bill also opens up the scope for other technologies down the track. One of the risks associated with biometric technology that Mr Crompton outlined, which I referred to before, is what he calls ‘function creep’. That occurs when information that is collected for one purpose is gradually used for a range of additional purposes. Because of the protections contained in the Privacy Act, function creep generally involves legislative authorisation to use information for additional purposes. The most obvious example is the vastly expanded use of the tax file number which was originally brought in for a very precise and limited purpose and is now being used for a wide range of purposes. All of those changes to the use or purpose have been authorised by subsequent laws, so I am not in any way saying that those wider usages are invalid. I simply say that once you open up legal authorisation more widely there is an innate tendency to expand things down the track. It is because of the issue of function creep that the Democrats retain some concern about the nature of this legislation, because it does provide for ministerial determination in relation to a range of details—from the technology that is to be used to whether information can be disclosed to another person.

Because of that reliance on ministerial determination, rather than the need for future
legislative change, the potential for function creep is increased. It is always easier for governments—and I can very much understand why they prefer it this way—to get the general principle through in legislation and then, as changes and refinements need to be made down the track, to have the ability to make them in a much more prompt manner and, government ministers and public servants would probably argue, in a more efficient manner. If there is a need to draft changes to the laws, to put them before Senate committees and to introduce them in the parliament, it can be a lot slower. But it is also a lot safer and there is much greater protection of the freedoms of the individual and the community. In balancing the natural desire for maximum flexibility and speed, which governments always like, with the need to have adequate safeguards, checks and balances and protections for the community, I certainly believe you should always err somewhat on the side of caution without going overboard about it. Because of that prospect of ministerial determinations being made in the future, some of which will require regulations to be brought in, we do not believe that is necessarily an adequate protection against potential future misuse and future extra powers going to the government.

Certainly the area of ministerial determination I am most familiar with that of migration law. It is an enormous area of power for a minister. That ministerial discretion is virtually unlimited in some respects, with virtually no oversight of how that power is used and no opportunity for independent scrutiny. I suppose it is because of my experiences in that area—where I have seen what was originally proposed as a very minor piece of the law, to be used as a last resort or a safety net in extreme cases, over time expand to become a major aspect of the operation of some components of the migration law—that I am much more conservative about giving ministers, in any areas, further powers where they can make changes simply by exercising their discretion without adequate protections being built in. What is being proposed here, let me hasten to add, is nothing like what is in the Migration Act in terms of the scope of ministerial power and the lack of any scrutiny of what the minister does in certain areas. I simply draw on that as an example of what can happen when open-ended ministerial discretion powers are allowed to take hold without adequate scrutiny of, and accountability for, how those powers are used.

It is those two aspects that I would emphasise: firstly, down the track, what other things might those powers be used for and how adequate or otherwise will be the ability to scrutinise changes and extra uses of those powers that may occur; and, secondly, whether adequate processes are in place to scrutinise how the powers are being used. That is something that will be an ongoing task. I am sure it is something that those who have an interest in this area will continue to do: to look at how these powers are used—from a positive perspective, not just negative one. People have recognised the potential positive benefits of biometric technology for a whole range of reasons and we need to continually learn, as it is used, how it can be better used and what additional benefits can be gained from it. From that perspective as well, it is beneficial to have sufficient transparency of the monitoring of the use of technology so that people can learn from it and come up with ways of doing it better. In areas like this, where technological development is fairly rapid and the potential for a range of uses continues to grow, opportunities for input into how things might be done in the future are very important.

So, whilst the tone of my contribution has probably been focused on the negative or at least on sounding a warning, I do acknowledge the potential of this legislation—the
potential benefits of biometric technology and, indeed, other technologies when they are used. As with any power, the key thing is that it is appropriately constrained and cannot be expanded without further future scrutiny and awareness and, secondly, that there is adequate oversight with how those powers are used. In those areas, I am still not convinced that the protections in this legislation are necessarily adequate, but my concern has more to do with how the technology may be used in the future than how I anticipate it will be used immediately. I think it is appropriate to put those concerns on the record. They are areas that in many ways link into the concerns that have been raised by the Democrats over a long period.

People will perhaps recall former senator Janine Haines and her concerns about the use by governments of personal information and the need for good protections about that. Her campaigning about privacy issues has been taken up and continued, particularly by Senator Stott Despoja in her exploration of a range of these issues, not least in the current Senate committee inquiry about the adequacy of the privacy regime across the board that is in place. I urge people who have concerns or views of any sort about some of the wider issues to do with the use of technology, personal information and privacy related issues to make submissions to that inquiry.

In many respects, it is the adequacy of our overarching privacy regime and privacy legislation in Australia that is the key. It needs to be made as effective as possible, balancing all the competing challenges rather than homing in on just one particular area of its usage. Despite the government having control of the Senate from 1 July, I am sure the Senate will continue through its committee process to play an invaluable role in engaging with and getting the expertise of the public about how we can do things better in a whole range of areas. The privacy regime is certainly one of those areas and that Senate committee inquiry, which was established at the end of last year, is certainly one that I would encourage people with an interest in this area to engage in.

Senator MURRAY (Western Australia) (1.01 p.m.)—The Australian Passports Bill 2004 and its attendant bills, the Australian Passports (Application Fees) Bill 2004 and the Australian Passports (Transitionals and Consequentials) Bill 2004, comprise a timely addition to the body of law governing Australia’s national security, especially in a world now facing the ever-increasing risk of terrorist attacks and of identity fraud. As Senator Bartlett has outlined, the Democrats have concerns with the bills as drafted. These bills, which replace the Passports Act 1938, will strengthen the probability of uncovering identity fraud and the possible misuse of passports by terrorists and other criminals through the introduction of facial biometric technology to verify identity. Additionally, under these bills the penalties for passport fraud will substantially increase.

However, what has not been addressed in this debate so far, or in the attendant publicity and information surrounding the bills, is the problem with the way in which Australians presently find themselves abused by our system. In the Sydney Morning Herald on 24 June 2004 the Minister for Foreign Affairs, the Hon. Alexander Downer, was cited as giving his assurance that these new powers would be administered fairly and that natural justice would be preserved. He was cited as saying:

The government’s policy is that Australian passports should not be used as an extension of the judicial system and should not be expected to impose any more restraint on an individual than a court would be prepared to impose.

It is these concepts of fair administration and natural justice concerning identity fraud that...
concern me with this new passports legislation.

To illustrate my concerns, I would like to draw attention to a specific and fairly recent example concerning the mistaken identity of an Australian citizen returning home after a trip abroad. In October 2003, my electorate office received via email a confidential submission for the Senate Community Affairs References Committee inquiry into children in institutional care. This submission was from an adult male who had been put into the care of Parkerville Children’s Home in Western Australia as a young child. There, he was subjected to such cruel treatment that he absconded regularly, only to be found and returned—and that is a common story for many of those who were abused in institutions. At the age of 14 he finally succeeded in absconding, making his way up north, where he secured work as a jackaroo. He states in his confidential submission, No. 93, that his tragic and traumatic time at Parkerville will remain with him forever. He remained working in the pastoral industry for many years and received many an award, including an excellence award for jackaroo of the year.

Another form of abuse, known as secondary abuse to those who understand this field, was to plague him in his adult years. With thoughts of overseas travel, he applied for a passport for the first time in 1999. When he did so, there was some confusion over his actual identity, because when he gave his name and what he thought was his birth date he was told that he already had a passport, which he did not. When asked for details of his birth and parents in a subsequent interview with a passport official, he could not supply this information as he just did not know—an all too common problem for the hundreds of thousands of those who have been raised in care in Australia. On producing his drivers licence a passport was issued.

In mid-2002 he was to fly to Holland with his fiancee to meet her family, only to find after intensive searches that he had mislaid his passport. Again, there was confusion over his identity, but this time he was actually interviewed by two federal agents. His fiancee flew back to Holland without him and eventually another passport was issued. Unfortunately, when he was finally able to join his fiancee overseas, his passport was stolen. When he reported this and went to collect a new one, he was given a new ID by the authorities in the name of the person they believed him to be. However, on attempting to book a flight home, he was told that this person had never left Australia and that he could not fly. So began another attempt to sort out his identity and passport at the Australian embassy in The Hague. Eventually, a travel document was issued to allow him to fly back home, but yet again it was in another name.

On arrival back in Australia last November, his nightmare continued with his immediate arrest at the airport by the Federal Police and subsequent detention. He then appeared in court on a charge of making false statements to procure an Australian passport, and his application for bail was refused on the grounds that he was a flight risk. At no time throughout these circumstances was it ever apparent that anyone from the department, the authorities or the police had any idea that identity issues are a major problem for hundreds of thousands of Australians who have been in care. The matter was eventually dismissed by the court.

The distress and frustration this Australian citizen experienced at being accused of deliberately defrauding the government to obtain an ID for a passport cannot be underestimated. Even though he is no stranger to
abuse, considering his time spent in care as a child, this form of secondary abuse has caused him unnecessary pain and suffering. He somewhat poignantly writes that these events have:

... stirred up a lot of old nightmares and pain which I had thought were forgotten. The biggest issue I have is the stigma of being in Parkerville and being treated by authorities as a nobody and now being expected to prove who I am.

What is more, in spite of his embedded distrust of authority figures, he patriotically writes:

I am not seeking compensation or publicity. I am not seeking to embarrass my government. I am not looking for anything other than my name and my life to be given back to me. I am proud to be an Australian, I am proud of what Australia stands for and I am proud of what I have achieved given the circumstances of my early childhood.

This example of alleged passport fraud goes a long way to arguing the case that it is imperative that ‘fairness’ and ‘natural justice’ are safeguarded in these new bills and, more importantly, safeguarded in the exercise of authority under these new bills, especially for the people who are still searching for their true identities after being raised in care. Indeed, the search for identity for these people is a particularly onerous and frustrating task. Poor record keeping and the destruction of records by fires, church and other organisations or under government department orders has often made it nigh on impossible for them to either find or reconnect with family members or use the documents for more official practical purposes such as obtaining a passport. Right now the Senate has an inquiry into privacy, but there are miserable creatures who refuse to allow a change to the terms of reference which would allow for these sorts of issues, such as whether at times privacy principles need to be adjusted for people who cannot access their records and are denied their identity, to be assessed.

The August 2001 child migrant report *Lost innocents: righting the record* devotes a whole chapter, chapter 6, to the vital issue of identity. There are 40 pages to the chapter and it has 17 recommendations. I remind the Senate that this was a unanimous report, but if you were to ask the ministers or the officials responsible whether they are acquainted with that report and chapter I would venture to suggest that they are not. Of course, that report has been followed up by a further report, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, by the same committee—again a unanimous report—which again focuses on the issues of identity for, I repeat, hundreds of thousands of Australians. The great difficulty we have is that I very much doubt that successive ministers and their key officials have even read the report. Nor is there a system of automatically red-flagging a child migrant or a person in care to an official who would be aware of these identity issues. It is obviously impractical for an entire department to be aware of them, but it must be possible for a system to be introduced where, when there is a specific identity issue, there are people who are experienced in that area.

Like Jews in Nazi Germany, many of these Australian Indigenous and non-Indigenous children and child migrants were known by number, not by name. It is a disgrace. Many had their names changed and their identity perverted by the good and charitable who ran those places of abuse. The loss of identity has had enormous practical implications for former child migrants. With no birth certificates they have experienced difficulties in obtaining passports and other documentation. It is also true of those Australian born children in institutions: those who were deserted by their parents, orphaned or simply handed over to the authorities frequently have no means of tracing their back-
ground and identity. Where is that issue attended to in the statements of ministers, the reaction of government and the examination of these bills? And this is when they have had two reports by the Senate unanimously recommending attention to these areas. Moreover, most former child migrants and others in care have discovered as adults that they were not even recognised as Australian citizens. Imagine the effect this has on these people, Defence Minister, especially when many—and this is typical of institutional kids—have fought for this country and went to war for Australia.

At the time this bill was to be debated in August last year, my office had yet another request—and there have been many—for assistance from a former child migrant planning to travel back to the United Kingdom to visit the grave of his mother whom he had never met. When he applied for a passport he learnt that he was not classified as an Australian citizen and, as he had spent time in prison—I should add that this is something not uncommon for victims of brutal institutional life—he faced possible deportation. The Senate committee recommended that the issue of citizenship should be dealt with sympathetically for people in those circumstances. Needless to say, the devastation and angst he experienced when informed of this situation was soul destroying for him.

You only have to speak to experts in organisations like the Child Migrants Trust, a wonderful and badly underfunded service provider, or the Christian Brothers Ex-Residents and Students Services, who provide a very good service trying to deal with this area, to realise what a huge issue identity is for Australians who have been in institutions—all 500,000-plus of them: the Indigenous Australians, the British and Maltese child migrants and the non-Indigenous Australians. I despair of those from a privileged silvertail or landed gentry background who have a decidedly un-Christian disdain and disregard for people with these unfortunate backgrounds and a visceral antagonism to the people and agencies trying to help them. This is a government that at times seems to revel in a harsh reputation, safe and secure in the knowledge that too many Australians care little about how the unfortunate or the disadvantaged are treated. Yet I am not without hope. I know that there are very many good people in the government ranks, and those people should join us in urging the government as a whole to give due consideration to ‘fairness’ and ‘natural justice’ in the administration of the powers under these laws for those Australians whose identity has always been hidden from them.

Senator BARTLETT (Queensland) (1.14 p.m.)—I seek leave to incorporate a speech by Senator Stott Despoja.

Leave granted.

Senator STOTT DESPOJA (South Australia) (1.14 p.m.)—The incorporated speech read as follows—

I speak on these Bills primarily in my capacity as the Foreign Affairs Spokesperson for the Australian Democrats. However, since the Bills have very significant implications for the privacy of all Australian passport holders, it is also relevant in this context that I am the Democrats’ Privacy Spokesperson.

I begin by indicating that the Democrats accept that the Government’s genuine intention in introducing these Bills is, as the Minister’s Second Reading Speech indicated, to “provide a modern legal structure to underpin our world-class passports system” and “to ensure that Australians can continue to rely on a travel document of the highest integrity, which clearly establishes their identity and citizenship.

The Democrats support those objectives, however, we believe that Government has gone well beyond them in the drafting of this Bill and, as a consequence, what we have before us today is bad legislation.
As we know, there are four main aspects to the Australian Passports Bill.

Firstly, in an effort to combat identity fraud, the Bill makes changes to the methods and technologies for identification in relation to passports. Although the Bill contains no express mention of biometric technology, the Minister has made it clear that the Government intends to introduce such technology, indicating that the Bill “provides for the introduction of facial biometric technology as an effective means of verifying identity”.

The will be achieved by vesting the Minister with the power to authorise the use of particular methods and technologies for confirming identification or performing other functions connected with the Bill.

Secondly, the Bill expands the grounds for the refusal or cancellation of passports. For example, the Minister may refuse to issue a passport upon request from a competent authority if the person is the subject of an arrest warrant in respect of a serious foreign offence.

The Minister may also refuse a passport to a person who has lost, or had stolen, 2 or more passports in 5 years.

These provisions reflect similar provisions in relation to foreign travel documents which were enacted last year in the Anti-Terrorism Bill (No. 3). Like the Anti-Terrorism Bill (No. 3), this Bill will enable the Minister to certify that a particular decision relates to matters of international relations or criminal intelligence. If the Minister issues such a certificate, the Administrative Appeals Tribunal will have no option but to affirm the Minister’s decision or remit it back to the Minister for reconsideration.

Thirdly, the Bill creates a range of new criminal offences relating to travel documents—for example, selling an Australian travel document, dishonestly obtaining an Australian travel document, transporting a false travel document across international borders, and using powers under this Bill for wrong reasons.

It is important to note that these offences will apply extraterritorially—in other words, a person will be able to be convicted of an offence regardless of whether or not the conduct constituting the offence occurred within Australia. Penalties are increased from a maximum fine of $5000 and/or 2 years imprisonment to a maximum fine of $110,000 and/or 10 years imprisonment.

Finally, the Bill enables the Minister to obtain, use and disclose personal information for a range of purposes associated with the Bill, for example verifying information provided by an applicant for a passport.

The Australian Passports (Application Fees) Bill will, according to the Government, “establish a simpler structure to deal with changes in the costs and validity of passports and other travel-related documents”. In actual fact, it could facilitate a massive increase in the cost of obtaining an Australian passport.

This Bill gives the Minister the power to specify application fees for Australian travel documents. These fees are “imposed as taxes” and the “application fee need not bear any relationship to the cost” of the travel document.

The maximum fee for the first year of the Bill’s operation is $1000, which is an extraordinary increase on the current application fee of $150 for a standard passport. However, we have been informed by the Department of Foreign Affairs that this is simply an arbitrary figure which is intended to cover all possible increases to passport fees over the next, say, 30 years. I understand that there is no intention whatsoever to increase the cost of a passport to $1000 and it is important for that to be put on public record.

The Australian Passports (Transitionals and Consequential) Bill will, among other things, remove references to Australian passports from the Passports Act and rename that Act as the Foreign Passports (Law Enforcement and Security) Act.

I turn now to the Democrats’ key concerns in relation to these Bills. Our primary concern relates to the Minister’s sweeping new powers and the potential impact on the privacy of Australian passport holders under the principle Australian Passports Bill.

The Bill is not specific about exactly what type of technology the Minister may authorise to identify passport holders. In fact, while the Government has indicated that it intends to introduce a biometric system, there is no mention of biometric tech-
nology in the Bill. Because of this ambiguity, there is nothing in the legislation to stop the Minister eventually going as far as requiring genetic information to identify passport holders.

This is an unacceptable situation, regardless of whether the Minister’s determination is a disallowable instrument. Many of you in this place would be aware of my long-term interest in genetic privacy issues and my strong view that there is a need for legislation to protect the privacy of sensitive genetic information. Indeed, I introduced a Private Senator’s Bill with this very objective in 1998.

The absence of any legislation to protect the privacy of genetic information is exactly why general powers such as those contained in this Bill are particularly problematic—as there is no guarantee that they will not be used in a manner which violates the genetic privacy of Australian passport holders.

However, even looking at the immediate proposal for a biometric identification system, there is no indication in the Bill as to what kind of biometric system this might be.

The Bills Digest, for example, identifies two different types of biometric systems which could be adopted. The first of these relies on machine readable travel documents, as advocated by the International Civil Aviation Organisation. As the Digest explains:

“This method uses a MRTD in which a data-chip is embedded. A computer can then access biometric data from the chip, matching the data with the biometrics of the person purporting to be the passport-holder. In some ways, this is an automated version of the current system of identity confirmation whereby a human Customs or Immigration (or like) officer manually matches a traveller with his or her photographic identification. This method does not rely on a database of passport-holders' biometric details.”

On the other hand, the Government could opt for a database containing the biometric details of all Australian passport holders, which could be accessed through network-connected computers when passengers leave and enter Australia. The Bills Digest indicates that this is the model the US intends to use for all visitors to the US under its US-VISIT scheme.

My understanding of the Government’s proposal is that it involves features of each of these models. It is predominantly a machine-readable system, however the Government will maintain a database of computerised photographs of all passport holders.

But, quite apart from the merits or otherwise of a biometric database, the Bill fails to provide any rules as to how biometric information is to be collected, stored, protected or used. The Democrats would hope that, at the very least, this type of information would be included in any determination made by the Minister, however, we maintain our position that any specific technology proposed to be used in relation to identity verification, should be considered by the Parliament and not left to the Minister’s discretion.

We do not accept that it is sufficient for the Parliament to have the power to disallow a determination made by the Minister. This will not allow the same degree of community participation in any decision to adopt new passport technologies and, given the very large number of Australians who would be affected by such a decision, the Democrats believe it is important for such matters to be subject to proper Parliamentary scrutiny, including a Committee Inquiry if necessary.

The Democrats believe that the Government should set out the details of its proposed biometric system in the text of the Bill. We note that, while the collection and management of passport identification information would be subject to the Privacy Act, the protection afforded by the Privacy Act is not particularly strong and notoriously difficult to enforce. Indeed, that is why I initiated the current Senate Inquiry into current privacy legislation and the extent to which it is capable of responding to new technologies.

In relation to the Minister’s power to disclose personal information for law enforcement, family law or other Commonwealth purposes, the Democrats are concerned that this could lead to the passport identification system becoming a de facto national biometric database which could be used by the Government for a variety of reasons.

The Bills Digest warns:
These provisions could make the passports system a process by which the Commonwealth could obtain and centralise a large amount of personal information about Australian passport-holders which could be put to a very broad range of uses with minimal parliamentary scrutiny.

The Australian Privacy Foundation has warned that this could result in passports becoming "a de facto Australia card" and, as the Australian Consumers' Association has pointed out, the legislation will "affect some 8 million passport holders".

There are a couple of other concerns which the Democrats have in relation to this suite of Bills that I wish to place on record.

Firstly, there are restrictions on the appeal process if a person is refused a passport or has their passport cancelled on international relations or criminal intelligence grounds. If the Minister certifies that his or her decision involves matters of international relations or criminal intelligence, the AAT will have no choice but to either affirm the Minister's decision or remit it to the Minister for reconsideration.

The Democrats believe this is unsatisfactory, given the enormous impact of the Minister's decision on a person who is subsequently prevented from leaving Australia. It continues the disturbing trend towards more opaque decision-making on the basis that decisions relate to security, or in this case international relations or criminal intelligence.

Perhaps a more appropriate approach would be to limit the evidence which the AAT can consider as opposed to limiting the orders it can make.

Another concern which I wish to flag is that there is an anomaly relating to the form of Australian travel documents which means that Australian women who marry overseas will need to change their name by deed poll if they wish to use their married name on Australian travel documents. This new policy, which is contained in a DFAT directive, has already affected two Australian women. I understand that DFAT is aware of this issue but is not sure how to rectify it at this stage.

In conclusion, I can indicate that, while the Democrats have no in principle objection to the use of biometric technology in passports, we believe that the introduction of such technology must be accompanied by appropriate safeguards to ensure that the privacy of Australians is protected. In their current form, these Bills fail to include the appropriate protections. They are broad and ambiguous and the Democrats will not support them in their current form.
Senator Murray’s contribution was a different one. He raised the very real concern of those who, through no fault of their own, have difficulty in establishing their identity for passport reasons. He gave us the detail of one obviously very unfortunate case—it was a rather sad set of circumstances—and the great deal of anguish that a particular individual clearly went through. That is something we wish had not occurred. I have discussed the matter briefly with the officials and they tell me that, in the drafting of the regulations for this legislation, there will be sufficient discretion for them to make wise decisions in circumstances where people have difficulty in establishing their identity through traditional means. No doubt Senator Murray will have an opportunity, when he sees these regulations, to inform the Senate whether he believes they have adequately achieved the goal as expressed by the officials.

Whilst I do not in any way dispute his argument, I do ask him to also take into account the other side of the coin, which is the duty and responsibility of officials to protect the Australian people from abuses of the passport system. Sadly, that occurs. Through these legislative changes we hope there will be less opportunity for abuse. Nevertheless, the officials have a responsibility to enforce the legislation to protect the interests of the Australian people. That is not always an easy job. So I think there are two sides to this argument. On the one hand, we must be sensitive to those who, as I said, through no fault of their own have difficulty in establishing their identity. On the other hand, we must also understand and support officials who are doing their best to meet their responsibilities to the Australian people in seeking to avoid passport fraud. With those few words I commend the bills to the Senate.

Question agreed to.

Bills read a second time.

Third Reading

Bills passed through their remaining stages without amendment or debate.

BUSINESS

Rearrangement

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (1.20 p.m.)—I move:

That intervening business be postponed till after consideration of government business orders of the day Nos 4 and 5.

Question agreed to.

Consideration of Legislation

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (1.20 p.m.)—by leave—I move:

That government business orders of the day no. 4 (Tax Laws Amendment (Long-term Non-reviewable Contracts) Bill 2004) and no. 5 (A New Tax System (Goods and Services Tax Imposition (Recipients)—General) Bill 2004 and two related bills) may be taken together for their remaining stages.

Question agreed to.

TAX LAWS AMENDMENT (LONG-TERM NON-REVIEWABLE CONTRACTS) BILL 2004

A NEW TAX SYSTEM (GOODS AND SERVICES TAX IMPOSITION (RECIPIENTS)—GENERAL) BILL 2004

A NEW TAX SYSTEM (GOODS AND SERVICES TAX IMPOSITION (RECIPIENTS)—EXCISE) BILL 2004

A NEW TAX SYSTEM (GOODS AND SERVICES TAX IMPOSITION (RECIPIENTS)—CUSTOMS) BILL 2004

Second Reading

Debate resumed from 9 December 2004, on motion by Senator Kemp:
That these bills be now read a second time.

Senator SHERRY (Tasmania) (1.21 p.m.)—Today the Senate is debating the Tax Laws Amendment (Long-term Non-reviewable Contracts) Bill 2004 and three related bills. The Senate is debating a number of bills to correct a hangover—and a mighty hangover it is—of the implementation nightmare of the GST. Five years after the implementation of the GST, here we are dealing with four bills to correct the hangover. It is now five years since the introduction of the GST!

Senator Kemp—Move on!

Senator SHERRY—Senator Kemp, in his usual form, interjects and suggests that I move on, but we are dealing with Liberal government legislation to fix up the GST, which should have been fixed five years ago. Senator Kemp and the Liberal government moved on without fixing up the issues relating to the GST. Here we are, five years on, still trying to fix up the problems. If memory serves me correctly, this is about the 1,650th amendment to the GST since it was introduced five years ago.

One of the numerous difficult issues that arose at the time of the introduction of the GST was how to deal with long-term contracts entered into before the GST regime was introduced and for which no review opportunity has occurred. An example of such a contract would be a long-term lease by a bank over a branch office. If the GST had been applied immediately to these contract suppliers, they would have had to remit the GST on their supplies, but, because there is an existing contractual obligation, the contract price could not be changed to reflect the introduction of the GST. The recipient would have received the input tax credit without, so to speak, paying for it as a GST augmented price. In response, the Liberal government provided for a transitional regime that deferred the imposition of the GST on these contracts—and that effectively deferred the solution to the problem—until an opportunity occurred for the contracts to be reviewed. That transition period ends on 30 June 2005.

As I have said, the Liberal government has had five years to indicate in detail how it was going to fix this problem. Here we are at the eleventh hour and it has produced a set of bills. This is happening frequently at the moment. We are seeing tax bills, urgent bills, emerging from the government to deal with pressing concerns that should have been fixed five years ago. A problem with this approach is that it is attempting to railroad the Senate and the affected parties into a decision without an opportunity to have an input. The Labor Party, unlike this government, actually wanted to listen to the concerns that were being raised by parties particularly in the property industry about this last-minute solution to the issues that have been raised. It is just so typical of the arrogant approach of this Liberal government that we see emerging more and more. It is an approach that is arrogant, dismissive and uncaring, and it fails to listen to others.

The situation in relation to these bills could not, sadly, better reflect this arrogant approach of the Liberal government, particularly since their re-election. The Liberal government asked the Labor opposition in the last session to have the bill introduced into parliament, pushed straight through the Senate and passed on the same day. This is five years after the GST was implemented. Labor rightly called for a Treasury briefing in order to satisfy ourselves that the bill overall was an appropriate solution and mechanism to deal with the imposition of the GST on these contracts and also to consult with the affected parties. But the Liberal government refused to allow the Labor opposition to remove a copy of the bill from the briefing
room, and we also had not seen an explanatory memorandum. In light of this, the Labor opposition allowed the bill to enter the House but insisted that a little more time, other than just the one day and the one sighting, was needed for the bill to be considered. Labor have listened to the representations from the sectors that are affected by the implementation regime. We have fully considered the legislation and consulted with the property sector, and Labor will be moving two amendments to the legislation when we enter into the committee debate on the bills. These are positive and fair suggestions that have been advanced by parties in the property sector who have been affected.

Before I touch on the amendments, the legislation we are speaking to as a whole seeks to provide a transitional phase for businesses engaged in long-term contracts which will be subject to the GST from 1 July 2005. A long-term agreement which was entered into prior to the commencement of the GST had no GST component negotiated in the contract. If suppliers under these long-term, non-reviewable contracts are unable to negotiate a change in the consideration to take account of the GST, they will have a GST liability from 1 July 2005, without the ability to recover the GST from their recipients. This has created the opportunity for major lessees of property to hold out, or at least to try to hold out, on renegotiating the contracts until after 1 July 2005 to avoid a price rise. The Liberal government has introduced this bill to try to 'encourage' such lessees to renegotiate the lease or end up paying the GST themselves. This is not an unexpected problem. It was a problem that was raised five years ago, when the GST was introduced. I would be interested to hear from Senator Murray what the Democrats—the party that teamed up with the Liberal government to allow the passage of the GST—thought about this particular problem at the time. I would be interested to know what the Democrats thought about this and why we are dealing with this mess five years on. Hopefully, Senator Murray can throw some light on that.

The bill provides for one of three outcomes. Firstly, the parties renegotiate the contract price, either voluntarily or through arbitration. The supplier can make an initial offer to adjust a price, which may be accepted by the recipient. If not accepted, the supplier can make an arbitrated offer to adjust the consideration. If accepted, the supplier remits one-eleventh of the renegotiated contract price, and the recipient receives input tax credits according to their usual entitlement. Secondly, if the recipient of the service under the contract rejects the offer of the supplier, the GST becomes payable by the recipient. Thirdly, the recipient of the supplies may make an irrevocable written election to pay the GST. Once an offer has been made by the supplier, the recipient has 28 days to accept it. Once an arbiter has ruled, the recipient has 21 days to accept the arbitration. A recipient who does not respond is liable for the GST.

Some problems with the approach in this bill have been raised with the Labor Party by the principal industry association for suppliers in this sector, the Property Council of Australia. They requested Labor consider moving amendments to the bill in two areas: firstly, to place a 28-day cap on the arbitration period and, secondly, to deal with the absence of regulations. We have not seen the regulations yet. Here we are, expected to pass a bill in one day because it is urgent, yet we have not got the regulations. It is another example of the arrogant approach of this government to the legislative process. The basic problem is that, without the amendments that Labor will be moving, the arbitration period could drag out. When does the arbitration period come to a conclusion?
There is an incentive for the lessor to do this until after 1 July 2005, when the supplier will have to pay the GST. The lessor can then get the input tax credit without paying the GST. So a cap on the arbitration period is called for.

There is also a problem with regard to the qualifications of an arbitrator. The bill specifies that this will be determined by regulation, but we understand that the regulations have not been prepared. The minister may care to give us an update. These would normally be subject to disallowance within 14 days of the sitting period. But this is impractical from a Senate process point of view, because it would mean that there would be insufficient time to begin arbitration. So Labor is proposing to amend the bill to specify that, until the regulations are gazetted, the qualification of an arbitrator will be membership of CPA Australia or the Institute of Chartered Accountants.

The Property Council also asked Labor to specify that the costs of the arbitration process be split between both parties. That is an important issue, because it could be an expensive exercise. Labor do not propose to move a specific amendment to the bill in this area to deal with what we consider to be a very legitimate concern. I would ask that the minister indicate in her response, either in her contribution to the second reading debate or in the committee stage, how the government proposes to deal with the question of sharing the costs of the arbitration process. Labor call on the government to propose a solution to what is potentially a significant problem.

Labor’s interest in presenting the amendments and raising the problems that have been communicated to us demonstrates that we have attempted a fairness of approach when considering this very difficult issue. We have listened to business concerns, and Labor will continue to be proactive in dealing with legitimate issues that business raises. In terms of general taxation reform, Labor’s approach to these issues is to listen to business, to listen to its concerns—unlike the Liberal government on this bill—underpinned by a fairness to all approach.

It has to be said that in relation to this bill the performance of the Minister for Revenue and Assistant Treasurer, Mr Brough, has been appalling. After he expected us to pass the bill in the House and the Senate in one day, sight unseen, he arrogantly tried to stop Labor members debating the bill in the House. He even attempted to speak in the place of the member for Oxley when that member had been given the call. Fortunately, the deputy speaker asked the minister to resume his seat and to stop interrupting the debate. It is another example of the arrogance of this government’s approach. Labor approached the government to discuss the proposed amendments. However, the Liberal government cancelled the meeting with little over an hour’s notice. That is another example of the arrogant approach that is becoming all too symptomatic of this government, particularly since its re-election.

I ask the minister and all the senators to support the two amendments that I have foreshadowed when we get to the committee stage. The Labor Party are also asking the government to support the amendments in the other chamber when the time comes for consideration, if they are passed in this place. In concluding, let me repeat that it has taken not weeks, not months but years—in fact, five years—to draft this bill to deal with GST hangover issues. It is legislation which the government knew needed to be introduced before the transition period expired on 1 July 2005. The delays in presenting this bill to the parliament are not exceptional. As I said, they are signs of arrogance and a level of incompetence displayed by Minister Brough.
in the other place and another example of the government's mismanagement of the legislative process. We will be supporting the bill, but we will be moving two amendments when we get to the committee stage.

Senator MURRAY (Western Australia) (1.35 p.m.)—I too intend to speak on the Tax Laws Amendment (Long-term Non-reviewable Contracts) Bill 2004 and the other three bills being dealt with cognately. I guess at one time or another all of us are guilty of this with pet issues, but I must say at the outset that sometimes—through you, Madam Acting Deputy President—Senator Sherry and other members of the ALP, I think of you fighting a war that is long lost. I am almost reminded of those apocryphal magazine stories of some poor Japanese soldier suddenly emerging from a jungle 10 years after the war, ready to carry on and fight his battle. I think the GST is now well accepted in the community. I note that in Western Australia the cornucopia of riches that is available to both major parties contesting government is amply contributed to by GST funds. That enables them, of course, to make terrific offers on infrastructure, police, health and education. If ever you speak to the Labor members of state governments, as I do, you will know that the very last thing they ever want the coalition government or any other government to do is to get rid of the GST.

It is a great tribute to the coalition and the Democrats that we had the courage to introduce and support such tax reform. As I said, that battle is over and you need to move on. In fact, I guess you are moving on because, having made your criticisms, you nevertheless will support the bill—

Senator Sherry—Five years on.

Senator MURRAY—Yes, it has taken you five years to accept it, I suppose. But I am pleased to see it. I get distracted and I am sure we will have this jousting for many years to come. The Tax Laws Amendment (Long-term Non-reviewable Contracts) Bill 2004 amends the A New Tax System (Goods and Services Tax Transition) Act 1999 so that parties who entered into a long-term contract prior to 8 July 1999 have access to an arbitrator to enable negotiations to take account of the GST's impact on those contracts after 1 July 2005. On 1 July 2005 the five-year transitional rules that ensured no party was disadvantaged will come to an end.

In one respect I agree with some remarks of Senator Sherry: this matter could have been brought on earlier and could have been dealt with for the benefit of the parties concerned. It is not the Senate's fault that it was delayed. One thing I am increasingly irritated about—and I want to join the Hon. Bob Hawke in giving the media a clip around the ear—is the media's continual and automatic acceptance of the coalition's mantra that the Senate has endlessly held up bills. That is not true. It is the government that decides how many sitting days there will be and it is the government that decides which bills will be before us. When those bills are before us, you will find that the Senate has dealt with them. There are very few bills in fact that have been held up. On Sunday, yet again I heard a senior commentator saying 'and all those bills that the Senate has held up'. Which bills? The media will immediately mention the unfair dismissal bill—yes. Telstra, yes. Any others, folks? There are perhaps a couple, perhaps seven but certainly fewer than 10.

It is about time that the media started to behave like a media and give the government a run-in every time they claim that the Senate in its role has been obstructionist and has been holding up legislation. Ask the next question: 'All right, Minister, which bills? Name them. Name when they were held up.'
Ask them why they did not have an extra sitting week, as we Democrats ask for many times. Ask them why bills were not put on the Notice Paper, when they have the entire power to do so.

On 1 July 2005, the five-year transitional rules that ensured that no party was disadvantaged will come to an end. This bill is necessary because the legislation implementing the GST recognised that there were numerous pre-existing contracts where the supply was to be made after 1 July 2000. The prices set under these contracts were most likely negotiated without reference to the GST regime. If the GST had applied immediately to these contracts, suppliers would have had to pay the GST but would not have had an opportunity to pass on these costs to the recipients. Further, recipients would have been able to claim the GST input credit without paying a price for these goods that included the GST paid by the supplier. So the essential problem was that one party would be advantaged and one party would be severely disadvantaged.

Consequently, section 13 of the GST transition act allows supplies under a pre 8 July 1999 contract, or a pre 2 December 1998 contract where the recipient was not entitled to a full input tax credit, to remain GST free until either the first opportunity for review of prices under that contract or 1 July 2005, whichever date arose first. After 30 June 2005 this transition period finishes and under current legislation all goods and services supplied under pre 8 July 1999 contracts will become liable for the GST. As noted above, suppliers may face the situation where they are liable for the GST but have no means by which to recover this cost from the recipients of those supplies. If the arbitration mechanism fails to produce a satisfactory outcome to the supplier, these amendments require a recipient to pay any GST obligation on these transactions. Where the recipient agrees to a change in consideration or accepts an arbitrated offer for a change in consideration or where no arbitrated offer has been made and no agreement reached, the supplier remains liable to pay the GST.

The government has had five years to address this issue. On 3 May 2000 the Treasurer issued a press release announcing that the government would introduce measures to ensure that there was no disadvantage to either supplier or recipient after the transition period ended. But it took until 29 October 2004 for the Minister for Revenue and Assistant Treasurer to draft the legislation and release it. I am aware that this government have at times been able to produce legislation on a 24-hour call. We know they can do it. My view is that obviously the government did not regard this legislation as a high priority and have done it in their own time.

This legislation was then introduced into the House on Tuesday, 7 December 2004. The Democrats were then privately asked to support the bill being rushed through the Senate by Thursday, 9 December. The Labor Party were unwilling to rush it through. They were not aware of the bill. They had not considered all the issues. As well, both Labor and the Democrats were dealing with other pieces of legislation. It is necessary, given that Labor likes to work its legislation through caucus and the Democrats through party room, that ample notice is given when a bill is to be dealt with. However, it was always the case that the Democrats would support this legislation, and the parties concerned knew that that was the case.

After looking at this bill over the Christmas period, we did take on board the concerns of the Property Council that there was some uncertainty in its operation. Specifically, there did need to be some definite time frame for the offer period. That is a very common feature of contracts, as Minister
Coonan would know as a former barrister—I presume she is still a barrister—and it is a very necessary constraint so that things are done in time.

The Labor Party have drafted an amendment to this effect. I have seen some correspondence from the very able Peter Verwer of the Property Council stating that the proposed amendment provides much-needed certainty. That particular amendment does make sense to the Democrats. We have not had any negative feedback from those concerned in the industry and we will be interested to see what the government’s attitude is to that minor and clarifying amendment.

On the subject of the GST, I would like to remind the Senate that the recently released mid-year economic outlook shows that the states will receive $35.2 billion in GST funding in 2004-05. This year, the states will have $1.94 billion more revenue from the GST than they would have had under the previous system of financial assistance grants and the state taxes that were abolished at the time of tax reforms. All of us must recognise that the primary role of parliaments is to ensure that they deliver the goods and services that are legitimately needed by Australians. It is a primary role of federal government to ensure that the states are able to attend to their duties successfully, particularly in the areas of the environment, health, education, and law and order. Therefore, the GST has provided much more certainty as a growing tax base than the wholesale sales tax—that limited consumption tax that only applies to goods and not services.

The state governments owe the Democrats a big thankyou. One or two of their ministers have whispered that in my ear but they have not said so publicly and I will not die waiting for it. Not only that, but the federal government is also forecasting massive surplus budgets in the coming years, the Australian economy remains strong, and inflation, unemployment and interest rates are either relatively low or low. The Democrats as a party have taken a lot of pain to deliver Australia a lot of gain.

I am going to repeat some remarks I have made before, but I do note some newspapers again stating that the GST should be revisited to apply to basic food. In response to that, the Treasurer made it very clear that he was not interested in that proposition. Some of the very newspapers that push that boat forget to remind their readers that at the time of the original debate those newspapers were asking to be exempt from the GST themselves. That is a little fact that is conveniently left out of the commentary. Now and again I write a letter to the editor reminding them of that and miraculously it does not get printed. It is always wise to keep a history of these things.

Some of these editorial writers and advocates imply that food is the only thing which is GST-free, but I want to persistently remind people that the coalition decided on extensive GST exemptions for dwelling rentals, health services, education, financial services and exports, all of which total well over 20 per cent of GDP. So, right from the start, the coalition advocated that one in five consumer dollars should not be subject to the GST, and we added basic and fresh food to that. It was not the only exemption or even the most important exemption. The Democrats agreed with the coalition’s proposed exemptions. We then broadened them to include basic and fresh food, which is consistent with GST/VAT systems the world over. We also negotiated extended exemptions in the health, education and charitable services sectors.

I freely admit that we could have done better. Undoubtedly, the government could have done better too. Everybody concerned
could have done better, particularly the Labor Party, because if they had entered into the discussion with more principle and less politics we would have got somewhere. I will never forget that the Labor Party called a division and voted three times to tax food under the GST. It is on the record in the Hansard. Overall, I will say again and again that, despite the angst it has caused my own party, this was a very good outcome in Australia’s national interest.

Finally, I would like to briefly comment that we know the Treasurer is likely to have a large—perhaps huge or perhaps massive—surplus in the next few budgets he will manage, and he will be tempted to provide tax cuts. By the way, I agree with the Labor Party that the GST should be recorded as a Commonwealth tax; do not forget that I have put that on the record many times. Tax cuts of themselves are not a bad thing, but the Democrats would always say that first we should make sure that our health, education and environmental systems are catered for. If you are then going to look at tax cuts, the priority should be low-income earners. The priority should be to increase the tax-free threshold from its ridiculously low $6,000. This would provide a fair and equal tax cut to all Australians as well as potentially reducing some of the effective high marginal tax rates paid by those moving from welfare to work.

Tax cuts right now are a big agenda item because the backbench of the coalition have decided to flex their muscles and have an opinion on this. We support their approach in that it is creating a debate, but we stress that the principles we stand by are: firstly, income tax reform should be structural and permanent; and, secondly, it needs to be prioritised over a number of years. We say that the first priority is low-income earners, which means that, firstly, you have to pay attention to tax-free thresholds; secondly, you should pay attention to tax indexation; and, thirdly—only thirdly—would you then look at raising the upper rates. We do not object to the idea that the upper rate should be raised at some time, but this is not the time. If the Labor Party sit on the fence on this one they will be doing themselves a dis-service.

We think that to provide another exclusive tax cut to high-income earners would be divisive in Australia, and it would certainly not be supported by the Democrats. The Labor Party might be tempted to fold again on those principles. We would urge them, under their new leadership and with their new mood, to in fact attend to the debate and attend to the issue of permanent structural income tax reform, which will get us away from the triennial debate about what goodies you dish out at election times and give us some certainty and security—which is, incidentally, what the coalition have provided on the consumption tax side. With those concluding remarks I confirm that the Democrats will be supporting this bill.

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (1.52 p.m.)—As we appear to be in furious agreement on the Tax Laws Amendment (Long-term Non-reviewable Contracts) Bill 2004 and related bills, I am not going to take much of the Senate’s time, apart from making a couple of remarks in summing up and then dealing with the proposed amendments. The package of bills deals with the situation of people who have long-term contracts stretching from before the GST legislation was introduced to the rapidly approaching date of 1 July 2005, the end of the GST transition period when GST begins to apply to these contracts. These bills have arisen out of several periods of consultation stretching back to November 2000. There was a second one in December 2003, and since early 2004 there
have been ongoing consultations with industry groups over the draft legislation which was publicly released for comments on 29 October 2004. I place that on the record because there were some comments made about the length of time this has taken. Time in itself is not a problem if you get a better outcome, and the government are satisfied that, having listened to industry, we now have the very best package of bills to address this issue.

The bills give the parties to these contracts a mechanism for negotiating a pricing adjustment to reflect the GST in the contract price, if necessary with arbitration. If negotiation fails, there will be a way of breaking the deadlock, by allowing the GST to be imposed on recipients of supplies under the contract. Because there is not a lot of parliamentary time before 1 July 2005, it is important that the parties have the certainty they have sought about the mechanism as soon as possible. While the GST will not apply until after 1 July 2005, the government certainly do wish to give industry enough time to finish their negotiations before then so that the price adjustment will be in place when supplies under these contracts become liable for the GST.

As I said, it seems that we are in furious agreement, apart from a couple of minor amendments. I should mention—because it has taken up a great deal of the time in this debate—the GST, which has been a reality for a number of years. It really is astounding that the ALP would still seek to argue that they no longer support the GST and the revenue it provides to the states and territories. If that is the case, it should be clearly stated. As Senator Murray said, the states and territories are indubitably better off. The windfalls for state governments which have flowed from tax reform have been quite extraordinary and can be measured in billions of dollars.

With respect to the proposed amendments, we accept the second amendment with reservations because of the availability of qualified arbitrators and the complexity of some issues. In the interest of certainty for the industry, the government will accept this amendment, but I want to place on record the fact that my colleague Minister Brough does have some reservations about this. The government are not disposed to the first amendment. We think that it is more appropriate for arbitrators to be listed in regulations. Regulations will be made as soon as possible after the bill receives royal assent. The government are of the view that it is inappropriate for CPA Australia and the Institute of Chartered Accountants to be listed as arbitrators, because their members are of course very expert in their own field and are suitably qualified, perhaps more so as assessors. I have indicated the government’s attitude to the amendments in the hope that we might be able to deal with this legislation before question time.

Question agreed to.

Bills read a second time.

In Committee

TAX LAWS AMENDMENT (LONG-TERM NON-REVIEWABLE CONTRACTS) BILL 2004

Bill—by leave—taken as a whole.

Senator SHERRY (Tasmania) (1.57 p.m.)—I move opposition amendment (1) on sheet 4501:

(1) Schedule 1, item 14, page 8 (lines 4 and 5), omit the definition of arbitrator, substitute: arbitrator, until further specified in the regulations, means a person who is a member of the Institute of Chartered Accountants in Australia or CPA Australia, and is registered to practice as an accountant.

Question negatived.
Senator SHERRY (Tasmania) (1.57 p.m.)—I move opposition amendment (2) on sheet 4501:

(2) Schedule 1, item 14, page 14 (line 4), after “must”, insert “be made within 28 days of the end of the offer period and “.

Question agreed to.

Bill, as amended, agreed to.

A NEW TAX SYSTEM (GOODS AND SERVICES TAX IMPOSITION (RECIPIENTS)—GENERAL) BILL 2004
A NEW TAX SYSTEM (GOODS AND SERVICES TAX IMPOSITION (RECIPIENTS)—EXCISE) BILL 2004
A NEW TAX SYSTEM (GOODS AND SERVICES TAX IMPOSITION (RECIPIENTS)—CUSTOMS) BILL 2004

Bills—by leave—taken as a whole.

Bills agreed to.


Third Reading

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (1.59 p.m.)—I move:

That these bills be now read a third time.

Bills read a third time.

QUESTIONS WITHOUT NOTICE

Ms Cornelia Rau

Senator CHRIS EVANS (2.00 p.m.)—My question is directed to Senator Vanstone, Minister for Immigration and Multicultural and Indigenous Affairs, in her capacity as minister for immigration. Can the minister explain why she has not responded to the community calls, including from the Rau family, for a full, open and transparent judicial inquiry into the case of Ms Rau’s 10-month detention by the Department of Immigration and Multicultural and Indigenous Affairs? Can the minister confirm that her chosen method of inquiry by former Australian Federal Police Commissioner Mr Mick Palmer will not have legal powers to compel the attendance of witnesses, will not be able to compel answers to questions, will not be able to administer an oath to witnesses, will not be able to compel production of documents or of items such as videotape footage, will not be able to protect witnesses or testimony, and that his report will not be protected from legal action such as defamation? Does the minister agree that the absence of these features may limit the capacity of Mr Palmer’s inquiry to have all the facts of the case fully considered and could undermine public confidence in the process?

Senator VANSTONE—I thank the senator for his question. It is correct that the government and I have decided that it is appropriate to have an inquiry into this matter to ascertain whether there is anything that anybody in the Commonwealth—a Commonwealth contractor is included in that—or any of the three state governments involved and the two agencies in each of those states, namely the police and mental health services, should have done that they did not do, or could have done in a better way or should not have done that they did.

We have selected Commissioner Palmer because of the respect with which he is held in the community. As you know, he is a former distinguished police commissioner, as I recall appointed by the Labor Party and then reappointed—I think it was on two occasions but, if not, on one occasion—by this side of
politics. His integrity, certainly to my understanding and in my own mind, is beyond question.

I am also mindful of the unsolicited offer by Premier Beattie for his officials to cooperate with any inquiry. I would ask the Senate to be mindful of the Commonwealth’s unsolicited remarks that, when New South Wales indicated that they would usually have an inquiry when a missing person matter is concluded, we would cooperate freely with that. I am mindful of the remarks by Dr Philips, who is in charge of mental health services in South Australia, and of the cooperation that he has always received from immigration officials, in particular at Baxter, and of his willingness to get to the bottom of these matters.

Given that there is such a willingness by officials—and I would be very surprised if there were not—to get to the bottom of this, I think the sooner we can get to the bottom of whether there is anything better that could have been done, the better. As a consequence, there will be a private inquiry headed by Mr Palmer. There have been other inquiries—for example, the Flood inquiry is one that comes to mind—that have worked in the same way and been effective. I look forward to the outcome of that inquiry being made public. Obviously, whether or not I think it is fair—and I happen to think it is fair—when the inquiry has concluded people will then be able to judge whether it has been appropriate. Certainly, I leave the way open for Mr Palmer to raise it with the Commonwealth if he has the slightest whiff or suspicion that he is not getting full cooperation from state and federal authorities. We will then look at the matter. But the understanding I have from discussions I have had with officials and from what has been reported to me from state authorities is that there is no one in existence who does not want to find out what they could have done better if they could have, and what they should not have done if they did.

Senator CHRIS EVANS—Mr President, I ask a supplementary question. I thank the minister for her answer but I refer her to the original question, which she failed to answer and which is: can the minister confirm that her chosen method of inquiry will not have legal powers to compel the attendance of witnesses, will not be able to compel answers to questions, will not be able to administer an oath to witnesses, will not be able to compel production of documents or items such as video footage, will not be able to protect witnesses or testimony and that the report will not be protected from legal action? Minister, what is the answer to those questions? Why have you chosen to go down a route where the inquiry does not have those powers? Further, what powers does the inquiry have to call the attendance of and evidence from ministers and ministerial staff? Why have you not given the inquiry the sorts of powers that would seem to be so necessary in a case like this?

Senator VANSTONE—Senator, with respect, I thought I had answered by indicating to you that it was a private inquiry.

Senator Chris Evans—Why?

Senator VANSTONE—I made the mistake of assuming that you knew the difference and that you were familiar with a range of inquiries that had been held in the past, but in any event—

Senator Chris Evans—I am familiar, but why?

Senator VANSTONE—With respect, Senator, since you have asked the question again, I will answer it again. It is a private inquiry, the nature of which you have just indicated you do understand and that you therefore did understand the answer. In a nutshell, the answer I gave you was that I believe there has been an expression of more
than willingness by all agencies to cooperate, and I expect that there will be. Therefore there is no need to take the inquiry to a higher level. I believe that all witnesses that are required will attend, that they will answer honestly and that Mr Palmer will not need to compel the production of evidence. I further believe that people will tell the truth. As I have said, if Mr Palmer is uncertain of that during the course of the inquiry—(Time expired)

Defence: Personnel

Senator HUMPHRIES (2.06 p.m.)—My question is to the Minister for Defence, Senator Hill. Can the minister update the Senate on the role our service personnel are playing in overseas operations in Iraq, as well as closer to home in the Solomon Islands?

Senator HILL—The Australian Defence Force is continuing to provide vital support to the Iraqi people through this difficult election period and the transition to full sovereignty. Our personnel have done an outstanding job in helping to establish security and deal with the insurgency in such a dangerous environment. I am pleased to advise the Senate that the three security detachment personnel who were injured when their unit was attacked by a suicide bomber last month have now returned to Australia and are continuing with their treatment. We obviously wish them a full and speedy recovery.

On behalf of the government, I take the opportunity to pass on our condolences to the family and friends of former RAAF officer Flight Lieutenant Paul Pardoel, who was killed in action recently while serving with the Royal Air Force in Iraq. I extend our deepest sympathy to his wife, to his children and to his family and friends for their loss. We join them in mourning the tragic death of such a highly respected fellow Australian. His sacrifice was not in vain. Through the British military he served the coalition in the fight for democracy, for the freedom of the Iraqi people and for an end to the cruelty that they have endured for so long.

The clear majority of Iraqi people have shown their determination for this democratic process to succeed by braving intense intimidation from the insurgents to exercise their right to vote. The turnout for the election exceeded expectations. It is expected to be as high as 60 per cent. It is a big step in the right direction. I congratulate the Iraqi people on their incredible courage in putting their lives on the line to achieve their goals.

I would also, however, like to take this opportunity to extend the condolences of, I am sure, all honourable senators to the family and friends of Australian Federal Police protective service officer Adam Dunning following his tragic death while serving with RAMSI, the Regional Assistance Mission to the Solomon Islands. The government and all Australians were shocked and saddened to learn of the fatal shooting of this exemplary officer, who served his country with great distinction. We have since boosted our military force to ensure the rule of law is restored in the Solomons and the significant—indeed, extraordinary—progress achieved by RAMSI continues.

Our personnel—Defence, police and other agencies—who are serving in operations have done an outstanding job for our country, for the coalition in Iraq and for our friends in the region. The government is determined to continue the fight against terror in all its forms and to work cooperatively in the region to help our neighbours, and through that to help make Australia a safer place.

Ms Cornelia Rau

Senator LUDWIG (2.10 p.m.)—My question is to Senator Vanstone, the Minister for Immigration and Multicultural and In-
digienous Affairs. I refer the minister to a media statement in which she said that it ‘is a tragic case, but one that has been resolved, giving comfort to the woman’s family’. Can the minister explain to the Senate what comfort the Rau family can obtain from the wrongful detention for 10 months of its seriously ill family member? If the minister really wants to give comfort to the family, will the minister now commit to holding a fully independent, open and public inquiry, as requested by the Rau family?

**Senator VANSTONE**—I thank the senator for the question. In the context of the question you raise about giving comfort to the family, I think that is unquestionable. The fact that Ms Rau was found and was safe, albeit with a pre-existing mental condition, must be of indescribable comfort to the family, who for a significant period of time—some eight months or so—had not known whether their daughter and sister—and I understand that her sister has made some remarks in respect to this matter—was alive and well.

The family have indicated, as I understand it, some regret that Ms Rau was not notified earlier as a missing person. I can understand them feeling that but I can also understand it not happening. If you were responsible for a person with a pre-existing mental condition—who, according to my advice, has in the past left Australia on a German passport without notifying anyone and then returned—and they went missing you would not immediately go to missing persons. I understand that position, but I can understand their feelings as well. My remarks with respect to the family’s relief were to do with the fact that she has been found and is safe.

**Senator LUDWIG**—Mr President, I ask a supplementary question. The minister has not taken us to the real question of why she is so determined to prevent the inquiry from being fully public, open and transparent. She should ensure that due process in fact occurs. Isn’t it the case that a closed inquiry will be unable to investigate the operation of the minister, the acting minister for immigration, Mr Peter McGauran, and the minister’s own office and staff? Isn’t it the case also that protection from self-incrimination may not be available to the witnesses and they might receive legal advice that they should not cooperate with the inquiry? What processes have you put in place to ensure that that will not happen and that contractors and DIMIA officials will cooperate fully with the inquiry? If none of that is in the terms of the inquiry, what powers does it have?

**Senator VANSTONE**—With respect, your question does tempt me to express some disappointment in the political and parliamentary process since it does appear—and forgive me for misjudging you if this is not the case—that your primary interest, in what is clearly such a tragic case, is a political one. In contrast, I am determined to get to the bottom of what happened vis-a-vis Ms Rau. I am satisfied that the process we have put in place is an appropriate process. I indicated in my answer to your leader that if at any point Mr Palmer—in whom I presume you have confidence and trust since your previous government appointed him and he is very widely regarded as a man of great integrity—has a concern about the appropriateness of the evidence that he is able to obtain, I invite him to raise it with the government. (Time expired)

**Economy: Performance**

**Senator FIFIELD** (2.14 p.m.)—My question is to the Minister for Finance and Administration. Will the minister inform the Senate of recent indicators as to the strength of the Australian economy? Can the minister inform the Senate how these results have
been brought about and what is needed to maintain a strong economy?

Senator MINCHIN—I thank Senator Fifield for that good question and acknowledge his great interest in matters relating to the economy. Australia’s economy is now in better shape than it has been for decades. We have interest rates on mortgages of 7.05 per cent, compared to an average of 12.75 per cent under our predecessors. The annual inflation rate is 2.6 per cent, down from an average of 5.2 per cent under the previous government. We have paid off $73 billion of the $96 billion of debt we inherited. Unemployment is down to 5.1 per cent, the lowest it has been since November 1976. The share market gained 23 per cent in the course of 2004, and on 30 December the share market reached an all-time record high.

We have a number of positive business surveys showing a lot of confidence in the business sector. The NAB business survey showed that corporate profitability reached record levels in October and November. The census survey of small and medium businesses showed confidence about the next 12 months at record highs. We have seen record sales for the Australian car industry. Consumer confidence is at its second highest level in the last 30 years. Only last week the highly respected OECD released its economic survey of Australia, which included a very strong endorsement of the government’s economic management and this country’s economic performance. That survey stated that Australia had become a model for other OECD countries. It praised the structural reforms introduced by successive governments and the medium-term macroeconomic framework introduced by our government—changes that the OECD said had conferred an enviable degree of resilience and flexibility on the Australian economy. The OECD predicted a continuation of strong, low-inflation growth and continued low unemployment.

The OECD did have some very pertinent messages about the future for Australia. It highlighted that our two great long-term challenges are to raise living standards and to prevent the fiscal burden rising significantly in the face of an ageing population. In that respect, the OECD endorsed the government’s pro-growth approach to addressing the challenges posed by demographic change through increased work force participation and greater productivity. In keeping with that view, the OECD made it clear that the pace of reform needs to be continued if we are to maintain a strong economy.

I think it is worth referring to the suggestions the OECD had for reform in Australia. It specifically recommended further industrial relations reforms, including the simplification of awards and a lesser role for centralised wage fixing, basing safety net wage increases on productivity and the employability of low-skilled workers. It recommended reforms to unfair dismissal, continued water reform, ongoing efforts to encourage work force participation by older workers and the full sale of the government’s remaining shares in Telstra. It also recommended changes to the eligibility for the disability support pension, specifically to discourage welfare dependency and to encourage work force participation.

That is an agenda which this government will pursue during this term of office. We are determined to progress those reforms, and we would welcome the support of the opposition, with its new found interest in the economy, and indeed of the minor parties to ensure that the reforms recommended by probably the world’s most prestigious independent economic consultancy are carried out. They are needed if we are to maintain
the very great strength which we have built up in this economy over the last nine years.

Ms Cornelia Rau

Senator LUDWIG (2.18 p.m.)—My question is to Senator Vanstone, the Minister for Immigration and Multicultural and Indigenous Affairs. Can the minister tell the Senate on what date the Department of Immigration and Multicultural and Indigenous Affairs detained Ms Cornelia Rau and under what circumstances? Can the minister inform the Senate under what power Ms Rau was detained by DIMIA? What action did DIMIA take to confirm her identity, either on the date DIMIA authorised her detention or subsequently? When did DIMIA first interview Ms Rau, how many subsequent times was she interviewed whilst in detention, what were the results of those interviews and were they conducted with proper translation services involved?

Senator VANSTONE—I thank the senator for the question. I am advised it was late in March when Ms Rau came to the attention of Queensland police somewhere near Coen. My advice is that she had in her possession a stolen passport, which I recall was Norwegian. She did not have another passport with her and she indicated to the police—but I have not seen the police reports—that she was a German national who was visiting Australia. They contacted Immigration because they believed that she might be an unlawful noncitizen. I do not think that was an unreasonable assumption for the Queensland police to have made. To paraphrase, I think Immigration agreed with that assessment and asked that she be detained. I am advised that happened in March.

In April there was at least one interview, possibly a number—and I will certainly get you the chronology—at, I believe, the Brisbane Women’s Correctional Centre. That is where she was detained, although not in the first instance. She consistently maintained in interviews from that point onwards, both while she was in the Brisbane Women’s Correctional Centre and later, that she was a German national—and she was correct in saying that, because I understand that she is—but more particularly that she was a visitor from Germany, that she had come in on a three-month visa, that she had been visiting throughout Victoria, New South Wales and Queensland and that she had no relatives, friends or family who could be contacted in Australia, because she was a visitor.

I am advised that she went further than that and gave names for her parents. In one of the briefings I have read she indicated at some point they had changed their names due to a change in their lifestyle and she gave the name of someone she alleged was her boyfriend back in Germany. The German consul was contacted and saw her in early April, I think, but I will get you that date. As I understand it, there were a number of visits by the consul and by the consul general from Melbourne at another point. The advice we received was that her German grammar construction was childlike, as was some of her conversation, and there were intimations that her accent may in fact be something else, such as Russian or Polish. Nonetheless, the German consul and the consul general subsequent to that made significant efforts to ascertain whether there was an Anna Schmidt or Anna Brotmeyer and whether the parents or boyfriend could be located.

DIMIA, however, did not take it for granted that what Ms Rau was saying was correct and subsequently—I think it is fair to say when it appeared that that was not going to show fruit—commenced a range of other checks. They did in April, for example, contact the Queensland Police Service Missing Persons Unit with the details we had at that point and, as I am advised, a photograph. But she was not listed as missing at that point.
and the police did quite the right thing in saying no, they did not have her listed. That may beg the question of whether in future we should shift to some sort of computerised mechanism for listing missing persons so that, if an inquiry is made where we have someone who may be a missing person, we can all be sure that it is fed into a system where, if an entry is subsequently made that someone is missing, it could be matched with a previous inquiry which had got a proper no at the time. (Time expired)

Senator LUDWIG—Mr President, I ask a supplementary question. Can the minister take on notice and provide answers to the parts of the question that I asked first. In addition, I particularly ask: can the minister’s answer go to what authority was given to detain Ms Rau and when and by whom it was given—was it by DIMIA? Was that authority given when she was at Coen or Cairns? When she was transferred from Cairns to the Brisbane Women’s Correctional Centre, was there a protocol in place for that and under what authority was that done? Where, and by whom, was she detained in Cairns and under what authority was she detained there—was it by DIMIA? These are the particular issues that I sought answers to with my question in the first instance. As to when DIMIA did issue instructions, is there a protocol in place with the Queensland police or other police services for this to happen? If there is, is it in writing and, if it is, can it be made available?

Senator VANSTONE—Senator, I thought I answered your question by saying that the police contacted DIMIA because they believed or had reason to believe that she was an unlawful noncitizen and DIMIA agreed with that and asked that she be detained. I have indicated I will get you the dates of that. In a supplementary question you have asked about her being shifted at some point from what I presume is a watch-house to the Brisbane Women’s Correctional Centre and then under what authority she was shifted. You will be aware that Australian legislation requires that unlawful noncitizens—that is, those who do not have any visa or bridging visa—be detained. I will get you the answers to those questions.

Ms Cornelia Rau

Senator ALLISON (2.25 p.m.)—My question is to the Minister representing the Minister for Health and Ageing. Does the minister agree with the Mental Health Council and the Human Rights Commissioner that the case of Ms Rau is:

... a profound failure to provide basic medical care which could have happened to anyone visiting Australia, or any member of any family residing in Australia.

Professor Hickey says that this is not an isolated case of inappropriate use of incarceration. Does the minister know that three out of four prisoners in New South Wales have some psychiatric disorder and that there are half as many public hospital beds available now for psychiatric patients as there were a decade ago? Does the minister acknowledge that the Commonwealth mental health strategy of deinstitutionalisation, without adequate community care, has made prisons and now detention centres the new psychiatric asylums?

Senator PATTERSON—Honourable senators and Senator Allison will know that this is a very detailed question and the responsibility of mental health is a responsibility particularly of the states. The Commonwealth has taken a lead role in addressing issues of mental health, but accommodation and treatment for people with mental health problems is a state health issue. There have been some significant changes in the way in which people have been treated. There was a move to deinstitutionalise people, I think, 15 or 20 years ago. I have to say personally,
with my professional background, I was not necessarily in total agreement. I had seen in the United States where this had led to homelessness. With my hat on as Minister for Family and Community Services, one of the factors in the cause of homelessness is the fact that we do not have appropriate state facilities for people who are incapable of providing for themselves in the activities of general day-to-day living.

I think it is an issue that needs to be addressed, particularly by the states, but I do not think that you can take the one incidence that Senator Vanstone is being asked questions about as an example that everything is failing. There are some very good systems and particularly some of our nongovernment organisations that are delivering high-quality care to people with mental health problems. We have undertaken a range of measures from the Commonwealth. For example, there are our programs running in schools to train high school teachers to identify children and young people at risk and to work with them. There are now thousands of teachers trained within the state systems, through a Commonwealth program, to identify children and young people at risk and to work with them. There are now thousands of teachers trained within the state systems, through a Commonwealth program, to identify children and young people at risk and to work with them. There are now thousands of teachers trained within the state systems, through a Commonwealth program, to identify children and young people at risk and to work with them.

Senator ALLISON—Mr President, I ask a supplementary question. If mental health is entirely the responsibility of the states, why is it that we have a national mental health strategy which is basically failing us, as this case demonstrates? Minister, I think we would like to know: how many detainees have become sick because of your government’s mandatory and indefinite detention policies; and how many have now been found to be genuine refugees and released with no access to Medicare but with serious mental health problems, many of whom did not have them when they went into detention? Minister, why is your government still arguing with the South Australian government over a memorandum of understanding with that government for mental health services for asylum seekers at Baxter? Why has it taken 12 months—and still there is no agreement? What has that lack of agreement meant to this case?

Senator PATTERSON—I did not say that we did not have responsibility; I said that we had to show a leadership role and that there were some areas in which we have responsibility, and we have demonstrated that responsibility. I gave the example of the MindMatters program. I could go through a whole range of them. Some are stored in my memory, others I would have to go back to a brief for. Another example is the GP program, the mental health program, where patients can now see a GP, and GPs can refer people to psychologists. There are an enormous number of measures that we have undertaken in the areas of our responsibility.

The latter part of your question would be more appropriate directed to Senator Vanstone, and I am sure she would give you an answer. I will take it on notice, and I am sure she will give you an answer at the end of question time when she is able to do so. I am sure she could do so now, but it would be more appropriate directed to her.

Ms Cornelia Rau

Senator KIRK (2.30 p.m.)—My question is to Senator Vanstone, the Minister for Immigration and Multicultural and Indigenous Affairs. Did DIMIA officials fingerprint and
take photographs of Cornelia Rau in an attempt to establish her identity? If so, on what date was Ms Rau first fingerprinted and photographed by DIMIA officials? Can the minister tell the Senate on what dates DIMIA first conducted checks against missing persons registers in Queensland, New South Wales, any other states or indeed internationally? Can the minister confirm whether DIMIA contacted other state police agencies in relation to identifying Ms Rau and, if so, when? Can the minister confirm that DIMIA conducted checks against all missing persons registers?

Senator VANSTONE—I might take the opportunity, if the senator will forgive me, to answer part of her question and give time to answer a question from Senator Ludwig that related to a memorandum of understanding between DIMIA and the police in Queensland. I understand that a memorandum of understanding or protocol has been under discussion for some time, but I also understand that the practices that were followed are well established practices and that both sides have simply been trying to articulate those in a written form.

As to your question, Senator, about the date of photographs and fingerprints: I will have to take that on notice and get that if that was done. I indicated in the earlier answer that DIMIA did contact the Queensland Police Service Missing Persons Unit with details and photographs and the response came back as no, and that is because she was not listed as missing at the time. There were some subsequent discussions with a whole range of state and federal authorities on the basis that Ms Rau’s story about being German may not in fact hold up—people in Births, Deaths and Marriages, Centrelink and a whole range of agencies. I understand these were formal inquiries and I will be able to give you the dates and details of those.

It is worth mentioning, although you did not directly ask about it, that there was an occasion when New South Wales contacted DIMIA, and I understand that was two DIMIA people outposted to New South Wales police for the purposes of dealing with movement discussions, asking about the movements of a Ms Rau on a German passport. She had left Australia in the past on a passport without informing her family. The first inquiry from them, however, related to whether she was an Australian citizen or an Australian permanent resident. That was just a process inquiry, which was answered, and the next was a process inquiry dealing with possible travel movements vis-a-vis a passport. The dates of inquiries with other state and federal agencies would be quite detailed. DIMIA was consistently trying to establish her identity both in the German context, through the consul and our embassy, and with state and federal authorities, and I will get you the details of that answer.

Senator KIRK—Mr President, I ask a supplementary question. When and by what means did DIMIA first become aware that the detainee in their custody was in fact Ms Rau, a missing person? When and by what means did the minister first become aware that the detainee in her custody was in fact Ms Rau, a missing person?

Senator VANSTONE—I think it is very clear—I am sure it is clear—that the identity of Ms Rau was established as a consequence of an article in the paper about a German-speaking woman who was in immigration detention. The advice I have is that a friend of the family noticed the article, wondered if it could be Ms Rau, contacted the family and, subsequently, photos were exchanged and the identification was made. I was told by an adviser—I do not have the specific date, but I think it was pretty much instantaneously to it having happened. I was pleased to hear that we had established who it was,
both because we were concerned who it was and because it obviously gives an enormous sense of relief to a family that has had someone missing for eight months.

Ms Cornelia Rau

Senator BROWN (2.35 p.m.)—My question is to the Minister for Immigration and Multicultural and Indigenous Affairs. I ask Senator Vanstone: what is the first date of any reference whatsoever—direct, by name or otherwise—to you of the case of Cornelia Rau? Secondly, in reference to the disempowered inquiry that has been announced today, as against calls for a judicial inquiry, and in light of the fact that this ill woman was held for 10 months under the care of your department and therefore of you, I ask why the minister has repeatedly insisted today that, rather than finding out why she failed and the department failed this woman, this inquiry is to find out what the government could have done better? Twenty million Australians know what the government could have done better and I ask the senator, if she does not know, why she should not resign. (Time expired)

Senator VANSTONE—Senator, in relation to your first question: the details in relation to health issues in the detention of Ms Rau first, to my knowledge and understanding and belief, came to the attention of my office in January. However, indirectly, Ms Rau’s case—as opposed to Ms Brotmeyer’s case, that was the issue raised in January; it is still listed under Ms Brotmeyer—came to the attention of some people in DIMIA, in my office. I understand that towards Christmas Ms Rau sought an intervention under 417—I have not yet seen the letter; I only found out about this earlier today—which of course is not appropriate because she is not in a position of having a visa that has been refused and there has not been an appeal process. A reply was sent. She also wrote to someone—I do not have the name—in relation to Australian citizenship at around the same time. I can get you the details of that. I am quite happy to do that.

In response to the proposition that you put that this ill woman—clearly she was—was held in detention, can I remind you that she attended the Princess Alexandra Hospital for, I think, a week. She had an assessment by someone who has been described by mental health authority officials in South Australia as being one of the most prominent people in this field in Queensland. The diagnosis came back that the woman did not exhibit the diagnostic criteria for a mental illness. So presumably you do not want DIMIA officials second-guessing a professional assessment that has been done. Nonetheless, with that having happened in August, I think, within days of her coming she was seeing the psychologist and the GP, who indicated that we should get the psychiatrist to see her. That happened within about a month. It is at that point that we contacted the South Australian health authorities because, under the protocol that is not yet signed but is agreed on this aspect, where we have such concerns there is an appropriate section for DIMIA to contact to outline those concerns and pass the information on. The middle of November is the point at which DIMIA officials, after the visit from the psychiatrist, believed that it was appropriate to get an assessment in an institution and were seeking, according to the protocol, an assessment by Glenside with a view to ascertaining whether it was appropriate to admit her.

A journalist said to me, ‘Why don’t you just send her there?’ as if she has no say in this. People who have a behavioural or personality disorder are nonetheless capable in many instances of deciding and/or agreeing on whether to be sectioned. I can assure you that she had been seen by the GPs and the psychiatrist. There was a reluctance to sec-
tion her. She did not want to go. That was the basis of some of the discussions with South Australian mental health authorities. Contrary to the belief that some advocates would have, DIMIA and the officials were working with South Australian authorities to work out the best way to handle this matter. The date of the fax that I have seen—which obviously comes after a number of phone calls discussing the matter—that forwarded this information to South Australian mental health authorities is in the middle of November.

Senator BROWN—Mr President, I ask a supplementary question. Minister, you have told the Senate effectively that you knew in December that Ms Rau was in detention. You have also told a press conference today that her problems by then were known to be more serious than behavioural—that is, that she was mentally ill. I ask you why you did not act. I also ask you why it is that you persist in having an inquiry to find out what the government could have done better. I ask you: can you tell the Senate what the government could have done better?

The PRESIDENT—Senator Brown, I remind you to speak through the chair.

Senator VANSTONE—What I have indicated is that officials—which includes the contracted health authorities—were concerned as to her health and believed that her problems may have exceeded those which could be described as personality or mere behavioural issues and were seeking to have that matter assessed. They did not conclude that they knew what the problem was. They concluded that we needed to get a proper assessment. Under the memorandum of understanding—which is not yet signed, but this aspect, I understand, is agreed—officials contacted the appropriate agency or section within South Australian mental health. There was some disagreement about whether it was appropriate to send her to Glenside against her will and whether it was appropriate that further assessment be undertaken with a GP and a psychologist present and with a psychiatrist present by phone. These matters were under discussion; they were not concluded. (Time expired)

DISTINGUISHED VISITORS

The PRESIDENT—I would like to draw the attention of honourable senators to the presence in the President’s gallery of the delegation for relations with Australia and New Zealand from the European parliament. On behalf of honourable senators, I warmly welcome the delegation to the Australian parliament and in particular to our Senate chamber. I trust that your visit to Australia will be both informative and enjoyable.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Ms Cornelia Rau

Senator WONG (2.43 p.m.)—My question is to Senator Vanstone, the Minister for Immigration and Multicultural and Indigenous Affairs. Can the minister confirm that South Australian Public Advocate Jonathan Harley, who I presume is known to the minister, alerted the minister’s department to Ms Rau’s case in December? When was the minister first aware of this important source of information and concern regarding Ms Rau’s condition? When the minister did learn of this independent source of concern, what immediate action, if any, did she take or did she order her department to take? Is the minister concerned with any aspects of the treatment received by Ms Rau during the period she was detained under the authority of the Department of Immigration and Multicultural and Indigenous Affairs?

Senator VANSTONE—I thank the senator for the question. I have seen some remarks by Mr Harley, who is the South Australian Public Advocate and who is known to
me. The Public Advocate is someone who may well seek to become a guardian of someone who is in institutional care in South Australia. That of course takes us directly back to the question asked by Senator Brown. The process was being followed to ascertain whether in fact it was appropriate to commit, or section, Ms Rau to Glenside. If that had happened, Mr Harley’s authority would have come into play because there would be a person in the care of South Australian mental health, but that had not happened.

That is a matter that I think the inquiry will want to look at, and there are two aspects to it: one is the manner in which it was dealt with by South Australian mental health authorities and the other is whether immigration officials or other officials should have sought to intervene or harass or cajole or remind South Australian officials that they had the material and that we were waiting for a response sooner than they did. They did in fact do that in early January. They sent a letter and had further telephone conversations, with the letter concluding with words to the effect, ‘Could we please have an indication of the appropriate way in which to handle Ms Rau.’ Once she was in Glenside Mr Harley’s authority would come into play, but until then he is the South Australian Public Advocate.

You asked me whether I am aware of him having contacted DIMIA in December. My answer to that at this point is no. I am aware that he indicated he had made contact. At this point the advice I have is that he made some contact with one person in the department after Ms Rau had been actually shifted to Glenside. One of the facts in this matter that needs to be made clear is that Ms Rau did not go to Glenside because of the publicity or because we subsequently found out that she was an Australian permanent resident. She went to Glenside because the process started by immigration officials and health officials employed by Immigration in November came to fruition. Officials at Glenside agreed that they would in fact make an assessment even if she was not sectioned. Then, in the last few days, there was an agreement that there would be another mechanism to do it through Baxter. But this visit to Glenside and her now being in Glenside would have happened in any event. What would not have happened if advocates had not raised it—or it may not have happened so quickly—is our discovery of who Ms Rau really is.

Senator WONG—Mr President, I ask a supplementary question. There is just one issue from the original question. When was the minister first aware of Mr Harley’s intervention and what action, if any, did she take as a result? Can the minister also confirm that Dr Jonathan Phillips, the South Australian mental health services director, tried for two weeks to obtain a psychiatric assessment of Ms Rau? Can the minister explain to the Senate why Dr Phillips’ requests were resisted or denied?

Senator VANSTONE—Yes, I can indicate when I first heard, although I cannot specifically give you the date. I believe I was watching a news service and saw Mr Harley commenting. Mr Harley is entitled to put whatever views he chooses as an Australian citizen, but his jurisdiction relates to South Australia and people in the care of South Australian mental health authorities. We were already well into the process of establishing when in fact that would happen. I cannot give you the date of that.

As to Dr Phillips, I invite you to look at subsequent remarks by Dr Phillips. He made it very clear that he is not the operational person. I feel sure that Dr Phillips will be happy to tell you, should you inquire of him, when this matter was first raised with South
Australian mental health authorities. I feel confident he will tell you what I have been told on the dates on which it was sent. The fact that he, the head of mental health services, was not told until some two weeks before is not the point. (Time expired)

South Australia: Bushfires

Senator FERGUSON (2.48 p.m.)—My question is to the Minister for Fisheries, Forestry and Conservation, Senator Ian Macdonald. Will the minister outline to the Senate the actions that the Howard government is taking to minimise the impact of bushfire events in this country such as those that occurred on Eyre Peninsula in my home state of South Australia last month? Is the minister aware of any alternative policies?

Senator IAN MACDONALD—As one who comes from the land in rural and regional South Australia, Senator Ferguson would be well aware that bushfires are indelibly part of the Australian landscape and they have been that way, of course, for thousands of years. They are a natural disaster. But I think we all acknowledge that the severity of the bushfires is ultimately the result of land management issues and land use decisions made by people. Senator Ferguson would also be well aware of the tragedy that occurred on 11 January on the Eyre Peninsula, as he mentioned. It was a fire that cost the lives of nine Australians, and 82,700 hectares of farmland were burnt and destroyed.

On behalf of the government and indeed, I am sure, the Parliament of Australia, I want to extend condolences to the families of those mourning the loss of loved ones on the Eyre Peninsula. I think also that all senators would join me in commending the volunteer bush firefighters who put their lives at risk to save the lives and property of others. There were so many people who helped at that time and who deserve commendation. I mention in particular the 9th Brigade of the Australian military forces—people we are all very proud about for many reasons. They again did a marvellous job. Those reservists in our defence forces, along with many other volunteers, were very much involved in the clean-up operations.

The Eyre Peninsula bushfires, like the Canberra bushfires in January a couple of years ago and many before that, provide an opportunity for the government and land managers to learn from the experiences to try and reduce the risk of similar events occurring in the future. I am proud to say that the Howard government has taken a leading role in looking for better management options. You will recall that we set up the Nairn inquiry into bushfires. We were also instrumental in getting the COAG inquiry going. Primary responsibility for bushfires, of course, is a matter for state and territory governments, but the Howard government has led the way, contributing some $16½ million to the National Aerial Firefighting Centre and $24 million to assist local communities to better prepare for bushfires with fire trail construction, maintenance of signage, bushfire research and bushfire awareness and preparedness initiatives. All governments should consider and implement the recommendations of the Nairn inquiry and the COAG inquiry to ensure that the chances of these devastating bushfires occurring in the future are significantly reduced. I certainly do commend to the state governments the recommendations of the Nairn inquiry, which took over 500 submissions, most of them from volunteer firefighters.

It is with some regret that I mention that volunteer firefighters are today protesting outside the Supreme Court of the ACT because the ACT government is trying to shut down the inquiry into the Canberra region bushfires of a couple of years ago. That is quite unprecedented. In fact, I am surprised that Senator Brown has not asked a question.
on this. The ACT government is trying to shut down its own inquiry, to go against the decisions of its own inquiry. One wonders why the ACT government is doing that. I support these volunteers. The ACT government is taking this step to protect itself from the adverse findings of its management during the Canberra firestorm. State governments are primarily responsible for the day-to-day management of public lands, including national parks, and this is one of the problems. State governments love the kudos of locking up production forests into reserves, but they never put enough money into their management, and as a result we have these firestorms.

(Time expired)

Ms Cornelia Rau

Senator CHRISS EVANS (2.53 p.m.)—My question is directed to Senator Vanstone, the Minister for Immigration and Multicultural and Indigenous Affairs. Minister, it is still not clear to me when you first became aware of Ms Rau’s case as the result of a number of questions that have been asked of you. Could you clarify for the Senate when your office became aware of Ms Rau’s case and the concerns about her health, be it under her proper name or the name she was using? When did your office inform you of concerns about her and her potential treatment et cetera? On what date did you become aware that the detainee was Ms Rau and that in fact she was not an illegal immigrant but a permanent resident of this country? What form did that communication to you come in? What action did you take as a result of being informed that Ms Rau was in fact a permanent resident of Australia and should not have been detained? Were you at any time concerned, or were concerns raised with you, about any aspect of the treatment of Ms Rau during her time in the custody of DIMIA?

Senator VANSTONE—I indicated in the answer to Senator Brown, and in any event I will repeat it, that I was advised today that at some point in December, towards Christmas—I do not know the exact date, but I will get it for you—a letter was sent by Ms Brotmeyer seeking what I believe was a 417 intervention, which of course was completely inappropriate, given her circumstances, and that she had written some other correspondence to someone else in relation to Australian citizenship. I will get you the date of that, but that was not in relation to the detention and health issues; it was simply in relation to a view she was clearly expressing that, presumably—I have not seen the letter yet—she wanted a 417 intervention. That letter had not come to my attention until today, which is not surprising as lots of people seek ministerial intervention. The process is that, when the letters come to the office, they go straight to the department for the department to gather the information, make a decision about what needs to happen and then prepare the appropriate files.

As to the date that I was notified, I have indicated that I was notified either the day or the next day. Frankly, when it happened, I did not say to myself: ‘Quick, I better note the date. Someone will ask me if it is Thursday or Friday.’ I felt a tremendous sense of relief—but I imagine it was nothing like the relief that her family felt—that this matter had been resolved, that someone who had been missing had now been found.

The last matter that you raised was about a permanent resident who you say should not have been detained because they were a permanent resident. I ask you to consider the relevant act, which refers to having a belief that someone is an unlawful noncitizen, and in fact Ms Rau presented herself as a person from Germany who was visiting and who wanted to go back to Germany. She did not present as a permanent resident of Australia. Efforts were made through both the German consul and consul general and a range of...
authorities—and I have already indicated my willingness to give the details of the authorities that were contacted and when—to ascertain if Ms Rau’s story was in fact incorrect and if she was either an Australian citizen or an Australian permanent resident. I have already answered that aspect.

**Senator CHRIS EVANS**—Mr President, I ask a supplementary question. Maybe I am not getting my point across, but I was not really interested in whether it was a Thursday or a Friday that the minister notified; I was after the date. Given the public controversy, I thought it was a reasonable question to know when the minister found out about Ms Rau’s case, whether or not she had concerns raised with her at any stage about the medical treatment or the condition of Ms Rau and whether she had any concerns about that. Clearly, we would appreciate the minister answering when she or her office became informed that Ms Rau was—as the government now admits—inappropriately detained. Do not think there is any argument that she was inappropriately detained. I accept that it was an argument about not knowing her identity, but I am not clear, Minister, despite all the questions asked of you today, when you as the minister were informed that Ms Rau was—as the government now admits—inappropriately detained. I do not think there is any argument that she was inappropriately detained. I accept that it was an argument about not knowing her identity, but I am not clear, Minister, despite all the questions asked of you today, when you as the minister were informed that Ms Rau was in fact a permanent resident and should not have been detained, and what action you took.

**Senator Ian Macdonald interjecting**—

**Senator CHRIS EVANS**—I am still not clear on the date; maybe I missed it. I will check the *Hansard*. Senator Ian Macdonald, you constantly interrupted about the Queensland police et cetera, but I just want to know when the minister was informed and what action she took.

**The PRESIDENT**—Order! Senator, ignore the interjections and address your remarks through the chair.

**Senator Chris Evans interjecting**—

**Senator VANSTONE**—I am very happy to listen to propositions that you might want to put. In relation to when I first found out, I have indicated that I do not have the date in my head, but I believe that it was either on the day that the identification was made or on the day after. *(Time expired)*

**Ms Cornelia Rau**

**Senator BARTLETT** (2.59 p.m.)—My question is to Senator Vanstone, the Minister for Immigration and Multicultural and Indigenous Affairs. Will the minister guarantee that the asylum seekers in Baxter detention centre who blew the whistle on the treatment of Ms Rau and who are primarily responsible for her being free today will, if they wish, be able to give evidence to the inquiry that has been established? Will the minister also guarantee that if any asylum seekers do give evidence to that inquiry they will not face any retribution as a consequence of evidence that they might give?
Senator VANSTONE—Senator Bartlett, I have already indicated that Ms Rau now being in Glenside and having what we assume is appropriate care is not a function of advocates repeating things that they presumably got from people who were in Baxter—who, incidentally, are not all asylum seekers; some are simply overstayers who are pursuing some legal means of staying in Australia. It was not because they blew the whistle that this matter came to the attention of immigration officials or became their concern. As I have indicated repeatedly, the Queensland police must have had some concerns, because my advice is that while she was in the Brisbane Women’s Correctional Centre she was sent to the Princess Alexandra Hospital and an assessment was made there by someone whose qualifications I am not in a position to dispute, nor do I know anyone who wants to. When she went to Baxter, she was seen by a psychologist and then—I think at the psychologist’s suggestion but, in any event, not long after—by a psychiatrist, who recommended that a proper assessment be made through the proper processes, and that process was started in November.

As to the asylum seekers giving evidence, I will give consideration to that. I will take that on notice and get back to you. I do repeat, however, our determination to get to the bottom of this. I repeat that if former Commissioner Palmer has the slightest concern—and he would be in a better position than most of us to detect who is telling the truth and who is not, given a lifetime of experience at that—he is invited to raise it with the government. We are determined to find out if there is anything we could have done better and if there is anything we did that we should not have done. I assume that the good faith expressed by the state premiers concerned will be put into practice in terms of cooperation with this inquiry. I do not know anyone who is of bad faith in this matter.

Senator BARTLETT—Mr President, I ask a supplementary question. Is the minister aware of—

Government senators interjecting—

Senator Lightfoot—Come on, don’t be petulant.

Senator BARTLETT—You should not chide your colleagues like that, Senator. Is the minister aware of any other concerns expressed by health professionals about the mental health of other people in migration detention at Baxter and how those people are treated? In order for the commissioner to assess the adequacy of the care provided to Ms Rau, will the inquiry headed by Mr Palmer be able to investigate allegations of the treatment of other people in Baxter detention centre as part of its inquiry?

Senator VANSTONE—I am aware of concerns raised by, as you said, health professionals—and you might include advocates as well. Of course, there is a clear body of people who have very strong political views on this matter. There is also a body of people who have different views. I am aware of a number of papers that have been written on both sides of this issue. I have no doubt that there will be some people who will seek to use the case of Ms Rau as a vehicle to proceed with and push and promote their own political views. For my part, I am determined that we get to the bottom of what happened in Ms Rau’s case. When the report is made public there will be plenty of opportunities for anybody, including senators, advocates and health professionals, to make recommendations about what they think ought to happen. There are those venues now, of course. The inquiry is to be focused on Ms Rau. She is the centre of my focus.

Senator Hill—Mr President, I ask that further questions be placed on the Notice Paper.
QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS
Ms Cornelia Rau

Senator LUDWIG (Queensland) (3.05 p.m.)—I move:

That the Senate take note of the answers given by the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) to questions without notice asked today relating to the detention of Ms Cornelia Rau.

I say at the outset that what the government has in fact outlined today in the answers given by Senator Vanstone is that the immigration detention system does have massive cracks and that Ms Rau seems to have fallen through every single one of them. Rather than go through, one by one, the issues of what happened so that we can understand the systemic failure that the immigration detention system seems to have had in relation to Ms Rau, rather than go through the dates when things happened—how many times DIMIA has in fact tried to establish her identity, when she was detained and on what basis she was detained—what we have had is a general version of broad events and an appeal to the heart from Senator Vanstone. No one doubts that it is a terrible case, that this woman deserves sympathy and that her friends and family similarly deserve sympathy. But what they also deserve is the truth in relation to this matter, the truth in relation to how it is going to actually play out.

Instead, we find Senator Vanstone went to a press conference today before question time and failed to articulate how this inquiry will get to the bottom of these issues. She failed to identify what powers Mick Palmer will have—whether he will have the ability to compel witnesses and protect witnesses; whether he will even have transcripts of the proceedings; and whether he can ask not only the department but the contractors, subcontractors and anyone else who might have an interest in this matter, who might have evidence and who might be able to shed light on the Rau matter. During the press conference, she did not say what those powers are and what the terms of reference are and provide them for public scrutiny. We do not know. There has been no answer.

Her statement from the press conference seems to be, ‘I’ll go and check on it.’ One would imagine that, if you are going to go to a press conference and announce an inquiry into a matter, you would have those things bedded down, you would know the answers to those issues. I suggest that she did not know the answers because there are no answers. She will not ensure that there is. In fact, it will be a whitewash, a cover-up. That is what it seems to be—no more, no less.

If you were going to have a proper inquiry, you would make it public, you would make it open, you would make it independent, you would have the terms of reference bedded down and you would have the powers of the person who will run the inquiry bedded down. You would ensure that you have transcripts and that you have protection for witnesses. You would ensure that there is also the ability to preserve evidence. You would ensure that, if there is evidence of offences being committed under the Migration Act—or any other criminal law—that evidence is not tainted, that people have the ability to come forward and provide evidence to the inquiry so that they are then not subject to future defamation cases. Those are safeguards that ensure that these things become open and transparent.

Today we have heard a poor imitation of what could be a proper inquiry. There is no
question that Mr Palmer is a good individual. We are not looking at Mr Palmer as an individual. I do not want to hear from the government that Mr Palmer is a well-respected person. There is no doubt about that. We want to hear from the government how they will ensure that they will get all the information on the record, that they will ensure that it is available and that it will be a comprehensive inquiry. We have not heard how they will achieve that.

When you look at all the detail that has been asked for today, you get a blurred statement from Senator Vanstone about how this will happen. You almost expect to hear, ‘Trust me to ensure that we will get to the bottom of this case.’ Minister, we want to trust the system. The system has to be in place to ensure that there is no systemic failure. We do not want to trust anyone; we want to make sure that there is a system in place. Today the minister has been unable to articulate how that will work. It is a sad case. We need to ensure that the minister’s office, her advisers, are able to turn up and provide evidence. (Time expired)

Senator FIFIELD (Victoria) (3.10 p.m.)—This is a tragic case about a human being in unfortunate and very difficult circumstances. No-one seeks to avoid these facts. No-one seeks to portray it as anything other than a very regrettable incident. No-one should—and I hope no-one will—seek to make political capital out of the difficult circumstances of Ms Rau, and I sincerely hope that the opposition will not seek to do so.

At this stage of the incident, it is probably premature to offer an apology. The important thing is to establish the facts and see if there was anything more that could have been done in the case of Ms Rau. To that end, Minister Vanstone—who has advised the Senate today—has announced the details of an inquiry into Ms Rau’s case. The minister has advised, as we have heard, that the distinguished former Australian Federal Police Commissioner Mick Palmer will conduct the inquiry. Senator Ludwig said that there was no need to discuss the integrity of Mr Palmer, the support that Mr Palmer has. But I think it is important to do so. It is important to ensure that we have on the record, from both the government and the opposition—and I am pleased that Senator Ludwig has expressed confidence in former Commissioner Palmer—that he is a distinguished former Australian Federal Police Commissioner. He was initially appointed by Labor when they were in office. He was reappointed by this government upon ascension to office.

I think it is worth taking time to note that former Commissioner Palmer is beyond reproach, and I think any criticisms of the inquiry do, in some way, seek to reflect upon Mr Palmer. I do not for one second think that Mr Palmer would seek to involve himself with an inquiry, would seek to conduct an inquiry, unless he felt that he had the tools, the authority and the resources to properly undertake that inquiry. Those who say, ‘We support Mr Palmer, but we are not so sure about the inquiry,’ should be very careful that they do not impugn Mr Palmer’s integrity. We can all have confidence in the independence of this inquiry because former Commissioner Palmer is in charge of it.

The minister also released today the terms of reference of this inquiry. They are as broad as they can be, but they focus on the central issues relating to the detention of Ms Rau: the interaction between the Commonwealth and state agencies, particularly police and mental health providers. It is important that this inquiry is a private inquiry. Absolutely, its findings must be made public. But it is important for Ms Rau’s privacy that it be a private inquiry. It is also important to en-
sure that the focus remains on establishing the facts and the sequence of events. We do not want distraction from establishing the sequence of events. What do we know thus far?

Let us deal with the substance, not the politics. There is a huge amount of misinformation currently circulating. There is understandable concern in the community. The community wants to get to the facts. We all understand the concerns of members of the community, the families and the parents of people with disabilities. We want to make sure that what happened here does not happen again. We hope—and I am sure that it will be forthcoming—that we will get the full cooperation of all four jurisdictions involved in this matter. Senator Vanstone has been very forthcoming. She has been totally upfront about when she was advised and when she first became aware of these matters.

But we have to make sure—I do not hold out hope—that we do not descend again into the opposition’s tired old refrain of: what did you know, when did you know it and who did you tell? If we descend to that level of debate on this issue then we are really missing the point. The point is to establish the facts. It is only once we know the facts that we can establish whether there is something that should have been done that has not been done. It is only then, when we know the sequence of events, that we can determine what can be done to make sure that this does not happen again. Senator Ludwig wants to prejudge the inquiry. He wants to state already what he believes the facts to be. To be responsible we have to establish the sequence of events. (Time expired)

Senator WONG (South Australia) (3.15 p.m.)—It is pretty clear from the answers given by Minister Vanstone and that contribution by Senator Fifield how the government proposes to deal with this serious issue and the serious questions being raised by the opposition and other members of the Senate. When we are asking legitimate questions about what occurred when, the sequence of events, when they were told and how come this was not brought to their attention we are told by Senator Fifield that we should not get bogged down in that sort of detail and that we should be focusing on the facts. Pardon me, Senator Fifield, but I would have thought that the Australian public have a right to know when the minister’s office knew, whether they took any action and why these issues when raised by people such as the Public Advocate in South Australia were not drawn to the minister’s attention or were not acted upon. The Australian public probably has a right to know the answers to those questions.

The other obvious tactic that both the minister and the senator have engaged in today is to seek to suggest that any criticism the opposition makes of the inquiry and the lack of powers associated with it is somehow a criticism of former Federal Police Commissioner Palmer. There is a straw man argument if I have ever heard one: in answer to any legitimate criticisms about the whitewash inquiry that has been put in place by this minister let us set up this argument that somehow the opposition is impugning somebody who is well respected on both sides of politics.

The minister failed to answer some serious questions in question time about the powers or lack of powers associated with this inquiry. That is not a criticism of former Commissioner Palmer. These are serious questions about things like how come the inquiry does not have the power to compel people to give evidence? Why has the inquiry not got the power to protect witnesses? If you have an employee of Baxter detention centre or a person who might, for whatever
reason, be fearful of giving evidence to this inquiry, surely you would think that one of the things you would turn your mind to as the relevant minister in establishing an inquiry would be how to ensure that anybody who has relevant evidence can give evidence in an inquiry without fear—without any concern of victimisation or any retribution or defamation action or any of the various legal problems that could arise from giving such evidence. But has the minister dealt with this issue? Does her press release refer to issues like this: how do we actually ensure witnesses are protected in the same way that witnesses before Senate inquiries are protected? Is that dealt with? No, it is not. The only thing that is dealt with is the terms of reference.

When the opposition raise these legitimate questions, what do we get from the other side? What do we get from the minister and those senators on the other side who are lining up here to support her today? We get an accusation that somehow we are impugning Mr Palmer’s reputation. That is not the case. What we are saying is that there are some very serious questions associated with the case of Ms Rau. It is astonishing and distressing that a woman with a serious mental illness can have been in detention for so long without authorities becoming aware of who she was or correctly diagnosing her mental illness. It is tragic that this woman was placed in Baxter and that she was placed in solitary confinement—if the media reports are to be believed—for a period of time. These are serious issues and the Australian public deserve an explanation. They deserve a full and open inquiry which is able to take evidence as needed and which is able to take evidence from people who might be fearful or concerned about giving evidence and so forth.

Finally, on this issue of playing politics, I heard the minister on a number of occasions, and various interjections by senators on the other side when we were raising legitimate questions about this issue, criticising the South Australian Mental Health Service, the Queensland police, and the Queensland hospital. I say to them: do not take the high and mighty ground here. From what we have seen in the chamber today there has been a great propensity on the other side of the chamber to blame anyone else—any state official, state department or state government—for what is a very concerning story which we must get to the bottom of. If Senator Fifield is going to talk about not playing politics I suggest there should be some discussion on that side of the chamber about not responding to any legitimate question that the opposition, the Greens or the Democrats raise on this issue by having a go at some state department. (Time expired)

Senator JOHNSTON (Western Australia) (3.20 p.m.)—There we have it: the opposition’s sole interest in this whole matter distils down to the fact that they anticipate a whitewash. That suits their political agenda—a whitewash is the allegation against this very respected and learned former commissioner of the Australian Federal Police. He has already been hung, drawn and quartered by the opposition in this place by the label—the epitaph—of a ‘whitewash’. This is a great tragedy that in today’s Australia we can mistakenly, inadvertently or wrongfully incarcerate someone who is mentally ill and in circumstances where nobody has been able to accurately and reliably determine the truth for so long. Over many years, I have had some considerable experience with schizophrenia and those who suffer from this malady. In my experience it presents a very broad and often inconsistent group of outward patterns and manifestations in terms of conduct and personality traits. It is not easy to define or diagnose; it is not easy to detect in the personality of a person
who may well be very adversely affected by this mental illness.

In these circumstances, my call to the opposition is to take the politics out of this situation. We must build into our system a response that protects people like Cornelia Rau from ever having this sort of thing happen to them. We need to be extra careful that our mechanisms for the identification of missing persons have some consistency and ease of access across state borders and boundaries.

When I look at what the facts appear to be—from newspapers, other reports and indeed from what the minister has said—the first issue that was confronting authorities in Australia was identification. People who know anything about those suffering from schizophrenia know that this is usually at the top of the list. Schizophrenics completely lose recollection of their context. So a woman saying that she is of German citizenship, speaking fluent German and identifying her parents would, on face value, have to be taken as being quite plausible. I must say that authorities would be very astute and completely out of the ordinary to be able to detect that as a false representation.

The next issue is, as I say, the extent and nature of the person’s mental incapacity. Schizophrenics are very difficult to diagnose. It takes a lot of knowledge and a lot of time with a subject to understand that they are not functioning normally intellectually. I must say that it strikes me as very odd that medical advice in South Australia—and I do not cast aspersion on this—was that she was unsuitable to be admitted to the Glenside facility in South Australia. So, by all accounts, she presented to those who should know as a very difficult case.

All I want to say in closing is: let us get the facts, let us get the advice of the agencies involved and let us get the advice of the psychiatrists. It is not a matter for politics and it is not a matter that the opposition can seek to get any mileage out of. We must build protections into this system and learn from what we have seen and read about in the last week or so on the tragic case of Cornelia Rau.

Senator KIRK (South Australia) (3.25 p.m.)—At the outset, I have to say that I agree with the sentiments expressed by other senators here this afternoon that the case of Ms Cornelia Rau is a very sad and sorry story. It is tragic that this could have occurred to anyone in this country, whether they be an Australian citizen, an Australian resident or indeed somebody seeking asylum in this country. I believe the case of Ms Rau illustrates that there are a number of failures in the existing system. Firstly, there has been a failure in the identification of missing persons. That is quite clear. Secondly, there has been a failure on the part of the Department of Immigration and Multicultural and Indigenous Affairs and a failure on the part of the Minister for Immigration and Multicultural and Indigenous Affairs in relation to the duty of care that she owes to all persons who are detained. Thirdly, there has been a failure of government policy generally in relation to mandatory detention—and this case illustrates that quite well.

In the case of Cornelia Rau, we have seen a systematic failure of the police and the health and immigration authorities seemingly at every turn. There was a failure to identify her as a missing person and there was a failure to identify the serious mental illness which she has now been diagnosed as having. This young woman was found wandering around in the desert, which the Aboriginals notified to police. She was then taken to Queensland, held there and then finally transferred to Baxter Detention Centre in my home state of South Australia where she was held for a period of four months until the situation that she was in and the series of
failures that surrounded her case were made public.

Today I want to focus on the failures that have occurred in this case, particularly on the part of the department of immigration and the minister for immigration and, more broadly, the failure of government policy in this regard. On the question of the minister’s duty of care and the duty of care that the department has, it is quite clear that the minister and the department owe a duty of care to everyone who is in immigration detention. It is quite clear that the minister and her office should have been alerted much earlier as to the manner in which this woman was being treated and there should have been an immediate intensive investigation into her circumstances. The fact that this did not occur, that she was held in immigration detention in South Australia for four months before anything happened, can only be described as a monumental failure of the system.

The second failure of the system clearly was in this woman’s diagnosis. Until quite recently, this woman was not diagnosed as having the serious mental illness that she does have. Senator Johnston referred to the fact that it is very difficult to diagnose mental illness, and I have no doubt about that, but my concern is that the persons who were treating Ms Rau were unable or unwilling to diagnose the serious mental condition that she had.

In the time I have left I wish to draw the Senate’s attention to the broader issue that we have here: the question of how many detainees are in detention centres in Australia who are suffering from a serious mental illness and who have not been properly diagnosed. Anyone who knows anything about mental illness knows just how debilitating it is. It can lead to incidents that we have seen in detention centres: sewing lips together, attempted suicide and the like. This is the broader issue that needs to be considered following on from this tragic story.

Senator BARTLETT (Queensland) (3.30 p.m.)—I have heard some senators today say that we should take the politics out of this matter. I could not agree more—it is a terrible story, a terrible ordeal that is still continuing for this woman and her family—but that should not be used as a way of trying to silence criticism. That is what this government is doing. We criticise what appears to have happened and we are abused and told, ‘You are playing politics’. If that is the best defence that the government has, it is just going to keep saying it, but it is certainly not going to silence me or plenty of other people.

We owe it not just to this woman but to everybody who has been touched by mental illness to get to the bottom of this incident and to get some good from what is obviously a terrible situation: greater understanding, greater awareness and greater accountability for how people have been acting to date. You cannot get accountability—the bottom line—if you have a secret inquiry. If all the evidence is presented in secret you cannot have accountability. That is not a criticism of Mr Palmer—that is not to say that he is not up to the job—but a simple fact: how can you have accountability, how can you increase public awareness and how can you have faith in the outcome, in an area where people’s trust has quite obviously been shaken, if you have a secret inquiry?

Obviously, if there is a matter that affects the privacy of Ms Rau, an inquiry can hold a session in private or not publish some evidence. But I have noticed that already, conveniently, stories are being put on the front page of some tabloids about her alleged activities in other parts of her life. I am sure there will be convenient bits of information put into the public arena to try to harm people’s sympathy for Ms Rau, playing on peo-
ple’s lack of understanding of mental illness—no concerns about her privacy there. I have too much experience with this government, and in this area of immigration in particular, using the excuse of privacy as a blanket to cover up everything. There is simply no way that it is an adequate excuse to say that privacy means that we should not have this inquiry in public. Secrecy about the evidence is unnecessary. If Mr Palmer is as good as the minister and the government insist he is—and I have no reason to think otherwise—then of course he can make a judgment as to when it is appropriate to have a session in private.

There is no legal protection for the evidence that is given. What if somebody—perhaps somebody who has worked in these facilities and is involved in any aspect of this case—wants to report some wrongdoing somewhere? They will have no legal protection for their evidence. They will have no protection against ramifications. It is a massive disincentive to tell the truth if you do so in private and you know you have no protections.

In question time today I asked the minister: can the asylum seekers, the detainees who are the key to this woman’s identity being established, tell what they saw? The minister’s answer basically was ‘I’ll think about that’. Could she give a guarantee that, if they give evidence, the evidence of these people—who are living in fear of being deported every day of the week and who are in a detention facility behind closed doors where all sorts of consequences can be played out on them for giving evidence—will draw protection? No. When she was asked, ‘Will Mr Palmer be able to examine allegations of mistreatment of other people in Baxter detention centre to try to determine whether there is a pattern?’ she said, ‘No; we are going to quarantine this as much as possible and keep everybody else out of it.’ I have had allegations of mistreatment repeatedly made to me over the years. In relation to mental health I have had allegations made to me just in the last week about people trying to get into Baxter with an independent psychiatric assessment and being told not only no but also ‘if you try to push this we will ban you from even coming to this centre at all’. I do not know whether that is true but I have plenty of reason to assume that it is. If that is the way people are treated when they are trying simply to establish the wellbeing of people in detention centres, is it any wonder that situations like this have happened?

There is no doubt that if it were not for those asylum seekers Ms Rau’s identity would not have been established. She may have ended up in Glenside but she still would have been an immigration detainee within that facility, with all the consequences that go along with that. (Time expired)

Question agreed to.

INDIAN OCEAN TSUNAMI

Senator HILL (South Australia—Leader of the Government in the Senate) (3.36 p.m.)—by leave—I move:

That the Senate—

(a) extends to all Australians who suffered personal losses during the tragic 26 December Indian Ocean tsunami disaster its profound sympathy in their bereavement and wishes a speedy recovery to the injured;

(b) expresses its deepest condolences at the tragic loss of life and property suffered by Australia’s neighbours in the tsunami;

(c) expresses its gratitude and admiration to those Australians who have so generously contributed time, effort, and money to relieve the suffering of those affected; and

(d) commits itself to work closely with the countries involved in the crisis to main-
tain the swift and effective response to this disaster.

We reflect upon a natural event that was certainly the most severe tsunami in the last 40 years, but some would say that the humanitarian disaster that followed was almost unprecedented in our times. The estimated death toll is truly appalling and it continues to grow. It is put at over 280,000. Clearly, the exact death toll will never be known. Latest estimates are that Indonesia has lost more than 160,000 citizens, with 120,000 deaths already confirmed. Sri Lanka has lost over 31,000, India over 15,000 and Thailand over 5,000.

Other countries, including the Maldives, Malaysia, Somalia and the Seychelles, were also heavily affected. Whole communities have been obliterated. Whole communities have been obliterated. Eighteen people from Australia—12 citizens and six permanent residents—have been confirmed to have lost their lives and we continue to hold grave concerns for nine more Australians. At this difficult time, our thoughts are very much with the families and friends of those who were lost.

It has been a real test for the international community. Much has come from the event that has been commendable. I am very proud as one Australian that there were so many who so quickly moved to help our neighbours in the days that followed the disaster. I think first of the public servants who so quickly came together. We are talking of an event that occurred the day after Christmas, so it certainly was an unhelpful time of the year for gathering services to support the response to such an event. Through the Department of Foreign Affairs and Trade, the Australian Federal Police and other agencies, many public servants and others immediately came together to help Australians who feared that they had lost relatives, to help those who were injured as a result of the event and to provide consular services in relation to those who were lost.

The response of Australian agencies—and we obviously tend to focus on Australian agencies—has been truly remarkable. Senator Ellison is going to take the opportunity in this debate to talk a little about the contribution of the Federal Police. I particularly wanted to make mention, not surprisingly, of the role that was assumed by the Australian Defence Force. Once again, our defence community came to the fore and did an amazingly good job. I never cease to be amazed, I have to say, that, as has occurred on other occasions, as soon as news of the event hit the radios and television, ADF personnel started to phone in—particularly those involved with the C130 transports and the medical teams that did the same sort of work after such incidents as the Bali bombing, the earthquake in Iran and others. They were immediately telephoning in and saying, ‘I assume that we are needed. When and where do you want us?’

So, very shortly after we as a government made the decision to particularly focus our efforts on Sumatra and had established the correct communication with TNI—which was to take a lead in the response in Indonesia—and with the government authorities, we were able to put C130s in the air and start ferrying aid and support to the people of Sumatra and, with the support of the Indonesian authorities, directly into Banda Aceh. With the initial aid we were also able to ferry in the first of the emergency medical teams. We were also able to ferry in a United Nations assessment team, which was going to provide an assessment to New York in support of the efforts that were being made by the UN to mobilise the international community in their area of responsibility.

We quickly established the correct relationship with TNI and the Indonesian gov-
ernment. Indonesia was obviously to take the lead and we were there to assist and support. Our assistance and support was very much welcomed. We established a staging base in Medan in northern Sumatra. Australians, as they do, immediately got to work and took things one step further. We established a coordinating mechanism for flights into Aceh, not only dealing with Indonesian and Australian flights but those of other donors, who were quickly starting to arrive. That provided a coordinated base for getting aid into Aceh.

The ADF then established a coordinating mechanism between the TNI and international aid agencies in order that the work of the aid agencies could be coordinated. It was obvious from the very beginning that the challenge of coordinating this massive assistance movement was going to be a great one. The Australian Defence Force was there assisting from the beginning. We have maintained that air bridge between Australia and Aceh using the C130s and chartered aircraft from the time the first flight arrived. Movements were challenging into Aceh. I understand that before the disaster Banda Aceh normally had six flights a day. After the disaster, air movements went up to some 250 a day. With the support of Malaysia, the ADF then established a further staging base in Butterworth, which would take pressure off Medan and provide another way in which we could ferry our assistance into Aceh.

We then provided four Iroquois helicopters for the transport of aid out of Banda Aceh to the outlying areas. With this mechanism in place, both the C130s and the helicopters were able to ferry aid in and take displaced persons out. Working closely with the TNI, we provided our force support and did most of the very unpleasant work in relation to the recovery and burying of bodies. The TNI general whom I spoke to up there made mention to me that they had buried 87,000 bodies by the time I reached Aceh. The Australians then helped establish a hospital capability, and I think all of us have seen on the television the fantastic work that the Australian military doctors, nurses and other health professionals—many of them reservists—have done between the disaster and today. They are now getting to the point where they can start passing that responsibility on to civilians.

We also quickly realised that to avoid disease what was needed most urgently was clean water. Therefore, again almost from day one, Australian Army engineers established a plant for the manufacture of clean water, and that has continued until this day. In fact, we have now just passed that responsibility across to the Red Cross. The engineers have done a fantastic job and kept many Indonesians alive. It has been much appreciated by the Indonesian people. I heard one lovely story of an elderly Indonesian lady who was in the queue to collect her clean water. She looked up at an Australian soldier and said, ‘Thanks, mate.’ Australian soldiers doing this sort of work create a lot of friends. There is no doubt about that at all.

By that time we had decided that further engineers were needed and we made a decision to deploy a further 150 engineers and their heavy earthmoving equipment in the Kanimbla. They were obviously going to support the huge clean-up task in Banda Aceh, and they have now been doing that very unpleasant but essential work for some weeks, again providing a more healthy environment for the people of Aceh. Taking the Kanimbla also meant that we had the capacity to provide further health capabilities and two Sea King helicopters with a longer range and heavier load facility.

The Australian military were by this time also assisting with air traffic control in Banda Aceh. They are obviously very experienced and accomplished in that particular
task. Over 1,000 Australian personnel, both permanent forces and reservists, have been part of this operation. They have done an outstanding job, and they have been well supported by those behind the scenes, both in uniform and civilian, who deserve credit but often do not get it. They have all played a part in this extraordinarily successful operation in Aceh to help the Indonesian people in a moment of great need, and they have been well supported by other agencies—and I particularly make mention of the diplomatic staff operating out of Jakarta. Their work has been superb as well.

This clearly has been a terrible experience for the Indonesian people. The recovery task will be hugely challenging but, as you know, Mr Deputy President Ferguson, Australia is committed through the long-term and historically large fund that has been established to stay with Indonesia during the task of reconstruction. We are still in the clean-up phase. We are starting to move towards the reconstruction phase. It is going to be a massive endeavour in itself. The task for the ADF is limited. Its time is coming towards a close as its tasks are transitioned to civilian alternatives. That is the correct way to approach this matter, but the work still needs to be done and those civilians—many of whom will be Australians—will continue to be supported by our government and the Australian people.

I would like to end on that note. I have talked a lot about what the ADF have done because I am obviously very proud of their contribution, yet again, but it has also been moving to see the way the broader Australian community have responded to this disaster. The extent to which they have been prepared to go out and give aid and the extent to which they have been prepared to volunteer their services and help others in a moment of great need has been uplifting. We within government and the parliamentary process should be particularly grateful to all of those who have responded. With those few words, I commend the motion.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (3.50 p.m.)—On behalf of the opposition I wish to support the motion moved by Senator Hill on behalf of the government in memory of those killed by the Boxing Day tsunami. We offer our condolences to the families of the hundreds of thousands of dead and our sympathies to those whose homes and livelihoods have been destroyed. On behalf of the Australian Labor Party I would also like to make special mention of the Australians killed or missing in this terrible natural disaster.

This event, which has devastated the lives of so many, has also been the catalyst for an outpouring of generosity in this country and around the world. It is a response which has shown the very best that our society has to offer. I would also like to recognise the generosity of the Australian community and the dedication of our public servants, military and police personnel, doctors, nurses, engineers and others who have given up their time and made personal sacrifices to respond to this event. I would also like to recognise and support the swift and appropriate response of the Australian government and the assistance provided on behalf of all Australians. I will refer a bit later on to the aid package offered by the government. I would also like to make some points in regard to the role of the disaster victim identification teams and the establishment of an Indian Ocean early warning system.

The Boxing Day tsunami was caused by a massive earthquake off the coast of Aceh in Northern Sumatra. The earthquake registered nine on the Richter scale. It was the most severe earthquake in 40 years. It sent a tidal wave crashing onto the shores of countries
surrounding the quake’s epicentre—Indonesia, Malaysia, Thailand, Myanmar, Bangladesh, India, Sri Lanka, the Maldives and other islands. It reached as far west as the Seychelles, Somalia, Kenya and Tanzania. The scope of it was just breathtaking.

To date, the estimated number of dead has exceeded 290,000—the worst affected country being our nearest neighbour, Indonesia, where it appears that up to 240,000 people have died. The UN has estimated that one million people were displaced and five million people deprived of basic services. From our own community, according to the Department of Foreign Affairs, 12 Australian citizens and six permanent residents, ranging in age from six to 81 years, were among those confirmed dead, and there are concerns for a further nine. Our hearts go out to those in our community who mourn for friends and family and to those who wait for news of loved ones. We are aware of the anguish they must suffer. Millions more have lost their family, friends, homes and livelihoods. These people have to live the rest of their lives with the memory of the horror of that day. The economic impact of the disaster is still being assessed. According to the Bulletin magazine, Indonesia alone has some 700,000 people who have been left homeless and a repair bill estimated at $9.7 billion. Countless homes, businesses and jobs have been lost. It remains to be seen what the long-term effects on industries like tourism will be.

Like all Australians, and I think people across the world, I was horrified to see the events of Boxing Day unfold. And yet, like many, I have been heartened by the remarkable public response to this tragedy. On the day of the tsunami I was lucky enough to be on leave, holidaying in the beachside resort of Dunsborough in the south-west of WA. It seemed that no sooner had news of the events begun to unfold than Red Cross volunteers were out in force, rattling tins at the local shops, giving up their holiday time trying to make a difference in support of people far away. It was quite remarkable how quickly they were out there, active and involved. All credit to them. It was just a small part of an outpouring of financial and emotional generosity which has marked the Australian public’s, and I think the world’s, response.

Eerily, in the hours which followed the impact of the tidal waves, I, like many others who were near the WA coast, witnessed unusual wave patterns—tidal movements coming in and out within a matter of minutes. It was just a tiny ripple, I suppose, of the much more terrible tidal event to our north. This demonstrated to me just how fortunate we in Australia were to be spared the impact of the tsunami. It also reminded me of how different things could have been for us had the earthquake happened in a different part of the Indian Ocean.

According to the Australian Council for International Development, aid organisations in this country so far have received $239 million in donations. The response and the generosity has come from all areas of our society—from the Red Cross collectors in Dunsborough to families, businesses, unions and groups of employees in workplaces around the country; from the people who organised the Wave Aid concert, the Tsunami Cricket Match and the Reach Out to Asia telethon. So many Australians have given their time, their money and their tears. We are a better society for their generosity and their response.

We are also grateful to those many people who, through their work and personal sacrifices, have given such a fine response to this tragedy—the military and law enforcement personnel engaged in recovery and reconstruction; the public servants who gave up their holidays to coordinate Australia’s re-
response; and the doctors, nurses and other Australian professionals who have been so quick to respond and so generous with their skills. I think all of us would have been moved by the images on our TVs of Australian Defence personnel and others restoring basic services like water and providing medical assistance. I know a number of the senior Australian Army officers involved; I met many of them when they were in Timor in a similar operation. They do their service and Australia proud.

I also saw the professionalism and dedication of so many Australian public servants reflected in the briefings we received from the various government agencies involved which reflected the wider work going on. It is not very often that Australian public servants get a good rap and I am one of those who are prepared to give them a hard time at estimates committees, but I think the way the Australian Public Service responded was a great credit to them. Unfortunately sometimes it is those in uniform at the front end who get the credit, but I think this is one of those occasions when both Commonwealth and state public servants responded with all the other agencies in a way that did them great credit.

Representing the Labor Party, I had the opportunity to visit the embassies of Indonesia, Sri Lanka and Thailand in the aftermath of this tragedy and it was clear to see the appreciation those countries had for the emotional and humane response of the Australian people. I also heard of their appreciation of the Australian government’s willingness to listen and respond to their needs rather than to tell them what they needed. Our nation’s concerns at the events on Boxing Day were symbolised in the National Day of Mourning and Reflection on 16 January. On that day I attended a ceremony at City Beach in Perth. Ethnic and religious leaders were there, along with many thousands of people wishing to show their support for the victims and to make sense of what had happened. On this occasion, as at many other times over the past few weeks, I was impressed by the compassion and the solidarity of such a wide cross-section of the Australian people.

I would also like to express the support of the ALP for the government’s response to the tsunami. The government has followed the lead of the Australian people and acted swiftly, effectively and generously. With the initial relief package of $60 million and then through the $1 billion aid package to Indonesia, the government has added another chapter to the story of compassion that we have seen in this country over recent weeks.

The Australia-Indonesia Partnership for Reconstruction and Development is the biggest single aid package in Australia’s history. We commend the Prime Minister and the government for this action. It not only represents the wishes of the Australian people but also provides an opportunity to build vital relationships between Australia and Indonesia. At a time when there are forces which fuel mistrust and animosity in our region, this package is an example of our commitment to our shared destiny and our shared humanity. On a human level, of course, it is the right thing to do. The aid package is not the end of the story when it comes to Australian efforts to provide assistance to those in need and to share more equitably the advantages we enjoy. It is not the end of the story, but it is an expression of what can be achieved when we have the will. We support the government in its response to this tragedy.

I would also like to mention the work being done by the disaster victim identification
teams in Thailand—I see that Senator Ellison, the Minister for Justice and Customs, is in the chamber. These teams are made up of federal and state police officers working in cooperation with local officials and DFAT staff. From the comprehensive briefings given to us it appears that there have at times been 106 team members deployed in Thailand, working on 14-day rotations. Their knowledge and expertise have been employed in the disaster to ensure the best possible identification process. I must say, I did not seek to be briefed on the details of their work. It is a most gruesome and challenging task and not one which I would wish to volunteer to help with, but we really do appreciate the efforts they make. It is not easy work, and we extend our appreciation and support to all those officers and other personnel involved in that difficult task, because it is obviously important for the families that the work is carried out.

One of the things that struck me most from the briefings we received about the whole response was that so much experience had been gained in Bali that was put to good use in the tsunami. So, out of every terrible event, something good comes. One of the features of the Australian response was the ability to have learnt from the Bali experiences: for agencies to be better prepared and to be able to coordinate better. So, while in some ways it is a terrible thing that they have had that experience, it was no doubt central to their capacity to respond to the tsunami.

It is incumbent on us in political life to ensure that positive change is built on the experiences of the past. One way in which we can do this is by establishing systems to lessen the effects of similar events, should they be repeated in the future. Labor believes that Australia can make a significant contribution to the development of an Indian Ocean early warning system. We could contribute through facilities such as the Australian National Seismograph Network and the Alice Springs Joint Geological and Geophysical Research Station, as well as through the significant scientific expertise we have in Australia. Such a project could be some small memorial for those who have died. Projects such as this, the government’s aid package and the response of the Australian public build much needed understanding in our international environment.

I hope that we can continue to create positive steps out of the horror which affected so many on Boxing Day. On behalf of my Labor colleagues in the Senate, I extend our thanks again to all those in our community—our police and service personnel, our public servants, medical and other professionals—and the organisations and businesses who got behind the effort. I reaffirm our support for the Australian government’s actions. I repeat most particularly our heartfelt condolences to the millions who have lost loved ones and those Australian families who mourn. We remember those who have lost children, parents, brothers, sisters and friends, for whom the rebuilding may take a lifetime.

Before I bring my remarks to a conclusion, I just want to make a couple of other comments. This is a motion the government has moved in relation to the tsunami disaster but, as you would be aware, over the break since the parliament last sat a number of terrible events have occurred in addition to the tsunami. We were not clear today as to what the government intended to do, but I do not want to sit down without making some reference on behalf of the Australian Labor Party to condolences, in particular to those families who have lost loved ones in the South Australian bushfires in January. As if the tsunami had not been enough, we then experienced those terrible fires, where nine people were killed. It was a terrible disaster, and the stories of how some of them died really touched
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all of us. Many others were injured and we wish them the best for their recovery.

Terrible devastation was done. These were the worst fires since the Ash Wednesday bushfires of 1983, when 75 people were killed. It was a significant tragedy for Australia. I am sure Canberrans in particular are much more aware these days of the terrible havoc that bushfires can cause, although Acting Deputy President Lightfoot, Senator Ellison and I are well aware of the terrible threat they are, as we had serious bushfires in Perth over the period as well. But the South Australian bushfires were another terrible tragedy and on behalf of the Australian Labor Party I want to extend our condolences to the families of those who died.

On this rather sombre note—I have been told Senator Ellison may be saying something later in the day—I want to formally make note of the death of Adam Dunning, an officer of the Australian Federal Police who was killed while on a peacekeeping mission in Honiara in the Solomon Islands. Adam was a former member of the army, had served in East Timor and had volunteered to serve in the Solomons. His death was a terrible tragedy.

The AFP has been deployed along with the Australian military to the Solomons with the support of this parliament—certainly with the support of the Australian Labor Party—and we take his death as a great blow. We take very seriously our responsibilities in the deployment of Australians to serve their country overseas and to go into trouble zones. Adam paid the ultimate price for serving his nation. I want to extend our condolences to the family of Adam Dunning, express our regret at his death and extend our condolences to other members of the AFP.

I wrote to Mr Keelty on behalf of the opposition, and Ms Macklin, then acting leader, attended the funeral, but, as we are dealing with the tragedies that have occurred in the last few months, I wanted to make special note of our sorrow at the death of Adam Dunning and commend the work that he performed in the Solomons and that of the AFP, who continue to serve there in most difficult circumstances. As I said, I think the parliament must accept a great responsibility for the fact that Adam was in harm’s way, serving his country at the request of this parliament. It is certainly important that we recognise the sacrifice he made on behalf of all of us, helping to bring stability and peace to our region and assisting the Solomons in their recovery. With those words, I wish to formally support the motion moved by Senator Hill in relation to the tsunami. I hope that we do not have ever again nearly as tragic a Christmas and New Year period as Australia and its region have experienced. I formally support the motion.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (4.07 p.m.)—Certainly I wish to associate myself with the remarks made by Senators Hill and Evans in relation to the motion before the Senate dealing with the tsunami disaster which we experienced in our region during the break after the last rising of parliament. Senator Evans also mentioned the death of Adam Dunning, and I will be placing on the record my remarks at a later stage in relation to that. Today my remarks in relation to the tsunami disaster in particular go towards the men and women who did, and are doing, such a fantastic job in disaster victim identification. When the enormity of this disaster became apparent, we had an immediate response from the Australian Federal Police and CrimTrac, our federal agency which manages the database for fingerprints and DNA.

At the request of the Royal Thai Police, the Australian Federal Police responded on 28 December, sending a multijurisdictional
assessment team consisting of 18 personnel. Since then a total of 105 Australian personnel have been deployed to Thailand in relation to disaster victim identification. I want to acknowledge police officers from New South Wales, Victoria, South Australia, Western Australia, Queensland, the Northern Territory and Tasmania, all of whom have served in the most difficult circumstances in relation to disaster victim identification. As Senator Evans said, much experience was gained, unfortunately, during the period of time after the Bali bombing. Of course, in any disaster one of the things you have to look to, apart from the welfare of those who have survived the disaster, is the speedy identification of victims, done with accuracy so that certainty can be established as to the loss of life. This is essential for those who are left behind, such as loved ones.

Australia led the way in disaster victim identification. Up to 30 different countries, and more than 400 people, have been represented in this international response. Australian police were heavily involved in setting up what is now called the Thailand tsunami victim identification centre, where all the ante-mortem and post-mortem information is collected and compared to identify the deceased. The situation was very difficult because there were many visitors from many different nations who perished as a result of this disaster. That of course made the identification of these people and locals all the more difficult.

In Australia, the Australian Federal Police established a 24-hour forensic major incident room in Canberra to coordinate the Australian DVI response to this incident. This has included staff from missing persons units from all state and territory police services. The Australian Federal Police also used their family liaison officers to continue to discuss the DVI process with families of the victims. They did such a magnificent job in relation to the victims of the Bali bombing and were called upon to replicate that commitment and the great work that they did, and they have continued to do that.

Strict controls have been put in place to ensure that a person is correctly identified. This is normally done through primary identifiers such as dental records, DNA and fingerprints. Secondary identifiers such as property, wallets, tattoos and personal items can also be used, but there must be two secondary identifiers or they must be used in conjunction with a primary identifier. Of course, the Australian Federal Police brings considerable expertise to bear in this regard. The advantage, if you could put it that way, that has come from this disaster, from this adversity, is that yet again we are seeing our officials working so closely with officials in the region and building those relationships. Hopefully this will not be relied upon in the future in relation to any other disaster, but should one occur then we will have an even more strengthened relationship with the officials in our region. I think it is a great tribute to those involved that this has developed.

I mentioned CrimTrac. It became apparent very soon after the disaster that victim identification was going to be a crucial issue. I spoke to the director, Jonathan Mobbs, who responded immediately with CrimTrac putting into place the measures necessary to assist the Australian Federal Police. Indeed, the director of CrimTrac led a delegation to Thailand between 22 and 26 January and they agreed to Interpol’s formal request to supply an automated fingerprint identification system. That was done on 7 January and it was operational by 10 January. CrimTrac staff have been heavily involved with the set-up of the fingerprinting DVI process in Thailand since arriving onsite on 8 January, and I believe they have played an essential role in the whole DVI process.
The response from the Australian Federal Police, the state and territory police, and CrimTrac has been outstanding. We saw the Minister for Foreign Affairs, Alexander Downer, accompanied by Police Commissioner Keelty, attending the region very shortly after the disaster occurred. This signified the immediate response that we saw from Australian officials. I want to pay tribute to the officials who gave up their time to respond so speedily and efficiently to this disaster. Indeed, Senator Hill has covered, more than adequately, the role of the ADF, but I also want to pay tribute to the role that they played. Both Senators Hill and Evans have also paid tribute to the Australian public. The public really exhibited the fine qualities of the Australian character: when we see a friend in trouble, we go to their aid. I think it was typical of Australians that we saw such an outstanding response to this disaster from the Australian community.

At this stage we look to have lost 18 people from Australia and there are grave concerns for nine more. It was thought at one stage that the number would be many more. Our heartfelt condolences and sympathy go out to the loved ones of those who have perished and, in particular, to those in Australia who have lost loved ones as a result of this tsunami disaster. I must say that I think the work that has been done by Australian officials in the region, and in those areas which have suffered such great loss of life, has resulted in lessening even further loss of life.

Finally, you and I, Mr Acting Deputy President Lightfoot, are both Western Australians. We come from a state, as does Senator Evans, which has its seaboard facing the ocean in which this disaster occurred. I see that Senator Webber is here too. She is from Western Australia as well. We in Western Australia saw a minor tidal surge as a result of this. But it brought home to us how things might have been very different had this disaster occurred in a different way. If mother nature had caused an earthquake in another way, the effects could have been felt differently. You have to remember that the effects of this disaster were felt on the east coast of Africa, which is on the other side of the Indian Ocean. We were very lucky indeed that Australia was not affected by this directly. I think that, as a neighbour in the region, it was the least we could do to respond in the way that we did.

**Senator ALLISON (Victoria—Leader of the Australian Democrats)** (4.16 p.m.)—I rise to speak on the tsunami disaster condolence motion. On behalf of the Australian Democrats I offer my deep and sincere condolences to the victims of the tragic Boxing Day tsunami that has devastated South-East Asia, the families of the quarter of a million people who have died and the millions more whose lives will never be the same. According to the Department of Foreign Affairs and Trade, the number of confirmed Australian deaths remains at 18 and there are grave concerns for a further nine Australians.

In early January I received a briefing from the Australian government agencies about Australia’s response to the disaster, for which I am grateful. One of the terrible facts that emerged from that briefing is that it could be a very long time before the remains of some Australians are identified. Some may not ever be identified. That situation must be extremely hard for the loved ones of those people. One massive earthquake below the sea has wreaked havoc in Indonesia, Sri Lanka, Thailand, India, Burma and the Maldives, and it has left families in every corner of the world devastated.

Since it happened we have been focused on how we in Australia can best assist those affected in the enormous task of rebuilding their homes, communities, and lives. The Australian public has already generously
donated $228 million to help with the relief and reconstruction effort in South-East Asia. Organisations such as the Australian Red Cross, World Vision Australia, CARE Australia, Oxfam Community Aid Abroad, Caritas Australia, UNICEF and the Christian Blind Mission International have all received millions of dollars in donations. They are all working hard to make sure that that money is put to good use as soon as possible. On behalf of the Australian people, I extend my thanks to those organisations for their work.

I would also like to thank the many Australian Democrats members who worked very hard in every state to collect money for UNICEF to aid their work in the tsunami zone. Our members collected over $50,000 to help UNICEF with providing clean water and vaccinations for children in the affected areas, reuniting lost children, protecting children from exploitation and getting children back to school. From New Year’s Eve we had a button on our web site which assisted people to donate.

I acknowledge the wonderful assistance work of the Australian military and civilian personnel who are still working in neighbouring countries. It should not be assumed that, because this is aid work, there are no ongoing dangers. Of particular concern is the fact that one of the worst-hit areas, Aceh, is still an area of military conflict. In many villages and towns in north Aceh, people are being forced to move into government temporary shelters—and there are reports coming out that they are being denied access to their original land and villages—and those who refuse are accused of being from the separatist movement. There are fears that the military is now using food and basic needs to control and enforce their military approach. The Democrats urge the Minister for Foreign Affairs to use our improved relationship with Indonesia to encourage the protection of the human rights of the Aceh people.

The Democrats have welcomed the government’s $1 billion Asia assistance package, but I think it should be acknowledged that this is half aid and half long-term loan. According to AusAID, the package will consist of $500 million in grants and $500 million in concessional loans over 40 years, with no interest and no repayments of principal over the first 10 years. Next week in estimates hearings the Democrats will question the minister and department representatives for more detail about how that money will be spent. We encourage the Australian government to work very closely with the United Nations and aid agencies to make sure that the money goes where it is most needed. Given Australia’s relative wealth and the fact that this has happened in our own region, the Democrats think that we should be leading the world in responding to this tragedy both now and into the future. We must also focus on other avenues, such as debt relief, to make sure that we are not giving with one hand and taking away with the other.

Despite the one-off generosity of the response to the tsunami, I think we have a long way to go before we will be fulfilling our obligations as a relatively wealthy global citizen. A recent United Nations report showed that Australia is not doing enough to reverse poverty, hunger and disease in developing nations. The report of the UN Millennium Project, of which Australia is a member, has demonstrated that Australia is falling far short of the 0.7 per cent of GDP target that will be needed from each member nation if the millennium development goals of eradicating poverty and hunger, raising education standards and reducing child mortality are to be achieved. At present, we are spending only 25c out of every $100 of income on overseas aid.
Last week at the World Economic Forum in Davos, Switzerland, our Prime Minister dismissed the calls for greater aid and debt relief that came from delegates at that conference. Mr Howard said that instead he believed that worldwide trade reform and the elimination of agricultural subsidies by rich nations were the only ways the developing world would have a decent chance. The thing is, we do not have to make that choice. It is not a question of choosing just one aspect of helping the developing world and sticking with it. In fact, the opposite is true. Only a three-pronged approach involving fairer trade and World Trade Organisation reform, targeted aid at increased levels and a program of debt relief and cancellation will have the impact that is so desperately needed by the developing world.

The Democrats believe we should be taking a leaf out of Gordon Brown’s book. The British chancellor has called on the nations of the world to recognise the three essential elements of developing a plan for a new deal: first, full debt relief for burdened countries; second, reforming world trade so that it begins to better benefit poor countries and ensure their capacity to benefit from this new trade; and, third, declaring the level of aid to be approximately 0.7 per cent of national income. Debt relief works. The chancellor said:

It is partly because of debt relief that in developing countries, primary school enrolments have increased at twice the rate of the 1980s; those aged over 15 who can read has risen by 7 per cent; life expectancy has increased; and the numbers living in extreme poverty has fallen by 10 per cent. People weighed by the burden of debts imposed by the last generation cannot even begin to build for the next generation.

To continue to insist on payment offends human dignity. What is morally wrong, cannot be economically right.

The Democrats soundly endorse that sentiment and have, as I said, pleasure in supporting this motion today.

Senator BOSWELL (Queensland—Leader of The Nationals in the Senate) (4.24 p.m.)—I associate the National Party also with the motion on the tsunami disaster currently before the Senate and moved by Senator Hill. Senator Hill and Senator Evans gave a very comprehensive overview of the role played by Australia and all Australians. I too would like to express my sympathy to the families of the people who were lost in the tsunami and all the people who have had their livelihoods taken from them and whose businesses were washed away. What happened on 26 December was a tragedy beyond all tragedies.

We as a nation, and as Australians, were one of the first to pitch in. Individual Australians and companies have pledged $100 million. We were the first foreigners on the ground in Indonesia after the disaster. If we want to be a leader in our part of the world, we have to be there in bad times as well as good times. What we have offered the Indonesians and the other countries that were hit by this tragedy is mateship, and that is what being a good neighbour is all about. We were very happy to be able to assist. Like most other people, I was on holidays when this tragedy occurred. I saw the death toll escalating. I think the first day it was 8,000, then it was 11,000 and then it gradually got up to 250,000.

The Australian government was on the ground first. We sent a medical assistance team to Phuket. This team was provided by the Canberra Hospital. The next day medical assistance teams, comprising a mix of Australian Defence Force reservists, medical personnel and civilian health professionals, left for the affected areas. Teams included orthopaedic surgeons, general surgeons,
emergency physicians, nurses, rescue paramedics and, of course, the people who have the very hard task of identifying the remains of the bodies.

The Australian government will contribute over $1 billion over the next five years to the new Australia-Indonesia partnership. These funds will be additional to Australia’s existing development cooperation programs and will bring Australia’s commitment to Indonesia to a total of $1.8 billion over five years. While there will naturally be a clear focus on the areas devastated by the tsunami, all areas of Indonesia will be eligible for assistance under that partnership. The $1 billion of new money will consist of equal parts of grant assistance and highly concessional financing. The grant aid will be directed at areas of priority need in Indonesia. It can be expected to encompass small-scale reconstruction to establish social and economic infrastructure in affected areas, human resource development and rehabilitation. It will also include a large scholarship program, providing support and training in areas such as engineering, health care, public administration and governance. The concessional financing component can be expected to be directed to the reconstruction and rehabilitation of major infrastructure in the first instance. It will provide $500 million interest free for up to 40 years, with no repayment of principal for 10 years, and that is a very generous offer by Australia.

This is an historic step in the Australia-Indonesia relationship. It is the single largest aid contribution ever made by Australia, focused on the long term and founded on partnerships. Addressing the urgent humanitarian need of those affected by the tragedy will also serve to bring our countries and people closer together. It is a strategic commitment to raise the living standards of the people of Indonesia. The Boxing Day tsunami brought widespread tragedy, but there will be a new world for the survivors. Australia is stepping up to the mark to provide assistance and friendship. I commend the motion to the Senate. It thoroughly deserves to be brought into this house. Once again, I offer my sympathy to all those who were caught in this terrible tragedy.

Senator NETTLE (New South Wales) (4.29 p.m.)—The scale of the tsunami disaster is heart wrenching and overwhelming, with more than 300,000 people killed, many more injured, and lives and communities shattered—many of which will probably never recover. The Australian Greens express our heartfelt condolences to the families and friends of the victims. We must commit to working long term to address this disaster and help people to recover and rebuild their lives.

Indonesia, particularly Aceh, was the worst hit, with the toll of missing and dead now almost 240,000; but almost every country on the Indian Ocean has shared in this tragedy, including Australia. However, amongst the tragedies there are stories of hope and tales of personal courage and heroism. The willingness of ordinary citizens around the world to show their support is heartening—not least the enormous financial donations made by Australians—and points towards the growing international consciousness that we are the one planet and we need global cooperation.

There are many stories and examples of people affected by the tsunami. My colleague in the New South Wales parliament, Greens MLC Ian Cohen, was in Sri Lanka on the first day of a surfing holiday when the tsunami struck. He described what happened in comments to the ABC. He said that he was in front of a little hostel right on the beach and the waves started to pound at the walls. He had to retreat behind a pillar and the water was running like a river down the side of the building where he was. Then the sea re-
tracted right back, but 30 minutes later exactly the same thing happened again, and this time there was a lot of timber and furniture—and that was the big danger because it was swirling around. One or two more waves would have pulled the wall right down over him and he would be dead now. Ian stayed on in the village of Hikkaduwa to help with the relief effort, working with local environmental groups that were among many NGOs that quickly began assisting victims. He has continued to help back in Australia, supported by the Greens and particularly by his home community on the north coast of New South Wales. The Byron Bay community has raised over $300,000 to support the relief effort in Sri Lanka. The Australian Greens are encouraging Australians to support the Indonesian Civil Society Coalition for the Victims of Earthquake Tsunami, which is made up of Indonesian environmental and human rights organisations which are part of the aid assistance delivery project.

Whilst this was a natural disaster and, according to the United Nations, the worst tsunami in recorded history, the scale of the devastation was exacerbated by human activities. The lack of warning and the inadequacy of early warning systems and civil defence resources around the Indian Ocean is shocking, and it should not have taken a disaster of this magnitude to be addressed. Why is it that only rich countries have early warning systems? And why, according to reports in the Thai newspaper the Nation in December last year, were the economics of tourism in Thailand placed in front of warnings of the risk of a tsunami? Why is it that Western tourists injured by the tsunami returned home to decent hospital care whilst communities in Aceh have received aid only in recent weeks? Poverty will continue to be an important factor in recovery, and it is with this in mind that we should evaluate Australia’s response to the tsunami.

Half of Australia’s aid is in the form of conditional loans to Indonesia, and the terms are still being negotiated. I understand that only Australian and New Zealand companies will be able to tender for contracts as part of the aid package. The Australian public support a reinvigoration of Australia’s commitment to tackle poverty in less developed countries in the long term. We need to increase our aid to the United Nations recommended target of 0.7 per cent of GDP—something Australia promised to do a long time ago. The Greens have been calling for this for many years, and we need to direct our resources to addressing the Millennium Development Goals. Instead, unfortunately, Australia’s ongoing aid budget is half the amount recommended by the UN, and much of it is ‘boomerang aid’ funding the work of Australian companies.

This week the G7 countries, the richest countries in the world, recognised that debt relief is crucial in making poverty history, and yet our Prime Minister had the audacity to argue that debt relief—or even a moratorium on interest payments—cannot help the world’s poor and that more loans can. Indonesia already owes Australia over $1 billion. To add another $500 million to this burden is not the kind of generosity that many Australian people expect. Aid in disasters such as these is often used as a political football, and we need to be vigilant in the coming months about how the aid effort in Aceh develops. Despite the possibility of peace talks and the lessening of conflict in Aceh, the civil war continues. According to a Reuters report in February this year, the Indonesian military has already shot and killed at least 200 independence guerrillas since the tsunami struck. The Indonesian military is continuing to control access by the media and NGOs to certain areas of Aceh, and NGOs fear that aid will be used as a weapon in the counter-insurgency war.
Only through governments taking serious action, urged on by citizens, can we address the ongoing disaster of global poverty and, just as important, climate change. Whilst killer tsunamis are not frequent events in the Indian Ocean, coastal flooding and rising sea levels do threaten the lives and livelihoods of tens of millions of people. Bangladesh and the Maldives are at risk from impacts of global warming—particularly with the combined effects of more frequent and powerful typhoons and rising sea levels. Already, floods and diseases like cholera kill tens of thousands of people in Bangladesh on a regular basis. In 1984, for example, more than 400,000 people died as a result of floods. It is the rich industrial countries of the world that are the primary cause of climate change, so it is we who need to take responsibility for protecting poor coastal people from the rising tide. If we do not address the crisis of global warming, the creeping tsunami of climate change will bring disaster to us all, particularly to the world’s poor. Real, concerted action to address poverty and climate change would be the most fitting epitaph for the victims of the disaster.

Question agreed to.

CONDOLENCES

Mr Noel Lawrence Beaton

The ACTING DEPUTY PRESIDENT (Senator Lightfoot) (4.36 p.m.)—It is with deep regret that I inform the Senate of the death, on 18 December 2004, of Noel Lawrence Beaton, a former member of the House of Representatives for the electorate of Bendigo, Victoria, from 1960 to 1969.

PETITIONS

The Clerk—A petition has been lodged for presentation as follows:

Banking: Fees and Services

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

The petition of the undersigned citizens of Australia draws to the attention of the Senate the need for a Joint Select Committee of Parliament to investigate and inquire into banking industry to ascertain whether the banks have been guilty of unconscionable conduct in respect to the following matters:

1. Simultaneous settings of the same interest rates by the banks.
2. The size of the margins between lending and borrowing rates charged by the banks.
3. The banks writing off legal fees against assessable income.
4. The associations between members of the judiciary and the banking industry.
5. The banks’ onslaught and devastation caused in rural Australia.
7. The banks’ paying tax and compliance with ATO provisions.
8. Community interests and banking closures.
10. Banks’ tax write-off of client debts while simultaneously suing clients for the total debt without deduction of tax benefits.
11. Banks’ high cost of litigation recouped from borrowers.
12. The link of the banking industry and the Banking Ombudsman.
14. Fairness of banking contracts because of the banks’ take it or leave it position.
15. Interest rate fixing.
17. Excessive executive salaries, fringe benefits, bonuses etc.
18. Fractional Reserve Banking.

Petition received.

NOTICES

Presentation

Senator Cherry to move on the next day of sitting:
That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on the Budgetary and environmental implications of the Government’s Energy White Paper be extended to 18 April 2005.

Senator Cherry to move on the next day of sitting:

That the Environment, Communications, Information Technology and the Arts References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 10 February 2005, from 9.30 am to 1.30 pm, to take evidence for the committee’s inquiry into the provisions of the Australian Communications and Media Authority Bill 2004 and nine related bills.

Senator Forshaw to move on the next day of sitting:

That the Finance and Public Administration References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 10 February 2005, from 3.30 pm to 8.30 pm, to take evidence for the committee’s inquiry into the Regional Partnerships program.

Senator Ellison to move on the next day of sitting:

(1) That estimates hearings by legislation committees for the year 2005 be scheduled as follows:

2004-05 additional estimates:
- Monday, 14 February and Tuesday, 15 February and, if required, Friday, 18 February (Group A)
- Wednesday, 16 February and Thursday, 17 February and, if required, Friday, 18 February (Group B)

2005-06 Budget estimates:
- Monday, 23 May to Thursday, 26 May and, if required, Friday, 27 May (Group A)
- Monday, 30 May to Thursday, 2 June and, if required, Friday, 3 June (Group B)
- Monday, 31 October and Tuesday, 1 November (supplementary hearings—Group A)

Wednesday, 2 November and Thursday, 3 November (supplementary hearings—Group B).

(2) That the committees consider the proposed expenditure in accordance with the allocation of departments to committees agreed to by the Senate.

(3) That committees meet in the following groups:

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

Group B:
- Community Affairs
- Economics
- Employment, Workplace Relations and Education
- Foreign Affairs, Defence and Trade.

(4) That the committees report to the Senate on the following dates:
- Tuesday, 15 March 2005 in respect of the 2004-05 additional estimates; and

Senator Nettle to move on the next day of sitting:

That the following matters be referred to the Community Affairs References Committee for inquiry and report by 16 June 2005:

(a) the extent to which the private health insurance rebate has influenced private health insurance membership rates;

(b) the impact of the private health insurance rebate on public hospital workloads;

(c) the impact of the private health insurance rebate on medical, nursing and allied health professionals, in particular, whether there has been a shift of personnel from public to private sectors, and, if so, the ex-
tent and impact on provision of public hospital services;
(d) the implications for the Commonwealth budget of continuing the private health insurance rebate given that insurance premiums are increasing at a higher rate than the Consumer Price Index;
(e) the Medicare Levy Surcharge; and
(f) any related matters.

Senator Brown to move on the next day of sitting:
That the Senate—
(a) notes that on 16 January 2005 the Kyoto Protocol to the United Nations Framework Convention on Climate Change will come into force having been ratified by over 80 countries; and
(b) congratulates:
(i) Japan and the city of Kyoto for hosting the original conference in 1997 where the treaty was proposed, and
(ii) the international community for agreeing to bring into force this important first step in limiting greenhouse gas production.

Senator Brown to move on the next day of sitting:
That the Senate—
(a) notes:
(i) the critical shortage of child-care places, particularly in inner metropolitan areas,
(ii) that there are, for instance, up to 1 600 children under 5 years of age on waiting lists for child-care places in the City of Port Phillip where there have been no new places made available in 2005 and where two centres will soon close to make way for residential development, and
(iii) that women and their partners are being denied opportunities to re-join the workforce because of such long waiting lists; and
(b) calls on the Federal Government, as a matter of urgency, to:
(i) identify, in conjunction with state and local governments, those areas in greatest need of child-care places,
(ii) acknowledge that market forces are not delivering child-care places in those areas of need where real estate values make setting up new child-care centres unviable and that government intervention is required, and
(iii) properly fund child-care so it is high quality, accessible and affordable.

Senator Allison to move on the next day of sitting:
That the Senate—
(a) notes the excellent work of the Disaster Victim Identification Team that is undertaking this extremely difficult task with great professionalism in Thailand; and
(b) calls on the Federal Government to also promote the use of sustainable power sources and adopt renewable energy for Canberra’s Parliament House and associated government buildings, as soon as possible.
(b) expresses its thanks to the officers of the
Australian Federal Police and state and
territory police forces and also to the civil-
ian members and forensic experts of the
team for their dedication and commitment
under the most trying of circumstances.

Senator Ludwig to move on the next day
of sitting:
That the Senate—
(a) notes that:
(i) during the week beginning 6 February
2005, the Federation of Ethnic Com-
munities Council’s Transformations
Conference is being held at the Austra-
lian National University, and
(ii) this international conference is a
chance for Australia to show the rest of
the world how we have created a har-
monious society; and
(b) wishes the conference delegates well in
their proceedings.

Senator Ludwig to move on the next day
of sitting:
That the Senate—
(a) notes that 8 February 2005 marked the
Christian feast of Shrove Tuesday; and
(b) recognises the continuing contribution of
Christianity to Australia’s cultural life.

Senator Ludwig to move on the next day
of sitting:
That the Senate—
(a) notes that 6 February is New Zealand
Waitangi Day; and
(b) recognises the contribution of Australians
of New Zealand descent to our nation.

Senator Ludwig to move on the next day
of sitting:
That the Senate—
(a) notes that 4 February is Sri Lanka’s Inde-
pendence Commemoration Day;
(b) recognises the contribution of the Sri
Lankan community in Australia; and
(c) expresses its solidarity and sympathy with
the Sri Lankan people in the aftermath of
the Asian Tsunami.

Senator Ludwig to move on the next day
of sitting:
That the Senate—
(a) notes that 5 February 2005 marked the
60th anniversary of the liberation of
Auschwitz; and
(b) solemnly recognises the sufferings of the
victims and the families of victims of
Auschwitz, including those in Australia.

Senator Ludwig to move on the next day
of sitting:
That the Senate—
(a) notes that 5 February 2005 marked the
Vietnamese New Year of the Rooster;
(b) recognises the contribution of the Viet-
namese community in Australia; and
(c) wishes all a happy and prosperous Viet-
namese New Year.

Senator Minchin to move on the next day
of sitting:
That the following orders operate as temporary
orders until the conclusion of the 2005 sittings:

(1) If a division is called for on Thursday
after 4.30 pm, the matter before the Senate
shall be adjourned until the next day of
sitting at a time fixed by the Senate.

(2) On the question for the adjournment of the
Senate on Tuesday, a senator who has
spoken once subject to the time limit of 10
minutes may speak again for not more
than 10 minutes if no other senator who
has not already spoken once wishes to
speak, provided that a senator may by
leave speak for not more than 20 minutes
on one occasion.

Senator Nettle to move on the next day of
sitting:
That the Senate—
(a) notes that:
(i) the circumstances and treatment of
Cornelia Rau are appalling and high-
light systematic problems in the administration of immigration detention,
(ii) the Rau family have called for a full judicial inquiry,
(iii) Ms Rau’s case is just one example of how mental health and physical health is being inappropriately diagnosed and treated in detention centres,
(iv) several studies have concluded that detention itself exacerbates and creates mental illness in detainees,
(v) independent monitoring of operations in detention centres has been totally inadequate, and
(vi) the conditions of the isolation unit at Baxter Detention Centre are inhumane and not appropriate for any person, be they Australian or non-citizen; and
(b) calls on the Government to:
(i) apologise to Cornelia Rau and her family immediately,
(ii) arrange appropriate compensation for Ms Rau for her treatment in immigration detention, and
(iii) instigate a royal commission to investigate:
(A) how a permanent resident came to be placed in immigration detention,
(B) the mistreatment of Cornelia Rau and other detainees in immigration detention, and
(c) conditions in detention centres around Australia and off-shore.

Senator MINCHIN (South Australia—Minister for Finance and Administration) (4.38 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, allowing them to be considered during this period of sittings:
Family Assistance Legislation Amendment (Adjustment of Certain FTB Child Rates) Bill 2004;
Private Health Insurance Incentives Amendment Bill 2004; and
Superannuation Supervisory Levy Imposition Amendment Bill 2004 and 6 related bills.
I also 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—
FAMILY ASSISTANCE LEGISLATION AMENDMENT (ADJUSTMENT OF CERTAIN FTB CHILD RATES) BILL
Purpose of the Bill
The bill amends the family assistance law by adjusting certain FTB child rates to maintain the value of safety net benchmarking provisions.
Reasons for Urgency
Passage in the 2005 Autumn sittings will benefit Australian families.
(Circulated by authority of the Minister for Family and Community Services)

PRIVATE HEALTH INSURANCE INCENTIVES AMENDMENT BILL
Purpose of the Bill
The bill increases the Private Health Insurance rebate from 30% to 35% for people aged 65 to 79 years, and to 40% for people aged 70 years and over.
Reasons for Urgency
The legislation must be considered as soon as possible, to enable it to be implemented in April 2005, having regard to the lead time required for the health funds, the Australian Taxation Office and the Health Insurance Commission to amend their administrative processes and payment systems.
(Circulated by authority of the Minister for Health and Ageing)
SUPERANNUATION SUPERVISORY LEVY IMPOSITION AMENDMENT BILL
FINANCIAL INSTITUTIONS SUPERVISORY LEVIES COLLECTION AMENDMENT BILL
AUTHORISED NON-OPERATING HOLDING COMPANIES SUPERVISORY LEVY IMPOSITION AMENDMENT BILL
LIFE INSURANCE SUPERVISORY LEVY IMPOSITION AMENDMENT BILL
GENERAL INSURANCE SUPERVISORY LEVY IMPOSITION AMENDMENT BILL
RETIREMENT SAVINGS ACCOUNT PROVIDERS SUPERVISORY LEVY IMPOSITION AMENDMENT BILL
AUTHORISED DEPOSIT-TAKING INSTITUTIONS SUPERVISORY LEVY IMPOSITION AMENDMENT BILL

Purpose of the Bills
The bills implement the Government’s response to the recommendations of the Review of Financial Sector Levies by modifying the arrangements for the determination of levies imposed on the financial services sector to support the operations of the Australian Prudential Regulation Authority and certain operations of the Australian Securities and Investments Commission and the Australian Taxation Office.

Reasons for Urgency
Passage in the 2005 Autumn sittings would enable adequate consultation with industry (which is keen to see identified difficulties with the existing arrangements overcome) before the proposed 2005-06 financial sector levies need to be determined, announced and invoiced in the second quarter of 2005. The Government has announced that the new levy calculation framework is to begin for the 2005-06 levies.

Withdrawal
Senator McGauran (Victoria) (4.38 p.m.)—Pursuant to notice given at the last day of sitting on behalf of Senator Tchen and the Regulations and Ordinances Committee, I now withdraw business of the Senate notices of motion Nos 3 and 4 standing in the name of Senator Tchen for 10 sitting days after today.

LEAVE OF ABSENCE
Senator Webber (Western Australia) (4.39 p.m.)—by leave—I move:
That leave of absence be granted to Senator Hutchins for the period 8 February to 10 February 2005, on account of ill health.

Question agreed to.

Senator Bartlett (Queensland) (4.40 p.m.)—by leave—I move:
That leave of absence be granted to Senator Stott Despoja for the period 8 February to 10 February 2005, on account of health reasons.

Question agreed to.

NOTICES
Postponement
The following items of business were postponed:

Business of the Senate notice of motion no. 2 standing in the name of Senator Greig for today, relating to the proposed accreditation of the Southern Bluefin Tuna Fisheries Management Plan, postponed till 10 March 2005.

Business of the Senate notice of motion no. 3 standing in the name of Senator Murray for today, proposing an amendment to the terms of reference for the Legal and Constitutional References Committee inquiry into the effectiveness and appropriateness of the Privacy Act 1988, postponed till 10 February 2005.

ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION AMENDMENT REGULATIONS 2004 (No. 1)

Motion for Disallowance
Senator Ridgeway (New South Wales) (4.41 p.m.)—I move:
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
The need for the Federal Government to:
(a) establish a fully transparent and independent public inquiry into the detention of Ms Cornelia Rau.
(b) establish an Inspector General of Immigration Detention and an operational secretariat for monitoring conditions of immigration detention and to deal with complaints, from detainees and their advocates.
(c) guarantee access to immigration detainees by independent external medical and psychiatric personnel.

What seems to have happened in what can only really be described as a disturbing case, the case of Cornelia Rau, is that an Australian permanent resident was wrongfully imprisoned for 10 months. It was not for 10 days—something that you might think in passing is a short period. Ten months is a significant period in anybody’s language. In that 10 months she was in the immigration detention system per se, if I can use those broad words.

What we understand so far about Ms Rau’s case is from what we have been told so far and what we can garner from newspaper articles—and that is an issue I will go to shortly: the lack of information that is being provided by the government on this matter. What we can garner so far is that she presented in Coen as a person who was behaving differently from what the locals might think was normal and she was reported to the police. The police, as I understand it, made inquiries and came back to seek further information. This is only the version that I can garner from the media. I hope and I do think that what I am going to outline is a better course for determining what happened. Ms Rau ended up under DIMIA’s control—that is, under DIMIA’s detention regime.

The case is disturbing because Cornelia Rau went not only from Coen to Cairns but also from Cairns to Brisbane, where she was in the Queensland women's prison system—
not as a prisoner of the Queensland government but as a detainee under the DIMIA system, as I understand it. DIMIA request and seek arrangements with the Queensland Department of Corrective Services for the detention of unlawful arrivals and the like by the Queensland corrective services on behalf of DIMIA. But it did not end there; that only brings us up to about October—it is not quite clear. From there Ms Rau went to the Baxter detention centre, and it has not been made clear to us yet what protocol meant that she left the women’s prison or why the decision was made to transfer her to the Baxter detention centre in South Australia.

So Ms Rau had covered a considerable distance, which would be at the very least disturbing and unsettling if you were an unlawful arrival. In this instance it is not clear what Ms Rau thought about her detention; that is a matter that requires significant further investigation. What I think Ms Rau’s case has demonstrated—even if you just look at the breadth of issues that it raises—is that there are significant cracks in the Howard government’s immigration detention system: she has managed quite easily to fall through every single one of them.

Those who are listening to this debate will know that the Minister for Immigration and Multicultural and Indigenous Affairs has ducked and weaved on this issue, particularly as to where the responsibility lies. I think it deserves much better than that. I think it is a sad case and one that requires more than the minister simply ducking and weaving. The press conference that she had before question time today left more questions unanswered than answered. If the minister were going to announce, as she did, an inquiry of the type that she did, one would have imagined—although I cannot put myself in her shoes—that she would go to the press conference prepared to answer the journalists, who were asking pragmatic, simple questions about process and how the inquiry would work. Senator Vanstone in my view failed to adequately explain to the journalists and I think to the public generally—because it was broadcast—how that inquiry was going to be conducted. She effectively took on notice some of the questions from the journalists; whether or not they get a reply is another matter. She does deserve to have to come back in here at question time and answer those questions that were asked of her in today’s question time which she took on notice—the detail of what occurred, when it occurred and how it occurred.

First of all, it appears—and I do not want to unduly attack the minister until the facts are more clearly laid out—that, from the minute the story broke, Senator Vanstone was clutching at straws, trying to blame every other agency involved in the case. I do not think that this is a matter for apportioning blame. It appears she has been trying to pull them in, to blame everyone but herself in this process.

But a curious thing happened in Senate question time today. The minister managed to admit that not only was Cornelia Rau originally detained under the Migration Act but it was DIMIA that ordered her detention—DIMIA, no-one else. That means that, far from the undertones and suggestions that Senator Vanstone has been spreading about this place in relation to the Queensland police or anyone else involved, it is Senator Vanstone herself, as the minister responsible, who ultimately should take responsibility for ordering Cornelia Rau’s detention and for her welfare from the second she came into detention, almost a year ago in March. I am not suggesting for a minute that DIMIA should not have the power to detain unlawful arrivals. That is a matter for another debate and another time. In this instance we are looking specifically at the systemic failure
that appears to be rife within this department overseen by Minister Vanstone.

For argument’s sake, in cases where people arrive at airports or by other means, or where they are overstayers, the immigration officials seem to be able to do their work and deal with them in a reasonable way. But in this instance something different happened, and that requires more than just an inquiry of the ilk that is being proposed by Senator Vanstone. Was there adequate assessment of the physical and mental health checks performed? Did DIMIA perform these checks? Why did it take so long for the mental health checks to occur? Did Ms Rau’s mental health deteriorate as a result of being kept in solitary confinement, as some of the media suggest? We do not know whether or not that happened, and I am not suggesting it did. But there are questions out there that need answers. Will the inquiry get to the bottom of some of these questions that I have posed? That is a difficult question.

It looks from first glance as though, without the ability to have compellability of witnesses, without privilege, without some of the ordinary things that attach to proper judicial or open inquiries, without those types of arrangements, you may unfortunately get instances where people choose to protect their own interests first rather than try to look at the interests of Ms Rau in this case. They may turn to their legal advisers, friends and colleagues and say, ‘What shall we do in this instance?’ They may not come forward. They may not give evidence. They may not provide a snapshot. They may not provide evidence that could be used to examine the case to determine what in fact happened so that the problems can be fixed, if there are systemic problems, which it appears there are.

It is going to be a closed inquiry, not a public one. We do not know whether transcripts will be kept or made available, or whether submissions will be called for or made available. Without that type of inquiry and the powers I have indicated, I remain unconvinced that we will have a full, open, frank inquiry that will get to the bottom of it. That is what we need. That is what this government should do and it does not seem to want to actually bite the bullet and do it.

These concerns go to issues such as: firstly, why did it take 10 months; Secondly, was the treatment of Ms Rau for those 10 months that she was in immigration detention humane and appropriate, especially given what we now know of her mental health; and, thirdly, how can we guarantee the safety and welfare of those that are in detention centres? Those are the questions that we need to get to the bottom of and answer. Finally, why has the minister for immigration chosen to hold an inquiry which appears not to meet the tests that I have put forward? It does not seem to meet the tests of being open; it seems to be closed. She was not able to explain clearly all the other matters to the public during the interview that she conducted today. I think that it is a sad indictment of the minister that she has failed to adequately deal with this issue right from the moment it broke. It begs the question: is there something to hide? I do not know and I am not suggesting it, but unless you ensure that it looks proper then you always run the risk that it is not. (Time expired)

Senator BRANDIS (Queensland) (4.54 p.m.)—As Senator Ludwig has said, this is a sad case and I would have thought, with respect, that good sense and common decency would dictate that it not be made the subject of an unedifying and discreditable attempt at scoring political points. Senator Ludwig, who, if I may say so, usually takes a very responsible attitude to these affairs did rather disappoint me in his speech by trying to use this sad case, which is about a sick person, a
mentally ill person, in respect of whose affairs mistakes were made—and nobody is denying that—as an opportunity for point scoring. I would hope that senators who participate in this debate show a greater interest in getting to the bottom of the facts of the case than in using it as a platform for rhetorical flourish. That is what I want to do—I want to set out in a dispassionate way those facts which do seem to be established.

Can I in a preliminary way make two points. First of all, Senator Vanstone, I think, to any fair-minded person impressed anyone who observed her in responding to questions in question time today with appropriate candour and deliberation and an obvious eagerness to ensure that we did get to the bottom of whatever systemic failures there were in this sad case. Secondly, can I make the obvious point that the government by announcing today an inquiry by a highly suitable individual, the former commissioner of the Australian Federal Police Mr Mick Palmer, has shown that same willingness to get to the bottom of what happened by holding a departmental inquiry and then making the findings public and subject to public scrutiny.

Let us go through the facts so far as we know them, and be aware that there are other undisclosed matters which will no doubt be revealed as the Palmer inquiry takes its course. The lady concerned, who we now know was Ms Cornelia Rau, a permanent resident though not a citizen of Australia, was at the end of March found in Coen, a small community about 660 kilometres north of Cairns, apparently by Aboriginal people, in a state of some distress and she then came to the notice of officers of the Queensland Police Service. When they interviewed her she told them that she was German. She spoke in German or partly in German. She said she was German, that she was a visitor to Australia, that she had no friends or family in Australia and that she had with her a stolen passport. She told the police that her name was Anna Schmidt or, variously, Anna Sue Schmidt or Anna Brotmeyer.

So the starting point of these events was that a person told officers of the Queensland Police Service, to whose attention she had been brought, that she was a nonresident foreign citizen who was in Australia on a stolen passport. The Queensland Police Service got in touch with DIMIA. She was taken into custody, as, on the basis of the information she gave the Queensland Police Service, she should have been. On 31 March she was taken to Cairns and several days later she was taken down to Brisbane, where she was detained in the Brisbane Women’s Correctional Centre. During the course of this time, the Queensland Police Service apparently had an informal arrangement with DIMIA, the people who had initiated the detention, and she was being held in a Queensland government facility. There is no suggestion that she was other than an unlawful noncitizen and there was no suggestion, or any basis, for anyone to discover her real identity.

In detention in the Queensland women’s correctional centre she exhibited symptoms of a behavioural disorder, so in August she was sent, apparently at the instigation of those who were responsible for her custody, to the Princess Alexandra Hospital. As Senator Ludwig, as a Queensland senator, knows, that is one of the largest and most respected hospital facilities in Queensland and indeed in Australia. It appears she was there for about a week. During that time she was psychiatrically accessed by an eminent and respected psychiatrist, and as a result of that assessment—it was not a matter of a cursory examination; it was a matter of several days, almost a week, of clinical investigation—his professional conclusion was that she did not show the diagnostic symptoms of mental disorder. She was released back to the Queensland women’s correctional centre on
the doctor’s professional advice and, in due course, in October, transferred into the custody of DIMIA at the Baxter detention centre in South Australia.

All of this was done in accordance with the procedure which, on the state of their knowledge at the time, the relevant authorities—both the state authorities and the Commonwealth authority—ought to have followed. There was no reason to believe up to that point that she was anything other than what she said she was. She characterised herself as being an unlawful noncitizen. She went to the Baxter detention centre and again concerns became apparent, to those in whose custody she was, about behavioural problems, so she was seen first by a psychologist—as Senator Vanstone said in answers in question time today—and then by a psychiatrist, and in mid-November a process of psychiatric assessment was begun.

Meanwhile, in August, her family in New South Wales listed Cornelia Rau as a missing person. But unbeknownst to them, by listing Cornelia Rau as a missing person with the New South Wales Police, the name Cornelia Rau went onto the New South Wales Police database, but not, evidently, onto a national database. That, no doubt, is something that Mr Palmer will consider when he conducts this inquiry—the extensiveness of the missing persons database. The report that Ms Rau was a missing person in New South Wales did not reach, and had no reason to reach, either the Commonwealth authorities or the state authorities involved in the custody of the person they thought to be an unlawful noncitizen of German nationality going under a different name in either Queensland or South Australia.

In the meantime, the process of psychiatric assessment continued in South Australia. Then last Thursday, 3 February, it appeared, as a result of inquiries—the full nature of which are not yet apparent—that the person in detention was in fact Cornelia Rau. Apparently a photograph of the person in detention was posted by somebody and it was identified by Cornelia Rau’s family. That was the first point at which there was any intersection between the identity of Cornelia Rau and the supposed unlawful noncitizen Anna Schmidt or Anna Brotmeyer. It was the first time that the identity of those two supposed different individuals was established. So that very day, it being established that the person who had been supposed to be the unlawful noncitizen was in fact an Australian permanent resident, there was no power to detain her under the immigration act, she was released first to Port Augusta Hospital and then the following day, Friday, 4 February, to Glenside psychiatric centre, where apparently the lady concerned still is.

Senator Vanstone addressed, without any hint of seeking to conceal anything, all of these matters with the media and in question time today. As well today the government established this inquiry, which is not wanting in transparency, Senator Ludwig, as you will see if you but read the terms of reference.

In closing, let me quote the words of Ms Rau’s sister, Christine Rau, who on the weekend said the most sensible thing that has yet been said about this sad case. She said that there is no point in apportioning blame until an investigation uncovers all of the relevant facts. (Time expired)

Senator ALLISON (Victoria—Leader of the Australian Democrats) (5.04 p.m.)—It would not be the first time that tragic events have put someone with a mental illness into the headlines in this country. A couple of years ago we had numerous police shootings in Victoria involving people with mental illness. More recently, we had patients being shackled and guarded by security personnel in South Australia. The tragedy of people on
the treadmill of illness, homelessness, incarceration and often suicide now and again gets media attention. But none of the public outrage that is attached to those stories appears to make much difference to the way people with mental illness are treated in this country. We heard from the minister today that mental health services are all up to the states, despite the fact that what is called the National Mental Health Strategy is supposed to be in place. It is a fine document and it has worthy aims, but it is not being implemented and it does not have the funding, either at the federal or the state level, to put it into place. In this latest incident, I think the victim of neglect, misunderstanding, misdiagnosis and mistreatment can point very clearly to the government for the situation that has transpired.

The Democrats are disappointed in the inquiry which has been announced today. It is not a public inquiry; it is going to be conducted behind closed doors. It will not have powers to call witnesses and to seek evidence. In our view, an inquiry should have been conducted by a judge and it should have had those powers. It should not be conducted behind closed doors. It could be made confidential where necessary, but secrecy about the evidence seems to us to be unnecessary. Those aspects of the inquiry that could impinge on Cornelia Rau’s privacy could be kept closed while it remains an open inquiry about the practices of the various agencies. That is what we are talking about here today—the treatment of someone with a mental illness who has ended up not just in prison but subsequently in a detention centre when there was clearly no reason why they should be there.

We also think there needs to be an inquiry, in addition to what should have been a judicial inquiry but is now just a private inquiry, into the state of Australia’s mental health services. We think that, given the number of people with mental illness who are not receiving treatment, given the failure of the national strategy to deliver and given the number of people who, as I said, are in this cycle of homelessness, despair, lack of treatment and sometimes suicide, we have a very serious situation on our hands. One of the reasons this is the case is that Australia spends on mental health services around half the percentage of the health budget that countries such as New Zealand and the United Kingdom do. As I understand it, it is just five per cent of the health budget, yet the mental health burden, if you like, is around twice that at 10 or 11 per cent.

I think there are some questions we need to have the government answer. We need to know how many people have become mentally ill since the government put them into detention centres, how many have been found to be refugees and released into the community without access to Medicare but who have serious mental problems and how many are suffering from a mental illness which has been caused by their detention.

On Friday, I went to the Maribyrnong detention centre. I regularly visit that place. I met with an Iranian asylum seeker who has been there for a long period of time. He is now on a cocktail of medication related to mental illness. When this man came into detention, he was not sick and he was fit. I argue today in the Senate that incarceration, particularly for very long periods of time and particularly where there is no end date in sight—that is, the government does not indicate to those detainees when they are likely to be released—in fact causes mental illness. I think that is what ought to be examined in the Senate inquiry that the Democrats are proposing.

Let us just look at some of the recorded impacts of detention and mental illness. We know that there is limited access to mental...
health services. The man whom I visited is on medication, but he does not have access to psychologists and psychiatrists. One of the reasons he does not is that he does not wish to be handcuffed when he leaves the detention centre. That is one of the conditions on his seeking and receiving that treatment. There is limited research into the impact of detention on the mental health of asylum seekers, which is mainly due to difficulty in getting access to that evidence. But there is evidence that detention and the treatment that asylum seekers receive in detention contributes to high levels of anxiety, depression, post-traumatic stress disorder, self-harm and suicidal behaviour.

A study reported in the Medical Journal of Australia found that all but one of the detained asylum seekers who participated in the study displayed symptoms of psychological distress at some time. At the time of the study, 85 per cent reported chronic depression, 65 per cent had pronounced suicidal ideation and 20 per cent exhibited signs of psychosis. We also know that in our prisons there are vast numbers of people who suffer from mental disorders. In prison those conditions are far more common than in the general population. For psychosis, less than half a per cent of the general population has that condition compared with nine per cent in prisons. For affective disorders—for example, depression—it is six per cent in the general population and 22 per cent amongst inmates. For anxiety disorders, it is 10 per cent in the general population and 43 per cent amongst inmates. For substance abuse disorders, it is five per cent in the general population and 57 per cent amongst inmates. I think that gives us some insight into the cycle.

(Time expired)

Senator KIRK (South Australia) (5.12 p.m.)—I rise to speak this afternoon on the urgency motion presented to the Senate by Senator Ludwig. I spoke earlier today on this matter and I indicated then, as I do now, that it really is a very sad and sorry tale indeed. Not only is it a very sad situation for Cornelia Rau, but I think it also reflects very badly on the government, on the minister and more generally on the government policy of mandatory detention. In the time that I have available today, I want to expand on what I said earlier today, particularly in relation to the failures that are obviously in the system of mandatory detention that have been brought to light as a consequence of Ms Rau’s situation.

We have seen in the last few days that the tragic case of Cornelia Rau has gained a great deal of media coverage, as it should have, and it has brought about a considerable amount of outrage and disbelief in the wider Australian community. People have been left wondering just how it could possibly be that an Australian resident could spend 10 months in a detention centre or in a hospital, during which time the authorities were attempting to identify her. During much of the time she spent in the Baxter detention centre, because of her mental illness she was acting in such a way that the authorities could only deal with this by putting her into what is termed the management unit and allowing her to suffer.

We have heard today from the minister that it is intended that there be an inquiry into this matter, which of course we do commend. However, our concerns are that the powers of this inquiry will be inadequate to bring to light exactly what the facts were in this situation and exactly where the failures in the system occurred.

Labor say in the motion before the Senate today that we believe there needs to be a fully transparent and independent public inquiry into the detention of Cornelia Rau. Senator Ludwig went into more detail about the powers that Labor consider this inquiry
ought to have in order to fully expose the facts and the weaknesses that are quite evidently in the system. Labor also call upon the government to establish an inspector general of immigration detention and an operational secretariat to monitor conditions of immigration detention and to deal with complaints from detainees and their advocates. Finally, we say that there must be guaranteed access to immigration detainees by independent and external medical and psychiatric personnel.

As I said earlier in my remarks this afternoon, this case reveals systemic abuse and failure within the system that is in existence at the moment. We have to ask ourselves: how could a woman who is as mentally ill as Ms Rau seems to be find herself in the predicament that she is in? How could immigration authorities reach the conclusion that they did in relation to this woman? The plight of Ms Cornelia Rau raises the wider issue of how detainees are treated in detention, particularly when they have some kind of mental illness. We can only conclude from this very sad and sorry tale that this is not the only incidence of a person who has not been properly assessed being in immigration detention and not being properly treated.

Since this matter came to light, a number of lawyers, including lawyers in South Australia, have raised cases regarding their own clients or those of other lawyers who have received similar inadequate treatment and responses to their mental illness. A prominent lawyer in Adelaide, Ms Claire O’Connor, has indicated—and I think she is right on the money here—that it is unfortunate that it has taken the plight of an Australian resident—namely, Ms Rau—to highlight what is a systemic problem in the system. Ms O’Connor has said that one of her clients, an Iranian asylum seeker, suffers a severe mental illness and, since being in Baxter detention centre, has attempted suicide 20 times. Ms O’Connor has said that this man has not received adequate treatment since he has been in detention. Ms O’Connor has indicated that it took months of court appearances before the Commonwealth would allow her client to be examined by an independent doctor. She says the term used by the Commonwealth lawyers was that the standard of care for mental illness at Baxter on the ground was ‘excellent’ and that if there was anything wrong with him they would know. Once the Commonwealth finally conceded, a doctor from the Royal Adelaide Hospital examined him and independent medical treatment was received, he was transferred immediately to Glenside Hospital, which, I understand, is the hospital Ms Rau is currently receiving treatment at.

That is an example of another case where the treatment that is being received or the assessments that are being made about detainees in the Baxter detention centre are clearly inadequate. Unfortunately, we can only assume that there are many other detainees who are in a similar situation to Ms Rau and to this Iranian asylum seeker, who is a client of Ms O’Connor and who suffered the same kind of treatment that Ms Rau received.

On a wider point, this very sad and sorry incident really puts the focus on the government’s policy of mandatory detention of asylum seekers. It also tells us something about how we see ourselves as a nation. We quite readily allow the imprisonment of people who are already traumatised and who can show they have suffered harsh treatment in their own country—often including persecution, which can give rise to very serious mental illness—but we seem to be comfortable with detaining these people purely on the basis that we are attempting to protect our borders. As we know, Australia is the only Western country that enforces a policy of mandatory detention for asylum seekers
who arrive in the country without visa documentation.

There have been independent reports into the conditions in our detention centres. One was released last year by the Human Rights and Equal Opportunity Commission, who highlighted in their report that mental distress in varying degrees is very much a common manifestation of detained persons within our detention centres. They also expressed concern that there was a lack of correlating mental health support in the system. The case of Ms Cornelia Rau certainly highlights that the Human Rights and Equal Opportunity Commission were correct in identifying this as a major failure in the system. It should also seem obvious to most people that a detention centre is hardly a conducive environment in which to recover from a situation where they have been traumatised or to recover from mental illness. However, this is the system that is in place. Again, the Cornelia Rau case just exposes how badly people can be treated as a consequence of this system.

More broadly, I think this case really exposes the extent to which the treatment of detainees in the manner in which Ms Rau has been treated has just become normal procedure for persons who cannot be identified as being lawful citizens. Essentially, it shows that we are happy to treat human beings and their human rights with contempt and that the onus is upon them to prove that the authorities are wrong in categorising them as being unlawful citizens in our country. Of course, as we now know, Ms Rau was an Australian resident. She had a right to be in this country and there was certainly no lawful authority for her to be detained in the manner in which she was.

The other thing that I think this case exposes is, as I said, in relation to public attitude. It took a group of detainees within the Baxter detention centre itself to highlight the plight of Ms Rau. As I understand it, they brought it to the attention of refugee advocates who, in turn, attempted to bring it to public attention. I think that in itself is very concerning but, again, it is as a result of the system that is in place: there is no open public scrutiny of what goes on behind the closed doors of Baxter detention centre and it is left to detainees and refugee advocates to bring to light the atrocities that are often occurring behind those closed doors.

Many speakers have spoken about the number of errors and failures that happened in our system which led to Ms Rau being left in the shocking circumstances that she has found herself in. I think that it is concerning and it suggests that the humanity and compassion of Australians is drifting further and further away from mainstream Australia. We are losing that sense that we have always prided ourselves on. We now seem to live in a country where the emphasis is on punitive measures in response to persons who appear to be, and often are, fleeing persecution in their own countries.

Labor have called upon the government to establish an independent and transparent public inquiry with all of the powers required to call evidence from all of the relevant authorities. Furthermore, there is a need for full resourcing of the inquiry and, given the seriousness of this matter, the inquiry should take place as a matter of haste and should report as soon as possible. We believe that aspects that ought to be investigated in the course of this full, public and transparent inquiry include the process leading up to Ms Rau’s detention and dealings between DIMIA and the Queensland police, including the availability of a missing persons notification. We say that the inquiry needs to look at the relevance of establishing an independent inspector general of detention, who would be supported and advised by the Immigration
Detention and Advisory Group. We believe the inspector general should be able to monitor conditions and resolve complaints from detainees and their advocates.

The inquiry should also look at the desirable extent of independent external medical and psychiatric personnel to ensure sound monitoring of detainee conditions. There is a need to look at the monthly justification of continued detention after 90 days as well as the effect of the intrinsic tendency for a higher hurdle on psychological and health issues given the reality of detention centres. Finally, there is a need to investigate the adequacy of DIMIA’s database and reporting procedures for overstayers. This is a tragic incident and it deserves a response along the lines that Labor has outlined.

Senator EGGLESTON (Western Australia) (5.26 p.m.)—Senator Kirk, both in her speech this afternoon and in the debate on the motion to take note of answers after question time, has sought to make the case that there has been a systemic failure in the management of Ms Rau’s case. By contrast, I think that the reverse is in fact true; I think that this lady has been managed very sensitively and that her interests have been carefully looked after at every stage of the process that has led to where we are now.

This is a very sad and complex case. I think it is important that we deal with the substance of the issue and the facts before us, not the politics of the general issue of the government’s policy of detaining illegal immigrants. Ms Rau has a history of psychotic illness. She is schizophrenic. She was in a psychiatric institution in Sydney, from which she absconded. She very clearly wanted to conceal her identity after escaping. She did not want to go back there. After some time, when she was interviewed by the police in Queensland, because of this confusion about whether she was Norwegian or German, or who she really was, the suspicion arose that she might have been an illegal entrant.

So far one can hardly say that is a history of systemic failure or poor treatment. This lady had a confused story about her identity. The issue arose as to whether she was an illegal migrant or an overstayer. Accordingly, she was placed in custody until her identity was established. I think it is important to understand that the diagnosis of psychiatric problems, and psychotic problems in particular, depends on the cooperation of the patient and their giving truthful answers to questions. People with psychotic illnesses are different from people who have psoriasis or dermatitis or a pain in their abdomen or something. They do not walk around with some identifiable sign on them that says, ‘Hey, I’m a schizophrenic,’ ‘I’m a manic depressive,’ or ‘I’ve got an obsessive compulsive disorder.’ There is no way of telling, unless they manifest some sign of that illness in their behaviour. Unless they do that, it is impossible to know that they have a mental illness.

On the ABC AM program on 7 February, Minister Vanstone said that, while Ms Rau was in a Brisbane correction centre, suspicions were raised about her behaviour and
she was sent to Brisbane Hospital for assessment. The assessment was that, while her behaviour was odd, she was not exhibiting any diagnostic symptoms of psychotic or mental illness. I think that, given that the assessment was made at such an early stage of the proceedings, again one must say that this is not an example of systemic failure; instead it is an example of sensitive treatment of a person who was behaving in a rather odd way but who was obviously well enough in control of herself not to be exhibiting overtly psychotic behaviour—and who was very careful about how she answered questions, I would suspect.

Consequently, according to the minister, investigations were carried out to determine her identity. She said she was German, and the German diplomatic service in Australia was contacted to see if they could locate her relatives in Munich, where she claimed to be from. She claimed to have a boyfriend in Germany. In addition, the police around Australia were contacted regarding whether she was a missing person. There were questions asked of Centrelink and other government agencies dealing with social security, births, deaths and marriages to determine whether or not her identity could be established. Again, that is an example of the system working to identify who this lady was.

When she was in Baxter, she was seen in the first week by a GP and a psychologist, who referred her to a psychiatrist. The psychiatrist recommended further assessment. As Senator Johnston said, in the debate on the motion to take note today, it takes time to establish the diagnosis that somebody is a schizophrenic as it is a thought and behaviour disorder. Schizophrenics do not really have split personalities, as people imagine; they are not Jekyll and Hyde. They are people with a strange thought disorder and shallow affect. They often have hallucinations of persecution; they hear voices talking to them. They think there are special messages for them on TV and so on. It takes time to build up that picture.

This lady was eventually sent off to a psychiatrist at the Baxter detention centre. Again, that is not an example of systemic failure but an example of this person being treated very sensitively. I would say, as a general comment, that this is a sad case involving a woman who sought to conceal her identity because she had absconded from a psychiatric institution in Sydney. The Queensland police authorities and the Department of Immigration and Multicultural and Indigenous Affairs in fact took a great deal of care with her in order to establish who she was. Because of her odd behaviour, there were medical interventions quite early in the piece. So I repeat: this is no example of systemic failure; this is an example of sensitive treatment of a woman who sought to conceal her identity and the fact that she had a psychotic illness. In no way at all do I believe that any of the authorities involved warrant any kind of criticism; in fact, they deserve to be praised for treating this woman so well. (Time expired)

Senator NETTLE (New South Wales) (5.34 p.m.)—The story of Cornelia Rau is an incredible case of negligence and incompetence by the Department of Immigration and Multicultural and Indigenous Affairs; Global Solutions Ltd, the company contracted to run the detention centres; and the Minister for Immigration and Multicultural and Indigenous Affairs, Senator Vanstone. It is incredible that behaviour that Aborigines in Cape York and asylum seekers in Baxter detention centre were able to clearly identify as being related to a mental illness could be construed by the department of immigration as ‘normal’. It is even more incredible that the department and authorities at Baxter detention centre deemed that it was appropriate to lock up Ms Rau in the isolation unit. The minister
cannot claim ignorance, and the department cannot say it acted responsibly. The minister must apologise immediately, as should the Prime Minister. Appropriate compensation should be arranged for Ms Rau and her family.

Unfortunately, Ms Rau’s case is not an isolated incident. It is a snapshot of the cruelty that occurs behind the razor wire of our immigration detention centres. The treatment that Cornelia suffered is the same treatment that asylum seekers suffer every day. I have visited the detainees in Baxter detention centre. I have heard their stories, and I have seen the depression in their faces. Every day I receive correspondence from ordinary Australians who have befriended asylum seekers and who are horrified by the treatment their new friends receive. Two separate studies into mental illness and immigration detention concluded that almost all long-term detainees suffered at least one mental illness. Dr Louise Newman has called Baxter a de facto psychiatric hospital. If Cornelia Rau’s case is an example of the level of care it provides then this is a facility that should be closed. The Rau case has exposed an immigration detention regime that is systematic in its neglect of detainees, that results in human rights abuses and that strips asylum seekers of their dignity and their mental health. Detention itself is the problem.

The Greens called for a royal commission into conditions in detention in May 2003 after Four Corners aired allegations of brutality and abuse in our detention centres. We repeat the call this week. An inquiry must not be restricted to Cornelia Rau’s case; it must look at the conditions of all people in mandatory detention. Everyone, whether they are an Australian citizen, resident or noncitizen, is entitled to quality health care, dignity, human rights and justice. The inquiry must be transparent, independent and public. We believe that a royal commission, with broad terms of reference and an ability to take evidence from a wide variety of sources, is the best form of inquiry. This type of inquiry will reveal the full extent of the inhumanity of mandatory detention and why it must be abolished.

Senator HUMPHRIES (Australian Capital Territory) (5.37 p.m.)—I have to say I do not believe that today’s urgency debate has exactly added to the lustre of the Senate. Here we have what is clearly a very sad case of a woman who according to the details provided in the media has suffered some quite horrendous circumstances and who needs to be restored to a different state to the one she has found herself in over the last nine months or so. Clearly, some kind of investigation is required to determine what happened in this case and make sure that, if there is any kind of structural problem to do with the housing and treatment of people in detention centres, it is dealt with. But what we have in this debate today is a litany of assumptions and accusations which appear to show no interest in what a considered analysis of the facts actually is.

We have heard that this case shows that there is negligence and incompetence on the part of DIMIA and the detention centre system. It shows systemic failure, according to Senator Kirk, and reflects badly on the government, on the minister and on the system of mandatory detention—the very system, incidentally, which Senator Kirk’s government put in place some years ago. It demonstrates that there are atrocities going on inside Australia’s detention centre system. I think that is an overreaction to the evidence that is presently available of what happened to this particular woman. We need to find out what occurred before the judgments which have been passed in this chamber are put on the table. We need to know what actually happened.
I for one have great faith in Mr Mick Palmer determining what exactly happened in this matter. Mr Palmer served concurrently for some part of the period that he was Commissioner of the Australian Federal Police as the Chief Police Officer of the Australian Capital Territory. As police minister for the Australian Capital Territory during that period, I had occasion to work closely with him. I know him to be a man who is both fair minded and absolutely vigorous in the discharge of his duty. He is not a man who is going to have the wool easily pulled over his eyes. If there are facts to be found, this man will find them. Members of this place have said that they do not have confidence that people will come forward and tell their stories. I have no doubt that Mr Palmer will be more than capable of determining when people do not tell the full story, do not tell what actually happened, and that he will be able, with the intuition which comes from many years of service as a good policeman, to appropriately frame his findings and recommendations in light of that fact if it occurs. There is no evidence, of course, that it is going to occur.

The fact of what has happened today is that Senator Vanstone put on the table a series of pieces of information which ought to cause people who have jumped to conclusions about this matter to reassess their position. She has explained, for example, some information which could quite plausibly lead a person of goodwill, a person of good faith, to conclude that Ms Cornelia Rau was indeed a foreign visitor to these shores and in breach of the conditions under which she was visiting and to take the step of detaining her under the terms of the immigration legislation. That has been put on the table by Senator Vanstone and I think we need to know just how much of what is being said by other parties still stands in light of that evidence. But, of course, we will not know by virtue of what takes place in this debate. The enlightenment we seek will not be added to by what happens in this chamber with this sort of debate.

I must say that there is a considerable irony in hearing members opposite call for an open inquiry on this on the very same day that elsewhere in this city a Labor government is seeking to shut down an open inquiry into the circumstances by which four people lost their lives two years ago during the horrendous January bushfires. That irony does not appear to have drawn itself to the attention of those opposite. The fact is that members of the Australian Labor Party in this place, and other people, are trading on the unfortunate circumstances of this woman for political capital. They would prefer to talk about issues like this and others which are closer to home, closer to the internal circumstances of the Labor Party, and the convenience of this debate is a matter that presents itself very obviously to them.

I for one believe we need to wait and see what this inquiry produces. I for one have no doubt that Mick Palmer is the right man to determine what happened here and to put that evidence squarely before the Australian community. What he will determine, of course, will be determined in a fair-minded way, in a thorough way and in a way which will be evident to Australians, because this report will be public information when it is tabled. It is also important for this to be done fairly expeditiously, and that is the other advantage of the approach that the government has taken. I believe that it is a mistake to assume that merely because government agencies have been involved they must have in some way been at fault. It is possible for a system to be well designed and yet for certain individuals not to be dealt with with appropriate outcomes by that system. No system is perfect, and it may not be the imperfections in the system but the circumstances
under which the case came about that explain why this situation arose. I want to see what those circumstances are and I for one believe that that is the appropriate approach for all of us to adopt here—not jumping to conclusions, not assuming that we know better because we have read reports in the media. That does not do the Senate any credit, and it certainly does not do the family of Cornelia Rau any favours as it seeks to get to the bottom of what actually happened in this unfortunate case.

Question agreed to.

DOCUMENTS

Tabling

The ACTING DEPUTY PRESIDENT (Senator Crossin)—Pursuant to standing order 166, I present documents listed on today’s Order of Business at item 13 (a) and (b) 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 various documents and responses to resolutions of the Senate as listed at item 14 on today’s Order of Business.

The list read as follows—

(a) Government Documents

1. Private Health Insurance Administration Council—Annual report 2003-04 (received on 14 December 2004)
3. NHMRC Licensing Committee—Report for the period 1 April 2004 to 30 September 2004 (received on 15 December 2004)
7. Civil Aviation Safety Authority (CASA)—Annual report 2003-04 (received on 21 December 2004)
10. Superannuation Complaints Tribunal—Annual report 2003-2004 (received on 23 December 2004)
12. Consolidated Financial Statements for the year ended 30 June 2004 (received on 23 December 2004)
15. Aboriginal and Torres Strait Islander Commission—Annual report 2003-2004 (received on 24 December 2004)
19. Torres Strait Regional Authority—Annual report 200e-2004 (received on 24 December 2004)
24. Foreign Investment Review Board—Annual report 2003-04 (received on 5 January 2005)
27. Health Services Australia Group—Annual report 2003-2004 (received on 13 January 2005)
28. Health Services Australia Pty Ltd—2004-05 statement of corporate intent (received on 13 January 2005)
30. 2004 Tax Expenditures Statement (received on 12 January 2005)
34. Department of Health and Ageing—Annual report 2003-2004 (received on 4 February 2005)
35. Office of the Gene Technology Regulation—Quarterly report for the period 1 April to 30 June 2004 (received on 7 February 2004)

(b) Reports of the Auditor-General
of Outcomes (received on 21 January 2005)


(c) Responses to resolutions of the Senate

Ambassador of Ukraine (His Excellency Dr Olexandr Mischenko)—Resolution of 12 December 2004—Ukraine

Minister for Vocational and Technical Education (Mr Hardgrave)—Resolution of 17 November 2005—Indigenous Australians and the opening of Parliament

Acting Premier of Queensland (Terry Mackenroth)—Resolution of 1 December 2004—Palm Island

Acting Premier of Queensland (Terry Mackenroth)—Resolution of 6 December 2004—Murray River

Premier of South Australia (Hon. Mike Rann, MP)—Resolution of 10 August 2004—Cigarette vending machines

(d) Other documents

Odgers’ Australian Senate Practice, 11th edition, 2004

Business of the Senate: 1 January 2004 to 31 December 2004

Questions on Notice summary: 16 November 2004 to 31 December 2004

Ordered that Business of the Senate for 2004 be printed.

INDIGENOUS AFFAIRS: PALM ISLAND

Senator CHERRY (Queensland) (5.47 p.m.)—by leave—I move:

That the Senate take note of the document.

I note that a coronial inquiry into the death of Mr Doomadgee has commenced in Palm Island. The letter from Mr Mackenroth, the Acting Premier of Queensland, relies very heavily on the importance of the Crime and Misconduct Commission inquiry into the death in custody. I note, and it is important for the Senate to note, that the Palm Island community and the Doomadgee family stated in a press statement on 31 January that they have lost confidence in the CMC inquiry. They believe there is a conflict of interest when police are involved in investigating police action and that this is unacceptable. The community on Palm Island needs to be satisfied that the investigation is above board and provides real answers. They say that they have lost confidence in the CMC’s ability to undertake their investigation in a fair and reasonable manner and now call on the federal government to instigate a royal commission into Mr Doomadgee’s death.

These are very important concerns being raised by the people of Palm Island, particularly about whether they will get the answers they need out of a CMC inquiry. It raises questions which the Senate needs to keep an eye on. I do not want to speak for particularly long, but I thought we could not let that response from the Queensland government pass today without noting that the community on Palm Island has lost confidence in the CMC inquiry. It is vitally important that the Queensland government make every possible effort to rebuild the confidence of the people of Palm Island and that these issues regarding Mr Doomadgee’s death be properly investigated. Certainly, the Senate needs to have a close watching brief on the outcomes of the coronial inquiry and the response of the Queensland Police Service and the Queensland government.

Question agreed to.
BUDGET
Consideration by Legislation Committees
Additional Information

Senator McGAURAN (Victoria) (5.49 p.m.)—On behalf of the chair of the Community Affairs Legislation Committee, Senator Knowles, I present additional information received by the committee relating to hearings on the 2004-05 budget estimates.

I also present a transcript of evidence and documents arising from an estimates hearing in February 2004.

ASSENT

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

- Customs Amendment Act 2004 (Act No. 133, 2004).
- Vocational Education and Training Funding Amendment Act 2004 (Act No. 136, 2004).
- Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 2) 2004 (Act No. 139, 2004).

COMMITTEES

Membership

The ACTING DEPUTY PRESIDENT (Senator Crossin)—Order! The President has received a letter from a party leader
seeking variations to the membership of certain committees.

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (5.51 p.m.)—by leave—I move:

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

Appropriations and Staffing—Standing Committee—
Discharged—Senator Allison
Appointed—Senator Bartlett

Environment, Communications, Information Technology and the Arts Legislation Committee—
Discharged—Senator Allison
Appointed—
Senator Bartlett
Substitute members:
Senator Cherry to replace Senator Bartlett for matters relating to the Communications portfolio
Senator Greig to replace Senator Bartlett for matters relating to the Information Technology portfolio
Senator Ridgeway to replace Senator Bartlett for matters relating to the Arts portfolio
Participating member: Senator Allison

Environment, Communications, Information Technology and the Arts References Committee—
Appointed—Participating member: Senator Bartlett

Procedure—Standing Committee—
Discharged—Senator Allison
Appointed—Senator Bartlett.

Question agreed to.

WATER EFFICIENCY LABELLING AND STANDARDS BILL 2004

First Reading

Bill received from the House of Representatives.

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (5.51 p.m.)—I move:

That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Bill read a first time.

Second Reading

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (5.52 p.m.)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

WATER EFFICIENCY LABELLING AND STANDARDS BILL 2004

Managing Australia’s fresh water resources effectively and efficiently is one of our most important environmental and resource management challenges. Without secure and high quality water resources we would be unable to sustain our regional economies or urban communities. The long-term health of our freshwater ecosystems also depends on us minimising the negative impacts of agricultural and urban water consumption.

The emerging urban water problems in Australia are looking increasingly serious. One only needs to look at Melbourne, Sydney, Perth and South East Queensland for a graphic illustration of the urban water issues. High rates of population growth, the strong economy, increasing demands for environmental releases and prolonged drought conditions are continuing to offset the gains from conservation programs and increasing the pressure on available water supplies.
Reduced rainfall and inflows to storages have resulted in much lower sustainable yields from available storages than had been projected as recently as 5 to 10 years ago. The Gold Coast, for example, will be past the sustainable yields of its existing dams in only a few short years. Previous estimates of the potential water available from unexploited dam resources are being revised downward as a result of the recent drought at a time when the population is growing at a tremendous rate. As a consequence the Gold Coast is now in the process of planning a new regional pipeline to collect water from a dam near Brisbane. Unfortunately this solution will only provide temporary relief and the Gold Coast is now looking at recycled water, desalination and rainwater as part of its future water supply strategy. Water conservation has become more than a noble idea for the Gold Coast, but is now an integral part of meeting future water needs.

The Howard Government has taken this challenge very seriously by committing significant resources to improving water management across the nation and by working in partnership with the State and Territory Governments.

Today I am introducing a Bill for the introduction of a national Water Efficiency Labelling and Standards Scheme that will require water efficiency labels to appear on a range of common water-using products like washing machines, dishwashers and toilets and also establish a regime for the setting of minimum water efficiency standards. But before I explain the detail of the Bill, I would like to provide the broader context of the initiative.

In 1994 the Council of Australian Governments (COAG) agreed to implement a strategic framework for the reform of the water industry. Through the implementation of water reforms over the last ten years, Australian governments have made some real progress towards efficient and sustainable water management. The recognition of the need for environmental water provisions, the separation of water entitlements from land, and pricing reform, have all been significant steps forward.

At the COAG meeting in June this year, the Government and the States and Territories (except Western Australia and Tasmania) agreed to an Intergovernmental Agreement on a National Water Initiative. In essence, COAG recognised the twin imperatives to increase the productivity and efficiency of Australia’s water use and to ensure the health of river and groundwater systems. It was agreed that opportunities for a cooperative national approach to further progress water reform exist in a number of areas. These form the basis of the National Water Initiative. Key features of the National Water Initiative include:

- Secure and nationally compatible water access entitlements;
- Improved water trading, to expand water markets to their widest practical geographic scope;
- Accountable, outcomes-focused provision and management of environmental water; and,
- Actions to better manage urban water demand.

The urban water reforms are aimed at improving water-use efficiency and demand management, making better use of stormwater and recycled water, and encouraging water sensitive urban design. There has been a lot of activity in this area over the last ten years, including in the reform of water pricing in urban areas. This Bill—the Water Efficiency Labelling and Standards Bill—is a key initiative in support of the urban water reform agenda.

The Government is also working with States and Territories to develop National Guidelines for Water Recycling—managing health and environmental risks. The new Guidelines will cover water recycling and water sensitive urban design and be a part of the National Water Quality Management Strategy. The Guidelines will increase the uptake of water recycling opportunities in Australia to provide new sources of supply in a way that protects public health and the environment.

This Government is pushing forward with the implementation of its commitments under the National Water Initiative.

During the election, the Government announced the establishment of the $2 billion Australian Water Fund. Investment under the Fund will help achieve the objectives of the National Water Initiative through practical, on-ground water solu-
tions. The three programmes that make up the Australian Water Fund—Water Smart Australia, Raising National Water Standards and the Communities Programme—will directly support improvements in how we manage urban water use. In particular, investment under the Raising National Water Standards programme will support this water efficiency labelling scheme.

The Government has introduced legislation in this session creating the new National Water Commission, a key commitment under the National Water Initiative.

The National Water Commission will have two vital roles:

- It will evaluate and advise on the reform progress under the National Water Initiative in accordance with the Intergovernmental Agreement; and
- It will also advise on project selection and administer projects under the Water Smart Australia and Raising National Water Standards programmes of the Australian Water Fund.

So the Water Efficiency Labelling and Standards Bill must be seen in the context of the Government’s very significant achievements in relation to water reform and as a contribution towards achieving efficiency improvements under the National Water Initiative.

At just under 1,800 gigalitres per year, that is, 1,800 billion litres per year, household water use accounts for about 16 percent of the consumption of the mains-supplied water in Australia. This is the second largest share of mains water use after agriculture, which at around 8,400 gigalitres per year, accounts for around 75 percent of consumption. Clearly whilst the “main game” in water consumption will always focus on agricultural use, urban and household water use cannot be ignored, especially as our main urban centres are experiencing significant water supply problems. The dual effects of increasing population and the emerging impacts of climate change make efforts to manage urban water use ever more important. Indeed, between 1996 and 2001, the supply of water to households in the main urban areas increased by 13 percent.

The purpose of the Water Efficiency Labelling and Standards Bill is to establish a water efficiency scheme for a range of important water-using products. Through the Scheme, the Government wants to empower consumers by providing them with information about the water efficiency of products so that they can contribute to water conservation directly through the purchase of more water-efficient products. This information will predominantly come in the form of labels on products covered by the Scheme, but also from the associated website and promotional material.

The net savings to consumers are forecast to be substantial. By simply choosing more efficient products, by 2021 the community stands to save more than $600 million through reduced water and energy bills. And these savings will be achieved without any compromise in product performance or convenience or any major adjustment in user behaviour. A water-efficient washing machine performs its function just as well as an inefficient one, as does a water-efficient urinal. So the scheme will promote clever design that benefits both consumers and the economy.

The water efficiency scheme will be the first of its kind in the world. Given that pressure on freshwater resources is emerging as a truly global problem, the potential for Australia to position itself as a leading exporter of water-efficient technologies and expertise is significant. Underpinned by a robust technical regime, our exporters will be able to use the label as a platform for marketing the water efficiency of their products to a growing global market.

The Government estimates that by 2021, water efficiency labelling will cut domestic water use by five per cent or 87,200 megalitres per year. A total of 610,000 megalitres—more water than in Sydney Harbour—will be conserved by 2021. Nearly half the water savings will come from more efficient washing machines, about 25 percent from showers and 22 percent from toilets.

The Scheme will also deliver substantial energy savings and greenhouse gas abatement through a reduction in hot water use. The reduction in greenhouse gas emissions for Australia is projected to reach about 570 kilotonnes of carbon
dioxide equivalent per annum by 2021, with a cumulative total of around 4,600 kilotonnes of carbon dioxide equivalent by 2021.

The Water Efficiency Labelling and Standards Bill establishes a national legal and administrative structure for the Scheme. And yet, in the true spirit of federalism, the Scheme provides for working in partnership with the States and Territories, which will enact complementary legislation. This mirror legislation will fill in the small constitutional gaps in the Commonwealth’s powers. Importantly, the States and Territories have also agreed in principle to assist with funding the program using the usual population-based funding formula for any program costs that cannot be recovered through industry registration fees.

The Government expects the Scheme to commence in 2005. Initially, six appliances will be required to carry water efficiency labels: washing machines, dishwashers, toilets, showerheads, taps and urinals. Flow control devices will be covered on a voluntary basis. In addition to labelling, it is proposed that toilets will be required to comply with a minimum efficiency standard so that inefficient toilets with an average flush volume of more than five and a half litres can no longer be sold in Australia.

Under the framework set out in the Bill, it will be possible in future years to introduce minimum water efficiency standards for additional water-using or water-saving products other than toilets, where the need for this can be established. Minimum water efficiency standards will ensure that inefficient products can no longer be sold.

The Bill will also allow the product range covered by labelling requirements to be expanded if this is found to be appropriate in future years. Whilst the Scheme will initially cover washing machines, dishwashers, toilets, showerheads, urinals, taps and flow control devices, there is every reason to believe that further research and development will reveal that other products would benefit from labelling and minimum standards. For example, evaporative air-cooling systems and hot water systems are potential candidates for inclusion in the Scheme.

Industry has been consulted on the detail of the proposal and I am pleased to advise that the Scheme enjoys broad support.

The water efficiency scheme will help consumers make informed decisions about what products to purchase and the water, energy and financial savings that are possible. Industry will also benefit from the Scheme because it will create a level playing field in relation to claims about water efficiency and provide for nationally consistent product standards.

In conclusion, in this Year of the Built Environment the water efficiency labelling and standards initiative provides another important way that all Australians can conserve water and so help to make our urban communities more sustainable.

Debate (on motion by Senator Ian Campbell) adjourned.

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

FINANCIAL FRAMEWORK LEGISLATION AMENDMENT BILL 2004

First Reading

Bill received from the House of Representatives.

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (5.53 p.m.)—I move:

That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Bill read a first time.

Second Reading

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (5.53 p.m.)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

FINANCIAL FRAMEWORK LEGISLATION AMENDMENT BILL 2004

The purpose of this Bill is to amend Acts that are a consequence of the commencement of the Fi-

An exposure draft of the Bill was subject to an inquiry by the Joint Committee of Public Accounts and Audit (JCPAA), which tabled its report (number 395), Inquiry into the Draft Financial Framework Legislation Amendment Bill, on 20 August 2003. The Government tabled its response to the report on 26 June 2004. The report’s recommendations led to changes to the Bill that were agreed by the Government in its response. The JCPAA inquiry was also of benefit because it provided an opportunity for stakeholders to discuss a range of important issues and to gain an appreciation of the similarity of many of the amendments proposed in the Bill.

A number of other changes have been made to the Bill since the exposure draft was released for the purposes of the JCPAA inquiry. These changes reflect recent developments. The Minister for Finance and Administration has notified the Chairman of the JCPAA of these changes and the reasons for them.

In the second reading of the FMLA Act 1999, the then Parliamentary Secretary to the Minister for Finance and Administration, the Hon Peter Slipper MP, foreshadowed that a consequential amendments bill would be introduced that will ensure that terminology in other Acts is consistent with the Financial Management and Accountability Act 1997 (FMA Act) as amended by the FMLA Act 1999. These consequential amendments account for the bulk of the amendments proposed in Schedule 1 of the Bill.

The FMLA Act 1999 abolished the following three funds created by the FMA Act: the Loan Fund, the Reserved Money Fund and the Commercial Activities Fund. These funds were located outside the Consolidated Revenue Fund as it was then envisaged. The balances of these funds were merged in the Consolidated Revenue Fund and components of the Reserved Money Fund and Commercial Activities Fund were replaced with Special Accounts. A Special Account records amounts in the Consolidated Revenue Fund appropriated for expenditure on the purposes of the Special Account.

The FMLA Act 1999 also reflected the adoption of the concept of a self-executing Consolidated Revenue Fund. That is, that money raised or received by the Executive Government automatically forms part of the Consolidated Revenue Fund without the need to credit a ledger account or a bank account designated as the Consolidated Revenue Fund.

The FMLA Act 1999 provided that references in other Acts and legislative instruments to the funds being abolished, and related terminology, were deemed to be read as changed to the new terminology introduced by that Act. The amendments contained in Schedule 1 of the Bill are almost exclusively textual changes to Acts to align them with the changed terminology introduced by the FMLA Act 1999.

Most of the amendments proposed in Schedule 2 of the Bill provide for the transfer of powers, from the Treasurer to the Finance Minister, to approve investments, money raising and guarantors of certain bodies that are legally and financially separate from the Commonwealth. Most of these bodies are authorities subject to the Commonwealth Authorities and Companies Act 1997 (CAC Act). The amendments also introduce clear delegation powers for the Finance Minister.

The transfer of these approval powers will co-locate in Finance, as one central portfolio, powers relating to the financial oversight of bodies that are mainly funded from the Budget. This will provide for more efficient and effective decision-making in relation to the resources available to these entities.

Schedule 3 of the Bill proposes the repeal of Acts. Most of these Acts would otherwise have required amendment of text to align with the FMLA Act 1999. However, because the Acts are redundant, they are included for repeal instead.

Schedule 1 of the Bill proposes minor amendments to the Australian Securities and Investments Commission Act 2001 and the Corporations Act 2001, again reflecting the concept that the Consolidated Revenue Fund is self-executing. The Ministerial Council for Corporations has been consulted about these amendments and the
required number of votes were received pursuant to the Corporations Agreement.

The Bill also proposes amendments to the FMA Act and the CAC Act that are not covered by the types of amendments that I described earlier.

The amendments to the FMA Act are mainly of the following three types. The first concerns clarifying and expanding the information required, or allowed, in a determination of the Finance Minister that establishes a Special Account. This amendment reflects the Government’s agreement to recommendation 1 of the JCPAA’s report 395.

The second type concerns specifying the membership, in certain circumstances, of an Advisory Committee that considers proposals for large act of grace payments or waivers, to replace a reference to the Chief Executive of the former Department of Administrative Services with a Chief Executive nominated by the Finance Minister.

The third type concerns clarifying delegation powers of Chief Executives of Agencies, and directions relating to the exercise of a power or function delegated.

The amendments to the CAC Act align the offence provisions applying to the conduct of officers with the Criminal Code Act 1995.

This proposed law will update, clarify and align a wide range of financial management provisions applying to Commonwealth entities and thereby enhance the financial management framework of the Australian Government generally. I commend the Bill.

Debate (on motion by Senator Ian Campbell) adjourned.

BILLS RETURNED FROM THE HOUSE OF REPRESENTATIVES

Messages received from the House of Representatives returning the following bills without amendment:

- Fisheries (Validation of Plans of Management) Bill 2004
- Family Law Amendment (Annuities) Bill 2004
- Workplace Relations Amendment (Agreement Validation) Bill 2004
- Copyright Legislation Amendment Bill 2004
- Customs Amendment Bill 2004

COMMITTEES

Membership

Message received from the House of Representatives notifying the Senate of the appointment of members to various joint committees.

DOCUMENTS

Opening of Parliament: Indigenous Australians

Senator BARTLETT (Queensland) (5.54 p.m.)—by leave—I move:

That the Senate take note of the document.

The document is a letter from Minister Hardgrave regarding the resolution of the Senate dealing with the opening of parliament and Indigenous Australians. This relates to the Senate’s repeated request that Indigenous Australians be involved in some of the ceremonial activities at the opening of each parliament after an election. This was something that was recommended in a report in the previous parliament, which was not accepted by the government. It was again put forward by the Senate as a resolution after the most recent election. It is very disappointing to see that the government has again rejected this proposal by the Senate that Indigenous Australians be recognised more clearly as part of the ceremonies for the opening of parliament.

I do not suggest that these things are more important than tackling the major disadvantage that Indigenous Australians face in so many ways throughout our community, but I do believe that with something that is ceremonial and therefore by definition full of symbolism, such as the opening of parliament, it is remiss not to have a more clear involvement of Indigenous Australians in some aspects of it. Clearly the Senate thinks so and has thought so a number of times, as has the committee that originally recom-
mended it, and I urge that the government reconsider this.

I note that the minister’s letter firstly suggests that the government believes the opening of parliament after an election is predominantly about the people who have been elected. Perhaps I can understand how those of us in the parliament who have been elected might feel that that is what the opening of parliament is all about. I think it is about a lot more than that. Certainly, in the central role that the parliament plays in our democracy concerning what it is to be Australian and some of the most essential positive things about Australia, it is disappointing that the government remains averse to this idea.

I also note, however, that the minister makes the point that the current arrangements were readopted in the House of Representatives without dissent. Whilst I know that members of the opposition in the House of Representatives probably cannot be bothered dissenting a lot of the time because the result is always the same, I urge them to perhaps make their concerns a little more vocal in that chamber so that they match the concerns and views that Labor members are expressing in the Senate. It is only by making the point, even in a fairly mild way such as I am attempting now, and reaffirming it—drawing attention to it again—that we increase the chances for change. Maybe if there was a little more niggling down in the lower house, we might get a little more movement from the government.

Question agreed to.

**Auditor-General’s Report**

**Report No. 22 of 2004-05**

**Senator MURRAY** (Western Australia) (5.58 p.m.)—by leave—I move:

That the Senate take note of the document.

I wish to make a few remarks on the Auditor-General’s performance audit report No. 22 on investment of public funds. I wish to do that now because I do not think there will be another opportunity before estimates and it is something I wish to put on the record. The Auditor-General’s performance audit report No. 22 concerned the very important topic of investment of public funds. The Auditor-General notes at 30 June 2004 that Commonwealth entities reported financial investments totalling $20.208 billion, which is a great deal of money. That belongs to all Australians. It means that the Commonwealth holds a great deal of investment on behalf of each and every Australian in Australia.

It is vital that public funds are prudently managed in accordance with the rules outlined by the parliament. The bureaucracy should not be free to simply invest Australians’ money in the manner they see fit. Anyone with experience in finance and in the financial industry will be able to explain that there is an inherent investment trade-off between returns and the risk of the investment.

Quite properly, the Commonwealth, when holding public funds, has a low tolerance for financial risk, and investment activity should be limited to low-risk assets. The objective of the Auditor-General’s audit was to examine the investment of public funds by selected entities, their compliance with the relevant legislation, the value from the investment strategies and the subsequent reporting of the investment activities.

Six entities—three under the Financial Management and Accountability Act and three under the Commonwealth Authorities and Companies Act—were selected for the audit. The six entities audited owned $1.84 billion in investments—roughly 10 per cent of the total Commonwealth exposure. During the audit, it was found that $566 million in unauthorised investments were identified. So
about $1 in every $4 were unauthorised investments. The conclusion of the Audit Office was that there had been shortcomings in the management of the investment of public funds. The report makes seven recommendations and states:

Implementation of the recommendations should collectively lead to a level of management and focus commensurate with the quantum of public funds under investment.

If you decipher that, that is a nice, fat slap on the wrist. The implicit conclusion is that the current standard of management is not commensurate with the $20 billion controlled by Commonwealth entities. As the report notes, there is no excuse for noncompliance. It states:

It is clearly important that entities comply with restrictions legislated by the Parliament. In addition, where departures by Commonwealth authorities are seen as prudent, the legislation provides a means of obtaining appropriate approval from the Treasurer.

This government—sometimes rightly, sometimes with a little bit of exaggeration—lays great claim to its economic management, and it should not pass by the Treasurer, the Minister for Finance and Administration or, indeed, the government as a whole, that this is not up to the standard that they would demand of government.

It was at least pleasing to see that all agencies concerned agreed, or agreed in principle, to all of the recommendations; however, from my perspective, the law was broken. If company directors disregard the Corporations Law or the Trade Practices Act, they can end up in jail. Perhaps it is time to remind the public sector that they need to be conscious that, if they break the law where the parliament has specified how matters should be dealt with, they can experience the full force of the law.

I hope that we and the Labor Party will be able to investigate these procedural failures during the Senate estimates process. I will be interested to know if there will be a follow-up procedural audit that can cover some of the other entities that were not selected in this audit. It appears that Treasury did not keep proper records of approvals of investments. If the Treasury experts, the guardians of the system, are acting negligently, how can other non-financial entities be expected to keep records prudently? The loose practice with financial management, as I have stressed previously in this chamber, is also encouraged by the vagueness of Treasury reporting, specifically the breach of accounting standards, by refusing to recognise the GST as a federal tax.

I believe it is timely that these issues are raised. The Commonwealth is currently in an extremely strong financial position but, as the Reserve Bank Chairman, Ian Macfarlane, commented recently, it is in the good times that important concerns should be addressed. These are not technical accounting matters; they are matters of legality and should be given an appropriately solemn and immediate response. Finally, I wish to congratulate the Auditor-General and the Audit Office on the seriousness with which this issue has been approached and the quality of the report prepared. I hope that the ministers responsible will act immediately to improve this situation. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

PRIVATE HEALTH INSURANCE INCENTIVES AMENDMENT BILL 2004
Report of Community Affairs Legislation Committee

Senator EGGLESTON (Western Australia) (6.04 p.m.)—On behalf of the Chair of the Community Affairs Legislation Committee, Senator Knowles, I present the report of the committee on the provisions of the Private Health Insurance Incentives Amend-
ment Bill 2004, together with submissions received by the committee.

Ordered that the report be printed.

WATER EFFICIENCY LABELLING AND STANDARDS BILL 2004
Second Reading
Debate resumed.

Senator WONG (South Australia) (6.05 p.m.)—I rise to speak on the Water Efficiency Labelling and Standards Bill 2004, and I indicate that the opposition is intending to support this bill. When we talk about water efficiency and especially about the supply and use of fresh water, it is worth remembering a few important facts. Some 97.5 per cent of the world's water is salt water and is unfit for human use. The majority of fresh water is beyond our reach, locked in polar snow and ice. Less than one per cent of fresh water is useable, amounting to only 0.01 per cent of the earth's total water. This would be enough to support the world's population three times over, if used with care.

Unfortunately water, like population, is not distributed evenly. Asia has the greatest annual availability of fresh water and, disturbingly—as we all know—Australia has the lowest. In fact, Australia's rainfall is the lowest of the continents, excluding Antarctica. This low rainfall, combined with very high evaporation, leads to low river flows. Despite this, we in this country still have one of the highest per capita consumption rates in the world. While two-thirds of all the people on earth use less than 60 litres of water a day, the average Australian uses more than twice that amount during a single shower.

Access to clean, safe water is fundamental to public health and our quality of life. Australians expect that, when we turn on our taps, the water that comes out will be clean and safe. That expectation is deeply ingrained in our way of life. However, our growing population, combined with our drought-prone climate, means that we simply have to learn to do more with less. Indeed, we are likely to have more frequent droughts if the predicted effects of global climate change kick in. That is something I hope Senator Ian Campbell is aware of; I note that the government continues to maintain its position against ratifying the Kyoto protocol.

Nevertheless, I am hopeful and believe that Australia can become one of the most water efficient communities in the world. However, we all have to take responsibility to rethink where water comes from, how it is used and how to reuse it. Water shortages across Australia in recent times, particularly in New South Wales, Western Australia, Victoria and South Australia, have shown that the efficient use of water is not simply a response to the current drought. It is, in fact, an essential step in learning how to live with less water without compromising our way of life. I note that in my home state of South Australia the state government has made significant efforts to move to permanent water conservation measures for urban use.

There are no simple solutions to our water shortage. What is needed is a multifaceted approach that combines new sources, new efficiency measures and innovative ways of reusing our waste water. Clearly, water remains one of the key environmental challenges for Australia. Indeed, after climate change it is probably our most serious challenge. There have been many manifestations of this in recent times. In Perth there are plans for a desalination plant costing an estimated $350 million because there are no local sources of water to meet that city's needs. In South Australia—the driest state in the driest continent—we have our own water shortage problems. A great deal of work is being done on salt interception schemes around the River Murray which are aimed at preventing the deterioration of Adelaide's
drinking water. Such work is extremely important because, as we know, if nothing is done by 2020 Adelaide’s water is predicted not to meet World Health Organisation guidelines two days out of five. On this note, one of the things the Howard government could do is to deliver the 1,500 gigalitres of water which is required to restore the Murray to health and to ensure Adelaide in particular maintains a safe drinking water supply.

Melbourne was on stage 2 water restrictions for most of 2003. Sydney’s problems with water have a very high profile, with restrictions on sprinklers or watering systems, washing cars, filling pools and general garden watering. As of last Thursday, Sydney’s main water supply, Warragamba Dam, was only filled to 43.4 per cent of its capacity. I am sure that most people in Sydney know water use is a serious issue.

The question of water use and water efficiency that is before us in this legislation is a very serious challenge facing the country. The purpose of the bill is to provide for the establishment and operation of a scheme to apply national water efficiency labelling and minimum performance standards to certain water use products. The aim of water efficiency labelling is to encourage the uptake of water efficient products and appliances in domestic and commercial areas. This bill’s objects are to conserve water supplies by reducing water consumption, to provide information for the purchasers of water use products and to promote the adoption of efficient and effective water use technology. It also provides for the establishment of a national water efficiency labelling and standards scheme to be implemented cooperatively by the Commonwealth, state and territory governments. It provides for penalties to be put in place for those who fail to comply with the registration, labelling and minimum efficiency and performance requirements and for an enforcement regime. The government estimates the bill will reduce consumption of water in households and non-residential buildings by five per cent by 2021.

Whilst this is an objective the opposition supports, we consider that it is a manifestly inadequate objective. We need to use water better and reduce our consumption of water in households and non-residential buildings by five per cent in a much shorter time frame. We need to reduce water consumption much more rapidly than by 2021. This is hardly an ambitious project. It is also expected that there will be some greenhouse gas reductions through reducing water heating associated with these measures. The legislation is being funded from savings identified in the Measures for a Better Environment package and it picks up on recommendation 4 of the Senate inquiry into urban water use.

I understand that those who have been consulted, including the product suppliers and retailers, have actively supported the introduction of this scheme and that it has not been opposed by industry generally. The bill addresses the mandatory labelling of most water use products, but in relation to mandatory performance standards it only applies to toilets. In the view of the Labor Party, the legislation is far weaker than it could have been and the environmental benefits will not be fully realised if the government’s agenda stands as it is in the bill. We believe there is a case for standards to apply far more broadly. It is the view of the opposition that water efficiency performance standards ought to apply to more water use products.

We make these points against the background of the comments with which I opened, that we are one of the highest per capita consumers of water in the world. In Australia each person uses around 350 litres per day, and our national reuse of effluent is
just 14 per cent. If we could do more to reclaim and reuse stormwater, treated sewage effluent, treated industrial discharge and grey household waste water, we would be in a much better position to deal with shortages and it would boost our environment and our economy.

An integrated approach which considers all sources of water available to urban areas is needed to achieve a significant improvement in water use efficiency in urban areas. Reclaimed water can be used for a whole range of purposes, such as irrigation of city parks and sports ovals, industrial purposes and cooling water. Surplus floodwater can be used to recharge natural aquifers, and safe, treated urban effluent can be used on crops. There are many other uses. The government should be working with the states and territories to improve both water quality and the environmental outcomes of urban water management. The government should be investigating incentives for promoting stormwater and wastewater reuse and the integration of these issues in strategic planning of urban areas. The government should be using the COAG process to implement national initiatives to promote water saving measures such as rainwater tanks, water saving showerheads and tap fittings, dual flush toilets and increased use of grey water.

Another area of concern to the opposition is the research effort in relation to urban water. Unfortunately, the Commonwealth research effort in this crucial area has largely dried up. The government should be reinvigorating the role of the Commonwealth in research and development for irrigation, water reuse and innovation. Promoting water reuse research would yield many dividends, including better design and value from experimental projects and monitoring, covering gaps, integrating project results, ensuring quality control and disseminating information effectively to those who need it. Establishing an urban water research program would support innovation in the reuse of stormwater, the reuse of effluent, water conservation, water-sensitive urban design and urban water planning and management practices. The government should establish a national program of research to promote sustainable water use in Australia, with a particular focus on water reuse.

There are very significant challenges facing Australia in relation to domestic water use. Domestic households account for around 16 per cent of the consumption of mains-supplied water in Australia. That is the second largest share of mains water use after the agriculture, forestry and mining sectors, as you might expect. The main indoor use is showering, which accounts for 29 per cent of indoor consumption. In terms of overall domestic consumption, it is worth noting that the amount of water used for outdoor purposes does vary considerably between cities.

Between 1996 and 2001, the supply of water to households in the main urban areas of Australia increased by about 3.4 per cent per annum. According to information from the Water Services Association of Australia, water consumption in two state capitals is already beyond the safe yield level, meaning that additional supply or effective demand measures are required immediately. According to the association, three other capitals will be beyond the safe yield level between 2012 and 2020. That is a very serious situation and it does require action.

Back in 2002, the Senate ECITA committee completed an inquiry into Australia’s management of urban water. I note Senator Allison is in the chamber; she was on that inquiry, and I think it was one of the first inquiries I came into, late, when I first came into the Senate. That was a couple of years ago. Unfortunately, many of the Senate committee’s recommendations have not been
taken up by the government. The committee commented extensively on the issue of urban demand management, indicating there is considerable scope to reduce water use and achieve efficiencies so that water-efficient appliances, which can dramatically reduce water use in the home, can be introduced. This approach, coupled with water-efficient gardens, the use of native plants, minimal lawns and efficient watering systems could yield substantial benefits. The committee found that the fundamental factor in a successful demand management program was changing behaviour—changing the behaviour of Australians, changing us so that we do not do things like hose down the driveway and gutters, water lawns during the heat of the day and have extensively long showers.

So, what will be the impact of the labelling scheme which is provided for in the bill? According to the regulatory impact statement, the impact of the labelling component of the scheme will be to reduce total household water use by about five per cent by 2021, compared with the ‘business as usual’ approach. As I indicated at the outset, we consider that to be an insufficiently ambitious target. No modelling has been done for the introduction of efficiency standards across all of the six products that were considered—that is, washing machines, dishwashers, toilets, showerheads, taps and urinals. The regulatory impact statement suggests that, for water users, the cost of water-efficient products will most likely be higher, but consumers will benefit from a net saving because water bills will be lower. The statement also considered manufacturers and importers, noting that labelling will come into force 12 months after the regulations under this bill are finalised.

As water efficiency labelling has an effect on consumer preference, the extent to which the sales of various manufacturers and importers are affected will depend on the water efficiency of their product ranges. Manufacturers and importers that offer only products of low water efficiency will obviously be disadvantaged. Retailers that carry at least some water-efficient models should be advantaged. Those that specialise in low-cost products with low water efficiency will be disadvantaged. However, as the awareness of water labels is likely to build up over time, retailers should have ample time to sell their old stocks and order in more water-efficient models.

We want to raise one concern about the labelling requirement. Whilst the labelling requirement should assist those plumbers and builders who take an interest in, or seek competitive advantage from, advising clients on water and energy efficient products, the fact is that many end users will not see the water efficiency labels. Plumbers and builders will still be free to select or recommend products, irrespective of water efficiency, as many do now, and may well remove the water efficiency labels before end users see them. However, we note there are other programs under way to raise plumbers’ awareness of water product efficiency, including the Green Plumbers program, run by the Master Plumbers and Mechanical Services Association of Australia, which does receive some funding from the Greenhouse Office.

The introduction of water efficiency labelling for various indoor water use products is unfortunately expected to have only a modest effect on household consumption, and that effect will obviously take some time to materialise. Nevertheless, the requirement for labelling foreshadowed in the bill is a positive step. However, we emphasise it is only one aspect of managing the demand for water by Australian households. It would certainly be worth while if modelling could be done on how the introduction of compulsory water efficiency standards for things
like new showerheads or new washing machines would be likely to affect household consumption.

In conclusion, water is a very substantial challenge for Australia. It is a substantial challenge for our environment. It is a substantial challenge to get our water use right in rural areas and to maintain healthy river systems. It is also a substantial challenge to get our water use right in urban areas, to take action concerning ocean outfalls, to lift our water reuse and recycling and to reduce our water demand so that we can have sustainable practices in our cities and in the country. Against that background, the opposition support the legislation, but, as I have said, we do not think it goes far enough. The opposition believe the government ought be acting with a far greater sense of urgency. In the second reading amendment moved in the House we indicated that the government ought be delivering water efficiency standards for a range of indoor use products. The government ought take up what is a significant opportunity to reduce household water consumption.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (6.21 p.m.)—On average, Australia uses 350 litres of water per person per day. This figure has already been mentioned several times in this chamber and no doubt will be again. The problem is that overall demand is increasing and that is putting greater pressure on our limited water resources. It is clear to the Democrats that urban centres in Australia are using water in ways and quantities that are unsustainable. A great deal is being done, but we still see a specific need to increase the pace of change. We see a definite role for the Commonwealth to play in managing national water resources and setting national standards for efficiency.

At the time of the announcement of the Australian water fund, the Democrats were very pleased to see recognition from the Prime Minister of the role the federal government can play in achieving significant cultural shift in water use and management. However, the reform is not keeping pace with the damage being caused by the expanding ecological footprint of our cities and nor are water efficiency initiatives keeping pace with growth in water use. I am convinced that Australia already has most of the knowledge, the technical expertise and the systems to solve the problems in urban water management. In fact, many of the initiatives that have been taken in this country have gone offshore, where other countries are much more interested in conserving water than we have been to date.

I welcome the Water Efficiency Labelling and Standards Bill 2004. This comes as a result of negotiations between the Democrats and the government a year or so ago. The government wished to shift moneys that were not required from the oil recycling program to a range of projects, and we asked for water efficiency standards for appliances to be funded as part of numerous projects under Sustainable Cities, including extension of the photovoltaic scheme for 12 months.

Moving to national water efficiency standards was one of the recommendations, as has also been mentioned, of the 2002 Senate Inquiry into Australia’s Urban Water Management. I chaired that inquiry, and we looked in great detail at the adequacy of policies to reduce urban water use, the performance of urban stormwater systems and the potential to improve water quality and environmental outcomes. The final report of that inquiry calls for the government to play a more prominent role in driving the changes needed for sustainable urban water management. Since that time the government has set up the National Water Initiative and the Na-
tional Water Commission, and we hope these are the first of many steps to be taken in that direction. We look forward to what will initially be mandatory labelling showing water efficiency ratings for domestic fittings and appliances as we have already for energy, and on to mandatory standards. That has the potential to result in very significant water savings.

My understanding, Senator Wong—and, if Senator Campbell is back in time, I am sure he will say this—is that toilets are the first step and that there is no requirement for other appliances to be in the legislation but they will be dealt with by regulation shortly. We hope to see continued work towards a similar water and energy efficiency rating scheme for buildings and for best-practice water management standards to be incorporated into Australia’s building and plumbing codes, particularly to pave the way for much greater recycling of water. Re-use of effluent on gardens and domestic use of grey water in cisterns, for example, could have a major impact on water conservation in this country.

Efficient water use within households must be coupled with water sensitive urban design principles, which currently remain the exception rather than the rule. Substantial water savings can be made through stormwater infrastructure and management being changed and reformed by minimising stormwater run-off and encouraging structures that contain rainwater on site. I have a 1,100-litre rainwater tank which fills up on a regular basis, especially in recent storms, and it is very useful.

Senator Patterson—It would be overflowing since last Tuesday.

Senator ALLISON—It overflowed probably several times, Senator Patterson, but it is very useful for watering my small garden.

Senator Patterson—When you are home.

Senator ALLISON—When I am home, exactly. We know that large volumes of drinking water are used for maintaining urban gardens. Initiatives to re-use grey water must be more fully explored and we must also have efficient garden watering systems so that this incentive on household appliances is supplemented by other sensible measures.

The Democrats also urge the Commonwealth to lead by example and develop a strategy for progressively upgrading all Commonwealth buildings for high standards of water efficiency. The cisterns in my suite are certainly still single flush and I think it is time we moved to dual flush throughout this building. There is little doubt that water use in both urban and rural areas is of primary importance to Australians and fundamental to establishing a sustainable and enjoyable standard of living in this country. At the time of its announcement, the coalition’s $2 billion Australian water fund was welcomed by the Democrats. A national approach to water through the Council of Australian Governments is crucial for Australia to move forward to the end goal of sustainable use of water resources.

The Senate has provided a clear basis for water reform strategy through both the urban water inquiry and the later rural water inquiry, which was chaired by my colleague Senator Ridgeway. Considering the importance of this issue and the absolute necessity of bringing the states on board for all negotiations, the Democrats encourage the federal government to engage with the states in order to establish an effective water reform strategy. It would be good to move quickly from mandatory labels to labels plus mandatory standards and for these to be progressively improved. The minister has notified us that he will see that minimum standards for water efficiency are identified and determined by the end of 2007. For the record, I
thought I would read the relevant paragraphs of the minister’s letter. He says:

As you may be aware, the Bill establishes a regulatory framework for the Scheme. Standards for specific products will be set by ministerial determination, once the Bill is enacted. The Government has foreshadowed, in the explanatory statement and regulatory impact statement tabled with the Bill, its intention to introduce a mandatory minimum standard for toilets. I anticipate setting this standard shortly after the Bill is enacted.

I intend to consider the need for further mandatory minimum standards once the scheme has been in operation for 12 months. This will allow time for industry to adjust to the new regulatory requirements and also allow the Secretary of my department, as regulator, to gather information about the performance of products and the potential for further water savings and to recommend additional standards. I would then consult stakeholders through a regulatory impact statement in the normal way. I expect this process would be completed, ready for my final decision, in 2007.

We strongly encourage the minister to act on that commitment. Without identification of the absolute minimum water efficiency baseline for manufacturers, efforts to reduce water use through the sale of water efficient appliances may well be offset by the sale of much cheaper products with no efficiency benefits. While labelling is a very important first move, plumbers and builders would of course be free to select or recommend products irrespective of water efficiency, as many do now, and would be able to remove the water efficiency labels before end users see them.

Wasteful water practices have resulted in the degradation of many of our water resources and in ongoing rationing in many of our capital cities and rural areas. The Democrats believe the commitment to funding to secure the National Water Initiative is extremely important. So we hope that state and federal governments will adopt the second unanimously agreed recommendation from the Senate inquiry into rural water—namely, that COAG should negotiate an ongoing shared program for funding reforms in the Intergovernmental Agreement on a National Water Initiative.

Senator PATTERSON (Victoria—Minister for Family and Community Services and Minister Assisting the Prime Minister for Women’s Issues) (6.31 p.m.)—On behalf of Minister Campbell I thank honourable senators for their contribution to the debate on the Water Efficiency Labelling and Standards Bill 2004. Since it is not my area of expertise I will not add anything other than to note that WELS, Water Efficiency Labelling and Standards, is a much easier acronym to remember, having some association with water. I have acronyms in my portfolio that do not seem to have any bearing on the program that they are related to. I suppose being a WELS inspector is appropriate when we are talking about water efficiency. I commend the bill to the chamber.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

(Quorum formed)

DISABILITY DISCRIMINATION AMENDMENT (EDUCATION STANDARDS) BILL 2004 [2005]

Second Reading

Debate resumed from 17 November 2004, on motion by Senator Ian Campbell:

That this bill be now read a second time.

Senator CARR (Victoria) (6.35 p.m.)—The Disability Discrimination Amendment (Education Standards) Bill 2004 [2005] amends the Disability Discrimination Act 1992 to ensure that the provisions of the draft disability standards for education are
fully supported by the act. Labor supports this bill, which is the next step towards what, in my view, is the long overdue implementation of the disability standards for education. The bill amends the act to support the draft education standards in a number of ways. The bill introduces and defines the term ‘educational provider’, which is broader in this particular bill than the pre-existing definitions covering educational institutions and authorities.

The bill will make it unlawful for education providers to discriminate on the grounds of disability in the development or the accreditation of curricula or in training courses. It also includes a provision that educational providers may be required to develop strategies and programs to prevent the harassment and victimisation of students with disabilities. The bill extends the definitions of the defence in education, the so-called unjustifiable hardship provisions, to post-enrolment situations. While this extension of the unjustifiable hardship provisions has caused some concern, nonetheless Labor will support the provisions in the bill insofar as it supports the Human Rights and Equal Opportunity Commission’s and the Productivity Commission’s assessment that the amendment will remove a source of inconsistency and confusion in the current act. I will return to this matter in a little while.

Section 31 of the Disability Discrimination Act provides that the Attorney-General may formulate standards in relation to a number of areas covered by the DDA, including the education of people with a disability. The bill clarifies that disability standards made under section 31 may require reasonable adjustments to be made in order to avoid unlawful discrimination on the grounds of disability. The government has released a final draft of the standards which is intended to clarify and elaborate upon the obligations of education and training provid-

ers in relation to students with disabilities. I understand that the government intends to table these standards in parliament following passage of this bill.

I feel particularly strongly about these matters. I have had the opportunity to discuss these issues in this parliament for some time. In fact, in 2002 I chaired the Senate Employment, Workplace Relations and Education References Committee inquiry into the education of students with disabilities. The committee produced a bipartisan report and its recommendations were unanimously supported by all members of that committee. The key message then, and it remains the key message today, is that social justice demands that students with disabilities have equal access to education. As the committee stated in its report:

This is a human rights issue of considerable significance.

In 2002, the committee expressed its disappointment at the failure of the Ministerial Council on Education, Employment, Training and Youth Affairs, MCEETYA, to finalise the Disability Standards for Education at its July 2002 meeting. Work on these standards has been under way since 1995—that is, since before the current government came into existence. Stakeholders have already been involved in two consultation processes—back in 1997 and 2000. It was the committee’s view that the inability to finalise these standards in a timely manner represented:

... a failure at the national level to recognise the paramount issue of equity in the provision of services to those with disabilities.

In my judgment, this failure makes a mockery of the Adelaide Declaration on the National Goals for Schooling in the 21st Century. This is held up in many quarters, particularly within government, as being a declaration of principle which asserts that
schools should develop fully the talents and capacities of all students—I emphasise the words ‘all students’. The national goals explicitly state:

Schooling should be socially just, so that students’ outcomes from schooling are free from the effects of negative forms of discrimination based on sex, language, culture and ethnicity, religion or disability; and of differences arising from students’ socio-economic background or geographic location.

Frankly, if we have a situation in this country where students with a disability are not able to fully develop their talents and capacities, then quite clearly we are failing to meet those grand principles.

In 2003, all state and territory members of the Ministerial Council on Education, Employment, Training and Youth Affairs, with the exception of Tasmania and the Australian Capital Territory, voted against the Commonwealth’s move to introduce the standards. While all the states and territories said they agreed with the content and intent, they were not prepared to move forward unless the Commonwealth agreed to share the costs of implementation which some considered to be significant. Given this apparent deadlock, it is pleasing to see that the Commonwealth has finally taken legislative action to support the Disability Standards for Education. In fact, that was the recommendation of the 2002 Senate inquiry. It is important on issues such as this that the Commonwealth in fact raises the bar. Just as commentators agree that the role of school principals appears to be crucial in establishing and maintaining a climate of inclusion in education, so the role of the Commonwealth government should be to provide leadership at a national policy level on these fundamental social justice questions.

The education standards must now be implemented as quickly as possible to ensure improved access for students with disabilities. There is strong support in the disability sector for the standards to be introduced. Importantly, implementation of the standards will reduce the need for parents to participate in highly stressful complaints and legal actions to ensure that their children are not discriminated against in education.

Looking at these issues in detail, we see that the issues addressed in this bill, like those addressed in the existing act, are in fact very serious. One of these issues that was drawn clearly to the attention of the committee during the 2002 inquiry was the importance of definitions. During this inquiry, the emphasis on definitions became apparent because, frankly, the principles of the definition of disability provide a situation where education providers and education access is in fact established. The definition issues are not just fodder for bureaucratic arguments, they have a genuine impact on the rights of people with disabilities and their capacity to have access to the services that they need.

In 2002, the Senate committee report highlighted that much of the definition of a disability or even whether a disability is defined at all hangs on this principle. The report said:

Depending on the scope of the definition, rights are protected; funds are allocated; research commissioned, and policy evaluated. The definition of disability becomes particularly important when it provides a mechanism to compete for funds. A fairly narrow definition of disability tends to be applied when allocating funds for the support of students with disabilities. The committee found that the group of students with disabilities which attracts funding support has not kept pace with the advances in diagnosis and the potential for students requiring additional support.

Among other findings, in relation to the definition of disability the committee found that:
... the Commonwealth definition of disability for the purposes of additional per capita funding, are narrower than the definition of disability under the Disability Discrimination Act 1992.

The report stated:

The evidence suggests, however, that in supporting the education of students with disabilities, the Commonwealth has given scant regard to the obligations imposed on education authorities since the introduction of the Commonwealth’s anti-discrimination legislation:

Some of the submissions to the inquiry raised concerns with proposed subsection 22(4), which would extend the defence of unjustifiable hardship in education to post-enrolment situations. Some parents expressed concern, and many advocates supported them, in relation to this provision, which is understandable. The record of non-government schools in citing unjustifiable hardship as a reason not to enrol students with disabilities is not a particularly good one. Finney v Hills Grammar School was a particularly well publicised case—it led to considerable litigation—and was one which the non-government sector had expressed concerns about. The school was found to have discriminated against a girl with spina bifida. There are other cases that follow a similar pattern. It is something of a concern that non-government schools may use the extension of the unjustifiable hardship provisions to avoid their responsibilities in relation to students who are enrolled prior to the onset of a disability or whose needs change.

Related to this is the risk that the extension of the unjustifiable hardship provisions will exacerbate the double standards that already exist between government and non-government schools in the way in which their obligations to students with disabilities are expressed. Time will tell. I can only hope that the introduction of the disability standards for education, which will apply equally to both government and non-government sectors, will provide greater certainty for parents and students in terms of what their school will be required to do to support them.

I would like to emphasise that Labor support the implementation of the disability standards for education. However, we are somewhat disappointed that the Commonwealth has refused to accept any of the real financial responsibilities for the implementation of these new standards. Labor understand the concerns of many states that the costs involved in the implementation of these new standards will fall heavily on them in the absence of any serious financial commitment from the Commonwealth. It is particularly disappointing that the government has chosen to ignore the further recommendations of the 2002 inquiry. The recommendations were unanimously supported by the committee, which asserted that the costs of implementing the standards should be shared between the Commonwealth, states and territories. The inquiry found:

The Disability Discrimination Act gives a new responsibility to the Commonwealth government. To ensure the objectives of the Act are achieved, the committee agrees that the Commonwealth will have to accept a level of financial responsibility for the implementation of the education standards ... Such funding would be over and above those funds currently provided to state governments for the education of students with disabilities.

The reference committee considering this bill was advised:

The Minister for Education, Science and Training will contribute to the development of professional development materials ...

However, professional development involves a lot more than just materials. Indeed, the fact that this small element has been identified for the Commonwealth’s attention simply highlights the government’s lack of will-
rgyzness to provide comprehensive support for the implementation of the standards. I argue that, in relation to professional development, the Commonwealth does have a key responsibility in the existing administrative arrangements. The Commonwealth has in the past acknowledged that responsibility. The Senate committee that looked at these matters in 2002 found that there was already a training deficit that needed to be urgently addressed and that an attitudinal change to professional development was long overdue. The committee took the view that effective professional development in the area of disabilities required programs to be properly structured and sustained over a period of time. As the report states:

Quality professional development comes at a cost.

The committee also expressed a concern about the evidence it received, which pointed to a shortfall and which might be called the attitudinal budget. It noted that it was indicative of a problem more serious than the shortage of resources for disability education per se.

Debate interrupted.

**DOCUMENTS**

The ACTING DEPUTY PRESIDENT (Senator Knowles)—Order! It being 6.50 p.m., the Senate will proceed to the consideration of government documents. I will call the first government documents presented after prayers today, listed on pages 8 and 9 of today’s red, and then the government documents presented out of sittings and tabled by the President, listed on pages 5 to 7. Because of the number of documents, I propose to call them in groups of five. Could senators wishing to take note of a particular document please identify it when moving to take note. If there is no objection, it is so ordered. I call documents 1 to 5 on the list beginning on page 8.

**Migration Review Tribunal Annual Report 2003-04**

Senator BARTLETT (Queensland) (6.50 p.m.)—I move:

That the Senate take note of the document.

A lot of the public debate around migration matters in Australia and in tribunals tends to focus on refugee issues. That is understandable in many respects but it sometimes obscures the fact that there is a huge range of other migration decisions made each year. The operation of the Migration Review Tribunal assesses appeals against those migration decisions that do not deal with refugee issues. There are a few aspects in this report that are worth pointing out. The interesting one at the start of the report is that the case load for the tribunal of a little under 8,000 cases represented a decline of 11 per cent in the number of cases lodged from the previous year. The tribunal suggests a number of reasons for that, including changes of visa criteria, strengthening integrity measures relating to migration agents and reductions in case loads.

Whether or not those reasons given are the only reasons or even whether they are valid ones could perhaps be tested elsewhere. Nonetheless, in most respects it is a positive sign that fewer appeals are being considered as long as that means that there are fewer mistakes being made. I hope that is the case rather than other hurdles being put in the way, but there is certainly nothing that I am aware of from the previous 12 months in terms of extra hurdles that would make that the case. That should mean that, overall, the decline in the number of cases lodged should be an indication that perhaps there are fewer erroneous decisions being made or fewer vexatious appeals being lodged. That may be the issue in relation to migration agents that are mentioned. It may also be a matter of better education amongst people about which
areas are worth appealing against and which areas are not.

It should be noted that an appeal of a decision to the Migration Review Tribunal does incur a fee. I am fairly sure that fee is $1,400, which is refunded if you are successful. That in itself can be quite a significant hurdle for people wishing to appeal a matter as they are basically risking $1,400 to get a matter considered. There is scope for waiving that if people make a case for it but it is certainly a factor that can come into account.

The other big issue in relation to the Migration Review Tribunal is the length of time it takes to finalise a case. It is definitely a welcome sign in the report that the average time taken from lodging an appeal to finalising that appeal has clearly dropped in the last couple of years. It is still a fairly significant time, I might say—320 days is nearly a year—but it has dropped from 362 days the year before and 387 days the year before that. That is certainly a welcome sign. There are other examples. For instance, 585 days is the average time taken to resolve refusals for permanent business visas and 601 days is the average time taken to resolve an appeal for a skilled visa refusal. It is still far too long but, in the same way that I am certainly quite willing to criticise aspects of the migration regime when I believe it appropriate, I also think it should be acknowledged when there is a positive move, and clearly there is a move in the right direction here.

Overall, I think the percentage of successful appeals would, on one hand, show that the tribunal is able to be independent. On the other hand, it also shows that, when nearly 46 per cent of appeals of decisions set aside are successful, that is still a pretty high rate of what one could call errors in the different decisions made at the departmental level. That is an area that is still of concern. It is up from the previous year and in some categories, such as partner or visitor visas, over 60 per cent of decisions are set aside. That is an area that is still of concern and is something that needs further attention. One of the key frustrations of appealing to the Migration Review Tribunal is the length of time it takes. That being said, the improvements being made are certainly going in the right direction. (Time expired)

Question agreed to.

National Interest Analyses

Senator BARTLETT (Queensland) (6.56 p.m.)—by leave—I move:

That the Senate take note of the documents.

I rise to speak in relation to the treaty actions with the National Interest Analyses, tabled earlier today, and note the amendments agreed in Bangkok in October last year to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, commonly known as the CITES convention. The very existence of this convention shows that the view that some people have that the best way to guarantee the survival of a species is to generate commercial markets in them clearly does not apply in all cases and, in some cases, the trade itself is a key part of why those species have become threatened. That is why this convention was generated: to try to regulate, control and, if it is sufficiently serious, prevent trade in species that are endangered. Sadly, there are a lot of species listed on the convention where trade is prevented and five species were shifted up to the highest level of protection required or the highest restriction on trade under the CITES convention in appendix 1.

The species that were shifted to appendix 1, which prevents all trade on those species, includes the Irrawaddy dolphin, the sulphur-crested cockatoo, the lilac-crowned Amazon parrot, the spider tortoise and a palm. All those species have been driven to the edge of extinction in part because of trade and,
thanks to this convention, at least there are mechanisms being put in place to try to prevent that trade and give the species a chance of survival. There are also other species listed on appendix 2, which is slightly less strict but still regulates and monitors trade in species that are threatened with extinction. The Australian government played a key part in listing one of those species, the great white shark, which Australia nominated jointly with Madagascar. That nomination was accepted. The great white shark population continues to decline because of the commercial markets in shark jaws, fins and teeth. It is an example of how it is clearly not the case that giving an animal commercial value will somehow help and encourage people to preserve it, because those markets and that commercial value have dramatically increased the pressure on stocks of the great white shark and it is now clearly under serious threat of survival.

Other marine species were also listed in that appendix due to population decline: the humphead Maori wrasse and the date mussel. It is pleasing to see that those species are getting extra protection. There are other marine species that I believe the Australian government could do more to protect. I think protection of some of those is being avoided because it would be in the too-hard basket. They are commercial marine species and their protection may affect Australian markets. Obviously, it is a lot easier for the Australian government to support listing a species where there is no trade in Australia, but where there is trade within Australia then the government seems less keen to do that. I urge the Australian government not just to worry about the date mussel but also to look at some of the other fish and marine species that could do with listing under the CITES convention.

It is pleasing to see the minister’s support for date mussels as well as for the great white shark and the Maori wrasse, but it needs to be more consistent across the board to ensure that all species that are under threat because of international trade are put under the protection of this convention. Whilst Australia is doing very good work with some species, we are falling short of the mark with other species. I urge the government to do more to ensure that those species that need listing do actually end up on the list. I also encourage the government to do more to ensure that the convention operates as effectively as possible. It is one thing to put a species’ name on a piece of paper; it is another to ensure that the protections it has theoretically are implemented in practice. That is certainly an area where more work could be done.

Question agreed to.

Consideration

The following government documents were considered:


Northern Land Council—Report for 2003-04. Motion to take note of document
moved by Senator Bartlett. Debate ad-
journed till Thursday at general business,
Senator Bartlett in continuation.

Torres Strait Regional Authority—Report
for 2003-04. Motion to take note of docu-
ment moved by Senator Bartlett. Debate
adjourned till Thursday at general business,
Senator Bartlett in continuation.

Cape York Land Council Aboriginal Cor-
poration—Report for 2003-04. Motion to
take note of document moved by Senator
Bartlett. Debate adjourned till Thursday at
general business, Senator Bartlett in con-
tinuation.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT
(Senator Bolkus)—Order! There being no
further consideration of government docu-
ments, I propose the question:

That the Senate do now adjourn.

Indian Ocean Tsunami

Local Government

Senator O’BRIEN (Tasmania) (7.03
p.m.)—This afternoon senators united in
expressions of condolence for the victims of
the Boxing Day tsunami tragedy. Earlier to-
day the Leader of the Opposition, Kim
Beazley, noted how important it is for the
national parliament to act as a united repre-
sentative of the Australian people in times of
great tragedy. Sadly, we have known more of
those times over recent years than any of us
would wish. On each occasion, we in the
parliament have been reminded that the mat-
ters on which we agree are more significant
than those on which we disagree.

Tonight I want to acknowledge the mag-
nificent response of local governments to the
tsunami tragedy. In doing so, I do not want to
avoid acknowledgement of the response of
local governments to the South Australian
bushfires and indeed many other events
where local expertise, local knowledge and
the capacity to respond quickly to identified
needs is required. This level of government
does, of course, do much that goes unac-
knowledged. Only rarely does the national
parliament extend to this sphere of govern-
ment the acknowledgement it deserves.

I know that many members and senators
have a good deal of regard for the work done
by local governments in their electorates. As
Labor’s spokesperson on local government
matters I propose to highlight as regularly as
I can the contribution that local government
makes to the wellbeing of our nation. In re-
lated to the tsunami tragedy, this sphere of
government has acted quickly to lend assis-
tance to devastated communities. Some of
this activity has been coordinated by the
peak local government representative body,
the Australian Local Government Associa-
tion, and its state and territory based member
organisations.

One week after the disaster struck—early
in the new year and bang in the middle of the
holiday season—the ALGA President, Coun-
cillor Paul Bell, issued a statement about the
local government response to the tsunami
tragedy. He noted that Australian communi-
ties have always been quick to help those in
危机 and pledged that local government
would do all it could to assist in this time of
need. Councillor Bell said ALGA would of-
ter advice to Australian councils about how
they could best support the effort to assist
affected communities and would establish a
web site to facilitate the provision of this
advice.

I can report that the web site was estab-
lished very quickly indeed, and the Aus-
tralian Local Government Association has
played a key role in assisting local govern-
ment to maximise its contribution to the re-
lief of devastated communities. I urge sena-
tors to visit the ALGA web site—
www.alga.com.au—and acquaint themselves
with the local government contribution to the
tsunami relief effort. On that site they will find an opportunity for councils and individuals to register offers of assistance. They will find details of the Adopt a Village program, which establishes direct beneficial links between Australian local government bodies and villages in tsunami-hit Sri Lanka. The ALGA tsunami relief web site also offers a small sample of the many activities being undertaken by local governments across Australia. I want to highlight some of those activities tonight.

Brisbane City Council has donated $100,000 to the Australian Red Cross tsunami relief appeal and established condolence registers at all council libraries, ward offices and city hall. Shoalhaven City Council has collected cash donations from residents and visitors for the Red Cross tsunami appeal. Manly Council has made community facilities available to a community initiative, Aid4Aceh, which has collected medical supplies for distribution to the Indonesian province of Aceh.

Whittlesea City Council has called a meeting of groups from Indian, Sri Lankan and other affected local communities and added resource material containing telephone hotline numbers and general information to the council’s web site. The City of Fremantle is lending a hand to its sister city, Seberang Perai in Penang, Malaysia, and has held a special fundraising function entitled, intriguingly, ‘the Brown Paper Bag Event’. The City of Melbourne has allocated $500,000 to the relief effort, offered the Melbourne Town Hall to community organisations and placed a condolence book in the town hall foyer.

The City of Sydney launched a New Year’s appeal for tsunami relief and pledged $50,000 to Oxfam to kick-start donations. I understand about $900,000 was collected at the city’s New Year’s Eve event. Mosman Municipal Council coordinated a day of fundraising on 9 January, saying that it was to ‘enable us to donate as a community and share our commitment to each other’. The City of Greater Dandenong has donated $10,000 to the Red Cross tsunami appeal and supported a tsunami interfaith gathering of prayer and reflection on 16 January in a local park.

Maroondah City Council has also donated $10,000 to the relief appeal and invited donations at its customer service centres. The City of Joondalup has approved the use of five environmental health officers to assist in the recovery effort. Port Phillip City Council has organised an interfaith community commemoration service and consulted with overseas aid groups to identify the best way that Port Phillip can offer long-term practical assistance to help rebuild devastated communities. Macedon Ranges Shire Council has organised a benefit concert and established a link with the local Sri Lankan community to assist rebuilding.

Whyalla City Council joined the Red Cross and the Salvation Army to conduct an appeal on Australia Day for both bushfire and tsunami victims. Mansfield Shire Council has donated funds to the Red Cross tsunami appeal and is acting as a collection agency for Red Cross donations. Council staff have also organised clothing donations to Sri Lanka. Kingston City Council has donated $10,000 and made customer service centres available as collection points for further donations. The council has also donated the use of the town hall for fundraising activities.

Adelaide City Council staff members have made payroll deductions to CARE Australia. Hobsons Bay City Council has held a concert benefit featuring local youth bands and established accounts with appeal funds for staff payroll deductions. A group of five Adelaide western suburb councils—Charles Sturt,
Marion, West Torrens, Holdfast Bay and Port Adelaide-Enfield—have processed donations through their offices, and the mayors of each municipality have pledged $1,000 to the fundraising effort. Latrobe City Council has pledged a donation of $10,000 to the Australian Red Cross.

The City of Onkaparinga has committed itself to a 12-month response to the tsunami tragedy, donated $30,000 to the relief effort and received strong fundraising support from its staff social club. The rural City of Wangaratta formed a committee to oversee Wangaratta’s ‘10 Days of Giving’, which raised funds for the tsunami relief effort. Caloundra City Council has donated $50,000 to the APN tsunami relief appeal from its charity and benevolent management fund. Council staff members have also contributed to relief efforts through fundraising activities coordinated by their social club. Banyule City Council has donated $10,000 and made its community halls available for fundraising.

But I should say that councils in my home state of Tasmania have also made a tremendous contribution. My office is in the city of Launceston. They have made available facilities for fundraising and have conducted a special interfaith ceremony in commemoration of the victims. Waratah-Wynyard Council has announced a $14,000 donation to an ALGA approved tsunami infrastructure benefit fund. This contribution represents about $1 for every member of the Waratah-Wynyard population.

Tasman council, together with the Port Arthur Historic Site Management Authority, hosted a ‘Night of Lights’ concert on 28 January as a way of saying thank you for the support of the local community—similar to the support they got eight years ago—in giving help to others. The Salvation Army and the Red Cross collected donations during the evening. Glenorchy City Council has donated $20,000 to World Vision Australia to enable the council to sponsor five children from the affected tsunami region to an amount of approximately $500 per annum per child over eight years.

King Island council has established a King Island tsunami appeal, with an initial target of $10,000, kicked off by a donation from the council. Clarence City Council has allocated $10,000 for tsunami relief. Northern Midlands council has initiated a tsunami appeal and donated $2,000 to the fund. Hobart City Council has made a $50,000 donation towards the establishment of an orphanage in Aceh. The council has also made contact with the Australian Local Government Association to identify ways in which it can assist in the long-term recovery process. Sorell council is hosting a benefit on Sunday, 13 March, to raise more funds.

These are magnificent efforts, and they are just a small sample of the contribution that local governments around the country have made as part of the Australia wide response to the tsunami disaster. Tonight I acknowledge that contribution, one that proudly reflects the generosity of the communities that local government so effectively represents.

Insurance: Comcover

Senator ABETZ (Tasmania—Special Minister of State) (7.13 p.m.)—On 27 November 2003 I made a statement to the Senate that the Department of Finance and Administration, through its administrative unit, Comcover, was investigating various contractual compliance matters associated with its reinsurance broker, the Heath Lambert Group. I would like to advise the Senate of the outcome of those investigations now that all issues associated with this matter have finally been resolved.

As previously advised in my 27 November 2003 statement, Comcover engaged the services of Ernst and Young on 15 Septem-
ber 2003 to conduct a thorough review of Heath Lambert’s contractual compliance relating to commissions received by Heath Lambert in respect of reinsurance placements made on behalf of Comcover. The Ernst and Young investigation was conducted in both the Sydney and London offices of Heath Lambert with Heath Lambert’s full cooperation. The investigation revealed that the Heath Lambert group received various commissions in respect of its placement of reinsurance for Comcover in noncompliance with both its 1999 and 2003 contracts with Comcover. Specifically, since 1999, Heath Lambert received commissions from various underwriters amounting to $2,903,307.51. Heath Lambert in its statement of 28 November 2003 stated that the practice of receiving commissions for placing reinsurance is widespread in the insurance industry. However, Heath Lambert noted that it had contractually removed its ability to retain such commissions in its contracts with Comcover.

Heath Lambert stated that the matter had arisen because of the misunderstanding between Heath Lambert and its United Kingdom parent company and affiliates over whether commissions were allowed under the contract with Comcover. The receipt of commissions by Heath Lambert was a breach of its contract. A negotiated settlement was finalised in May 2004 by way of a deed of release executed by the parties. However, this matter was then considered by the Australian Securities and Investments Commission in relation to possible breaches of relevant regulatory legislation. The commission advised on 10 December last year that it had finalised its investigation and that it would be taking no further action in relation to Comcover’s allegations.

Under the settlement, Heath Lambert agreed to pay to the Commonwealth damages of an amount equal to all the commissions identified as having been received by Heath Lambert in breach of its contract with the Commonwealth. This amount of approximately $2.9 million will be distributed to Comcover fund members. In addition, Heath Lambert agreed to pay costs, including interest, of $365,526.03 that Comcover incurred associated with investigating the contractual compliance issue. This brought the total amount of damages and costs recovered through the investigation to $3,268,833.54. I consider this outcome to be sound and defensible. A negotiated settlement with Heath Lambert has maximised the Commonwealth’s return.

The Australian Government Solicitor provided legal advice and assistance to Comcover in resolving this matter. It has advised that the settlement was in accordance with the legal services directions. These directions—which are to be adhered to when the Commonwealth is or may be involved in a legal dispute—set required standards of behaviour which must be met in the settlement of any dispute. Additionally, independent advice from Ernst and Young confirms the outcome to be fair and in the Commonwealth’s best interests.

Heath Lambert’s contract with Comcover expired on 30 June 2004, following an open competitive tender in late April 2004. Jardine Lloyd Thompson Pty Ltd was awarded the contract to conduct these services for Comcover for 2004-05, with two one-year renewal options at the discretion of the Commonwealth. The government took strong and decisive action to resolve this matter, with significant damages having been paid by Heath Lambert and the public money spent on the investigation recovered in the settlement. I commend Comcover and Finance for their vital role in achieving this appropriate outcome.
The investigation also identified ways in which reporting and control mechanisms in the contract and in Comcover’s oversight practices can be strengthened. Comcover has since implemented improvements for future contractual arrangements. For the record, I indicate that I have provided a copy of this statement to Senator Carr and Senator Murray, who shadow me in this area. I note that neither of those senators have had the opportunity to respond to this statement tonight, but I have no doubt that Senator Carr will respond on some future occasion and possibly follow-up during Senate estimates.

Judiciary: Pay and Conditions

Senator SANTORO (Queensland) (7.18 p.m.)—I want to speak tonight about judges’ pay and conditions. In doing so, I am mindful that the federated nature of Australia produces different judicial structures and sometimes generates widely variant responses to what on the face of things might seem to be similar issues.

In this chamber, we meet in the middle of the Australian Capital Territory. The ACT is a place that almost anywhere else in the world would be a city, but which in federal Australia has been accorded the status of a fully-fledged territorial government. This means it has a Chief Minister who can make far-reaching decisions at a government level. Now I do not mean that the ACT should not be a territory. It is an honoured and very pleasant part of our federation and it is served with distinction in this chamber by my very good friend and colleague Senator Humphries and also through the energetic focus of Senator Lundy. But I was interested to see that at the beginning of December the ACT Chief Minister had been reported in the press as vowing to review his judges’ leave provisions to put them in line with something he described as community standards. The Chief Minister was reported to have been stung by revelations that ACT judges enjoy more than two months of holidays a year. He should not have been stung; he should have known that, particularly as a former Attorney-General. But then, perhaps he did.

A Chief Minister should certainly know that judicial holidays—which critics like to describe as lengthy—actually provide for rather more than just extra time at the beach under the umbrella, having slip-slop-slapped and put on a hat of course, for members of the bench. According to the Australian on 3 December last year, the ACT Chief Minister became the first state or territory leader to promise action to curb what senior legal figures have described as the outdated luxury of extended annual leave for the judiciary. He was the first of a number of political leaders to jump on that bandwagon this time around. It is also said that the Chief Minister believed there was a concern that the public might regard the level of leave as inconsistent with community standards and that it might impact on the efficient administration of the courts. I think we need, as a legislature and as a community, to consider very carefully what it is we mean by community standards insofar as they apply to the rates for the job.

Obviously there is no system that cannot be improved, whether in the discipline of dog catching or the business of court administration. Efficiency is vital and timeliness is crucial, especially in the delivery of justice and judgment. But at the same time, chanting mantras about community standards is a bit of cop-out when the only obvious motive is to press the populist button. We need to understand as a community what it is that judges do, and what it costs them to provide that essential public service. Most judges go to the bench from the bar. Many—if not in fact all—lose money when they do so. Senior barristers at the peak of the legal profession are very well remunerated. The people
deserve justice delivered effectively and efficiently, with scholarship and learning and with scrupulous fairness.

In order to achieve these objectives, judges must lead what is in effect a reclusive lifestyle, and so must their families. A judge must be detached from influence. She or he must be seen to be independent. A judge must accommodate herself or himself to the significant loss of social opportunity that comes with having to remain detached from the community. It is important that they keep up with judicial issues and matters and continuously work to inform themselves of all manner of legal arguments and decisions. It is not a nine-to-five job.

From time to time, some people have a lot of sport with judges’ holidays. It is sometimes open season on judicial travel. For example—you know the sort of thing I am referring to, Mr Acting Deputy President Bolkus—some catchy headline might proclaim: ‘Judge Gadabout takes flight’. Of course it is not only judges who enjoy holidays or who, for that matter—to mention a point publicised only this week—to mention the lengthy list of Australians who have failed to lodge their tax returns on time. Holidays are a professionally enhancing element of a doctor’s or a scientist’s career, for example—and for a plethora of academics they are an actual art form, and, dare one say it, that is so even for newspaper editors and senior journalists. It is odd how no journalist or newspaper editor ever comes back from a freebie and confesses publicly to its all having been a horrid waste of time and an expense that would better have been avoided.

We often hear the argument that judges are on the public payroll and are invited to conclude that wasting private payrolls on sabbaticals and other perks is another matter. But who else is going to pay our judges? Who else is going to provide the level of superannuation that was opposed by the Labor Party before the last election? It will be interesting to hear what the newly recycled Labor leader has to say about that matter now—the level of superannuation that judges deserve and that helps to guarantee their independence and the integrity of the justice system.

That is not to say there cannot be improvements made to the administration of justice either at the Commonwealth level or in the various state and territory judicial systems. I am reminded that last year the member for Denison, himself a QC, told the House of Representatives in an appropriations bill debate that he had been in correspondence with former Federal Court Justice Russell Fox, who had been advocating the need to look at judicial process to ensure that Australia has the best and most efficient system of administration of justice. The member for Denison, for whom I have great respect as both a lawyer and a representative, made the point that efficient management of the judicial system is a dark corner of public administration. He noted that it has little academic or public attention except when particular matters come to light because of the grossness of the way in which delay has occurred or procedures have gone awry.

He made the further point that ‘routinely’—as he put it—large amounts of litigants’ moneys are wasted, and procedures are often anachronistic and not properly reformed because attention is not given to them in a strategic or systemic way. Without going into the substance of his argument or indeed arguing that things probably are not quite as dismal in that unexplored corner of public administration as the member for Denison asserts, of course we can always do better and of course we should always try to do better. However, it is unlikely that we shall do better so far as the administration of justice is concerned if we allow populist tub
thumping by premiers and chief ministers to pass without comment or correction—or, even worse, to win the day by default.

My friend Senator Mason in a contribution in this chamber last March attacked the then Labor Party position of reducing judges’ superannuation. Senator Mason noted that under the then Labor leader, Latham—the unrequited leveller—judges would be shifted to a so-called ‘community standard superannuation scheme’, calculated to constitute a 60 per cent reduction in judges’ superannuation entitlements. The sheer folly of this proposal is obvious. It is in the community’s interest to attract the best judicial brains to the bench. That is where Labor’s so-called ‘community standard’ should really come into play.

Arriving at judicial decisions is not like driving a bus. Driving buses is a skilled occupation for which the community rightly demands appropriate training, discipline and appropriate skills, and a clean driving record. Deriving a fair and reasonable judgment from a body of law, free from the influence of any other party, is also a skilled occupation, but one of an entirely different character. I do not think most Australians would be very happy at the thought of judges driving buses. I believe most Australians, very sensibly, would be remarkably averse to a bus driver hearing complex legal argument in court and then deliberating on that argument. To put in its proper context, we must continue to ensure that we get the best judges we can and reward them accordingly.

Abortion

Senator ALLISON (Victoria—Leader of the Australian Democrats) (7.27 p.m.)—Over the last few months we have been having a very one-sided debate on abortion. We have heard almost exclusively from male MPs and we have heard how tragic and terrible it is that 100,000 pregnancies are terminated each year in this country. We have heard that women are having late-term abortions and that while there are babies being born premature and being saved others of the same gestation are being aborted. Women have listened to this debate in dismay. These were arguments they thought were put to bed decades earlier. They have not wanted to give oxygen to this damaging debate. I say ‘damaging’ because I think those pushing this issue mean to damage women. They mean to make them feel ashamed, guilty and fearful. They would have us return to the bad old days of expensive, illegal and dangerous abortions, in the hope that women will bear children they do not want. I think it is time for us to stop turning the other cheek and to recognise that this debate is not going to go away. I draw the Senate’s attention to an article that appeared in the Australian newspaper on 4 February 2005 by Samantha Maiden. It read:

Willy-nilly pregnant women ‘dumb’

A COALITION MP calling for a ban on late-term abortion has questioned why older, educated women in Australia are “so dumb to get pregnant willy-nilly”.

As Health Minister Tony Abbott defiantly declared last night he had no plans to take a “vow of silence” over abortion, leading anti-abortion Liberal MP Alan Cadman said he wanted more support for women to adopt or bring up their child, but wondered why there were still so many unwanted pregnancies.

Asked why abortion statistics suggested it was older women who were having the most abortions, not teenagers, Mr Cadman, 67, said he could not understand why.

“I can’t believe that women in this day and age are so dumb to get pregnant willy-nilly,” he told The Australian.

As I said, I think a lot of the anti-abortion campaign to date is intended to shame women. Mr Cadman’s comments go a step further than shaming women who have had
abortions. He insults every woman who has ever had an unwanted pregnancy, while revealing his own lack of understanding of the issues.

I also draw attention to the article in the *Courier-Mail* today by Lachlan Heywood, entitled ‘MP urges refusal after one termination’, which reports that Liberal member of parliament Peter Lindsay has said that a woman should be able to receive only one abortion on Medicare. He is quoted as saying, ‘I am of the view that “Okay, you make one mistake, but there is no reason for two.”’ I am going to send both these members of parliament copies of a simple sex education booklet because they are clearly unaware of the basics. Any sex education book, including those produced by church groups, will point out that no contraception is 100 per cent effective. To say that women are dumb when contraception fails or that they should be denied access to an abortion under Medicare if they get pregnant more than once is just appalling. One wonders what punishment would be given to the men who impregnated these women. Will they be denied Medicare next time they go to their GP? Or perhaps they should get a bonus if they go off and have a vasectomy. I do not hear this kind of debate being given weight.

Other developments in this debate over recent years include threats to limit access to emergency contraception, conditions put in place around the availability of RU486, attempts to limit young people’s access to confidential medical records and the recent proposals to reduce access to abortion. Senator McGauran gained access to a woman’s private hospital records and medical records despite the patient’s refusal to give her consent to their disclosure and despite her doctor’s refusal to provide the information on the basis of doctor-patient privilege. Senator Boswell has just asked for details about women who have abortions: their ages, income, marital status, number of children, previous abortions, reasons for abortion, geographical location et cetera. Why does he want this information? Is it because Senator Boswell thinks that some abortions are justified and others are not? Is it because he thinks that some women deserve to be forced to continue with an unplanned pregnancy while others do not?

I think we need to be reminded that 80 per cent of the Australian population support access to safe, affordable, accessible abortion services, and yet anti-abortion groups have not accepted that, and they have become much more cunning in the way they frame their arguments. They are not only shaming women but also trying to make doctors reluctant to provide this medical service—and, if the report in the *Sun-Herald* this week is true, they are being effective. The *Sun-Herald* reported that a woman’s health has been put at risk because a hospital has refused to undertake a legal medical process because of the ‘political climate’.

The anti-abortion groups are, of course, still very loose with the facts when trying to make their case. They refer to inaccurate statistics on the so-called ‘abortion epidemic’ and make unsubstantiated generalisations about women suffering psychological problems following terminations and being forced to have terminations. I make the point that there are no reliable national figures on the number of abortions performed in Australia. However, we do know that the number has been falling. Health Insurance Commission figures show that the number of Medicare funded abortion type procedures fell from 76,000 in 1997 to 73,000 in 2004, and many of those procedures were for spontaneous abortions or unviable foetuses—which are included in those records. We do have a higher teenage pregnancy rate and a higher teenage abortion rate than many other developed countries—something which obviously
should be addressed with some urgency. However, even teenage pregnancies have
declined substantially since the 1970s.

The calls to ban late-term abortions are just as disingenuous. All evidence suggests
that abortions performed in the third trimester are very rare and are overwhelmingly the
result of foetal abnormalities. Those abnormalities are being identified by new tech-
nologies. A recent study of 9,000 Australian women concluded that most unplanned preg-
nancies in adults are likely to be attributable to method failure or inconsistent use. I think
that anti-abortion groups run the line about late termination abortions because there is
widespread support in the community to oppose an outright ban on abortion. So now we
are hearing about women needing a cooling-off period, or needing more information
through the provision of mandatory counselling, or being forced to see a scan of the foe-
tus. I might point out that most pregnancy counselling services are run by anti-abortion
groups. They do not admit that in the advertisements that are in telephone directories
and the like. I do not hear calls for mandatory counselling or for forcing people to see
scans for other medical procedures. These people seem to believe that women who
choose to have abortions do so thoughtlessly and that they have not thought through what
they are doing. The reality is that women who have an abortion are aware that it will
end a potential life and stop a baby being brought into the world. They take mother-
hood seriously and will decide to end a preg-
nancy rather than bring a child into the world
under the wrong circumstances.

I regard this as just the beginning of the
debate. There is a great deal more to be said
about this campaign which is being waged. I
am extremely fearful of the consequences of
this; however, it is clearly not going to go
away. Women need to have a voice in this
debate, and I encourage those who are in this
chamber today to join with me in doing so.
What we have seen in developments in
America in recent years has clearly demon-
strated that reproductive self-determination
is continually under threat and that hard-won
gains can be easily undone. In the United
States, women’s reproductive rights have
increasingly been restricted by the govern-
ment through a series of measures. One
measure is to fund and promote only those
sexual health education programs which use
an ‘abstinence only’ curriculum. It does not
work, it never did work, and it will not work
in the future. Other measures include deny-
ing women access to over-the-counter emer-
gency contraception; introducing bans to
stop servicewomen and military dependants
from obtaining abortions at overseas military
hospitals, even if they pay for the services
themselves; introducing a federal ban on so-
called ‘partial birth abortions’; and recognis-
ing a fertilised egg as an independent entity
separate to the pregnant woman. Australia
must not go down this path. It is very impor-
tant that we have the facts on the table and
that we do not get the issue clouded by ar-
guments which are emotional and which are
not related to the facts. (Time expired)

Health: Veterans and Ex-Service
Personnel

Senator MARK BISHOP (Western Aus-
tralia) (7.37 p.m.)—I rise this evening to ad-
dress the subject of health care for veterans
and ex-service personnel. The Senate will
recall that last year the Senate Foreign Af-
fairs, Defence and Trade References Com-
mittee inquired into this issue. In its report
Taking Stock the committee offered an excel-
ient policy overview and review of this
rather important subject.

First, as we know, Australia’s defence per-
sonnel often suffer exposure to considerable
hazard. The prime hazard of course is the
threat of death in warlike circumstances. One
makes the obvious point that that is the nature of the business, so to speak. That is also why we maintain the traditional attitude of care and recognition for those who suffer such exposure. The other great threats are those which might not kill as immediately but the effect of which is equally serious over time. In recent years, with overseas deployments to the Gulf, Iraq and Afghanistan, we are more alert to the harmful consequences deriving from issues related to chemical warfare. We now focus on the need to remove this threat as an end in itself. We need also to protect those charged with that most difficult of responsibilities; hence the controversy about exposure and the ongoing debate as to the existence of these weapons.

Controversy surrounds the regime of protection. A recent example is the program of anthrax vaccinations, the process of consent and the quality of research into any side effects. Gulf War syndrome is just one manifestation of symptoms attributed to such exposure. That controversy shows no signs of abating, especially in the United States, where more and more research is coming into the public domain and different consequences are being exposed for public consideration. Mental health issues now manifest themselves as a singularly important set of issues deriving from this problem. As shown in our own Gulf War health study, the fear of risk and perceptions of hazard and danger are psychological triggers in themselves. The authors of that study found that actual levels of illness barely differ from that of the general population. We must at the outset also concede that this general phenomenon, while much discussed, is not generally well understood. There is an increasing population of military personnel who believe their health suffers as a direct result of their service in the Australian Defence Force. Unfortunately, there is little scientific corroboration, medically or statistically, to support their supposition. Hence, we continue to see concern expressed about issues such as Gulf War syndrome.

Despite a royal commission, we are still debating exposure to atomic fallout from the British tests in Australia during the 1950s. British Commonwealth occupying forces who served in Japan after World War II as an occupying force do not accept assurances that atomic fallout was insufficient or had passed so that it did not continue to affect them. Since the Bosnian crisis in particular, concerns are regularly expressed about depleted uranium and its potential consequences. Vietnam veterans still consider Agent Orange as the cause of physical disabilities despite the processes of a royal commission. This includes intergenerational effects on their children and grandchildren. A recently completed study into the health of Korean War veterans confirms some of their fears. The effect of DDT on World War II personnel continues as a concern for some veterans. Others believe their exposure to experimental anti-malarial treatment is the cause of illness. Preventive treatments continue to concern service men and women. The anthrax vaccination regime applied en route to the gulf is a more recent example. The Senate committee report made a point of focusing on this issue. The anti-malarial drug Larium administered to our forces in East Timor is now raising concerns. And the saga continues—apparently without end.

The principal question is whether the systems in place are able to properly deal with these concerns, both in retrospect and in advance. The Senate committee concluded that efforts on this level are improving. I suggest that the ADF needs to continue this process of review into the future. I presume that in that context responsible officers from the ADF in both the Department of Defence and
the Department of Veterans’ Affairs carry out this responsibility.

The committee noted improvements in research capacity, the level of awareness and response commitments to problems that are raised on an ongoing basis. Yet, unfortunately, chapters of history still emerge highlighting this issue. Navy personnel complain about their exposure to beryllium. Media reports outline that beryllium was used in apparatus to clean old paint from ships’ hulls. This highly toxic heavy metal scars the lungs and causes respiratory ailments. As a very tough metal it is also alleged it was used in the manufacture of syringes. This is not to mention the effects of inhaling paint dust. Media reports suggest liability is being acknowledged. Whether the evidence to support compensation claims is adequate is at this stage unknown. It is certainly emerging as a new issue requiring attention.

Another is the effect of diesel fumes on submariners. The exposure of RAAF personnel who worked on the deseal and reseal of F111 fuel tanks is under active scrutiny by the government. A detailed report on a medical survey conducted on many of these people is now complete. The government response to date, it must be said, is both pithy and inadequate, much to the chagrin of those who suffer daily. The government chooses not to comment on the acceptance of liability, levels of compensation or whether the Defence Force will compensate family members. The act vests discretion in the government to resolve this issue relatively quickly. But the government, to date, has chosen not to exercise this discretion.

The defence occupational health and safety regime applying in those days was clearly deficient in allowing defence personnel to be exposed to these toxic substances, and we can only wonder now at the length of exposure. Some believe—with good reason, it must be suggested—that their families have also been affected, and the evidence certainly points in that direction. Others responsible for refuelling RAAF aircraft, including tanker drivers, believe their health suffered through the inhalation of toxic fumes.

These are all serious breaches of the duty of care flowing from normal peacetime service. They are not associated exclusively with the risks of warlike service. In another context they are simple, routine, ordinary, everyday industrial matters. Under normal workplace requirements—for example, for the civilian population—these concerns would have been attended to a long time ago.

The Commonwealth has a particular responsibility when defence personnel are involved. Our obligation in attending to constituent concerns on these matters is to ensure that the Commonwealth addresses these problems. Those affected need both immediate remedial care and ongoing compensation. Unfortunately, as always, it is too late for some. We need to ensure the period of life remaining to them is free of uncertainty and stress.

That is why we on this side are keen to ensure justice is delivered to F111 deseal-reseal personnel. We believe that, whatever medical science may say, there is a strong coincidence here of exposure and reported illness. Perhaps the government should use its discretion and look after these people. As the Senate committee report shows, medical science is neither complete nor exhaustive, and new developments do occur. There is always an element of doubt. That is why the government is now reviewing, for example, the evidence from the atomic testing regime. That is why the government authorises health studies—to go beyond the assertions and denials. These new surveys examine evidence from a more modern vantage point.
Veterans keep this issue alive because it goes to the heart of their ongoing health concerns. For too long, governments have stonewalled on defence health issues. Clearly, the ADF and the Department of Defence appreciate that past performance was poor and requires improvement into the future. Higher levels of review and scrutiny outside the Department of Defence provide more assurances for the future. Of course, we must communicate these ongoing developments to those with an interest in this area of defence health. The opposition will maintain a watching brief on this subject, and we give that assurance to both serving and ex-service personnel (Time expired)

Mr Adam Dunning

Senator ELLISON (Western Australia—Minister for Justice and Customs) (7.47 p.m.)—Tonight I rise to pay tribute to a fine young Australian who lost his life in the service of this country during the worthwhile endeavour of restoring law and order to the Solomon Islands. The government deplores the senseless and cold-blooded murder of AFP Protective Service Officer Adam Dunning in Honiara on 22 December 2004. Again, on behalf of the government, I extend my sympathy to Adam’s parents, Michael and Christine; to his sisters, Sarah and Emma; and to his partner, Elise. I had the privilege of meeting them on the return from my visit to the Solomon Islands—on which I was accompanied by the member for Barton—during which we repatriated Adam to Australia.

During that visit to the Solomon Islands I saw first-hand the fine young Australians that we have who are working in very difficult conditions in the Solomon Islands. I also met the people who worked with Adam, in particular those who were on his shift, and I must say that I was very impressed by the calibre of those people and the work that they are doing.

Adam was just 26 years old. He was a genuinely popular AFP protective service officer. Prior to his service in the Solomon Islands, he worked here at Parliament House and was held in the highest regard by his fellow officers. Prior to joining the AFP Protective Service in March 2003, Adam was a member of the Australian Defence Force, seeing service with the United Nations contingent to East Timor. Adam and his unit received a Meritorious Unit Citation for their work in East Timor, which included the securing of Dili airport. At every stage of his career, Adam exhibited great enthusiasm and a notable ability to defuse difficult situations. Indeed, on 18 December last year he was given a commendation in recognition of his efforts in disarming a man carrying a replica pistol in the Honiara magistrates court.

At 10 past three on the morning of 22 December 2004, Protective Service Officer Adam Dunning was shot and killed while on patrol protecting the Prime Minister’s residence and the Governor-General’s residence in Honiara. He was a fine young man, and he is sadly missed by his friends and colleagues and of course his family and loved ones. I had the privilege of attending his funeral and seeing first-hand the tributes paid to him. The one I recall readily was a tribute paid by one of his mates who saw him the night before he was killed and recalled quite clearly how Adam had asked him if he was right for money. That, I think, is the mark of that young man.

I am able to report to the Senate that two men have been arrested in the Solomon Islands in relation to the murder of Adam Dunning. These men have been charged and remanded in custody pending further court action. I can assure the Senate and the people of Australia that the government will not rest
until justice is done and will continue to take measures to protect personnel who are serving overseas. We will not be intimidated by thugs or anyone who wants to use violence to attempt to deter us from doing the work that we must see through to completion in the Solomon Islands. Adam and those like him have helped reclaim the towns and villages of the Solomon Islands for the people. There have been over 5,000 arrests, over 3,700 weapons have been seized and the lawlessness which once threatened the viability of the Solomon Islands has been curtailed. Schools which were once closed have now been reopened, women and children are now free to walk the streets and a normal life can be resumed by the villagers on those islands.

The tragedy that occurred on 22 December last year was not in vain. Adam Dunning died for perhaps one of the highest goals—that is, to achieve law and order in a society so that people can live freely. That is precisely what he was and what his fellow officers are endeavouring to achieve in the Solomon Islands. It was a service to the people of the Solomon Islands, the region and also Australia. I want to place on record the government’s deep appreciation of the efforts of the men and women who are in the Solomon Islands carrying out what is a very important mission. I also place on record the government’s deep appreciation of the efforts of Adam Dunning, Australian Federal Police protective service officer.

**Environment: Water Management**

_Senator MURRAY (Western Australia) (7.52 p.m.)—I want to address the Senate tonight on the question of water and I particularly want to do so from the perspective of the debate and campaign in Western Australia concerning water. There are essentially just a few ways in which water can be supplied to Western Australia. One is obviously rainfall and our dams. It is very well documented that we are now in the third decade of a drying time for Western Australia and the ability to replenish our water supplies through natural run-off is diminishing. At the end of the wet season in the South-West, the Perth dams averaged about the mid-thirties—in other words, about 35 or 36 per cent of their capacity. So it is clear that for a growing part of WA—that is, Perth and the South-West—other water supplies have to be considered.

For many years, Perth has relied on its aquifers. Up to 40 per cent of Perth’s water has been taken up from aquifers but that is a diminishing resource and it cannot continue to be drawn from in the way in which it is at present. I should remind the Senate that only 13 per cent of WA’s water is actually consumed by individuals; all the rest is consumed by commercial uses, agriculture and resources. The other means of increasing water supply is through greater efficiency in the use of water. Some cities and towns throughout Australia are harvesting water from aquifers at a greater rate than they are being recharged. In other locations, the quantity and quality of raw water in catchments is under pressure from agriculture and logging. Despite the pressure on water supplies, the price of Australian water, at about a dollar per kilolitre, is very low and does not take into account all of the associated costs for infrastructure and the environment.

Our leader, Democrat Senator Lyn Allison, initiated and chaired a major Senate inquiry into the management of water in Australian cities, the adequacy of policies to reduce urban water use, the performance of urban stormwater systems and the potential to improve water quality and environmental outcomes. The final report, _The value of water_, called for the Commonwealth to play a more prominent role in driving the changes needed for sustainable urban management.
The inquiry found that while urban areas were responsible for only 25 to 30 per cent of total water consumption, they have a considerable impact on a much wider environmental scale. Cities divert water from rivers and lakes and create large volumes of waste water and polluted stormwater, which in turn impact on waterways and coastal environments. Better water management in Australia is still hampered by outdated attitudes to stormwater and effluent use, century-old infrastructure, a lack of research and nationally consistent standards, and a reluctance to raise revenue from water pricing to fix environmental problems caused by water use.

Reasonable and equitable access to good water supplies should now be on the national agenda. The challenge is to find new sources of water for a growing population and to provide environmental flows for waterways and wetlands. Options will include urban systems that recycle grey water and treat stormwater as a resource rather than a waste product. Effluent can be a viable substitute for potable water used in irrigation if the price signals are right. Stringent water consumption targets, education and tighter appliance standards will all help conserve water.

The first thing that has to be done to address any problem with water, as we have in Western Australia, is of course attention to recycling—the use of grey water and so on. Right now, as we stand, it is still not a requirement for new houses to have drainage tanks made available to deal with the huge amount of rainfall that comes off roofs. It is still not a requirement that new suburbs and houses have second piping systems to allow the distribution of grey water into gardens and so on. The efforts to conserve water have still mostly focused on trying to make toilet systems more water efficient and limiting the days on which people water, so there is much that can be done in that area.

Even so, the Labor Party has quite rightly recognised that the pressure on Perth, in particular, and the South-West of Western Australia, is such that they cannot continue to rely on hopes for greater water efficiency and rainfall. Accordingly, the state Labor government have moved to have a significant desalination plant built down at Kwinana. However, this can only ever be a back-up system for Perth’s needs, if we have a particularly dry season or there is some shortage of water resulting from a breakdown in the system or an aquifer deficiency. So the Democrats some time ago started to say that we do have to look at alternative water supplies. I have been quite startled by the hysteria attached to the view that we should pipe water down from the north. It is quite clear to me that, given the wide range of costs for doing such a thing, you have to take care that it is affordable. The costs range from a Tenix proposal of around $2 billion to bring water down, via a closed canal, over 3,000 kilometres, to $4 billion for a pipeline as opposed to a closed canal, to a Water Corporation pipeline estimate of $11 billion.

If the costs of water through a pipeline or canal from the north were to be made affordable through a proper analysis which included environmental, native rights and practical engineering issues, then surely we should be a little more open-minded about the canal than so many people have been to date. Surely we need to examine the feasibility and the possibility of alternative water supplies in a drying state. In that respect, the Democrats very much welcome the decision of the Premier of WA, Labor’s Geoff Gallop, to conduct a feasibility study costing $5 million. We would also welcome the commitment of the Leader of the Opposition, Colin Barnett, to build such a facility, if only he had added to it the words, ‘providing that it is affordable’. The difficulty with what Colin Barnett has said to date is that he has com-
mitted to build it almost regardless of the cost. That is plainly not sensible. If he had said, ‘We will build it, providing it comes within the Tenix cost estimate,’ I think that would have been a reasonable position.

The financial excesses of the eighties and early nineties resulted in state and federal governments concentrating on much better financial management, high credit ratings and a good reputation in financial markets, which has been achieved in part by generating an excess of income over expenditure and drastically reducing public debt. However, state governments have become averse to debt and to capital works and infrastructure spending. I think the most important thing that should arise out of this water debate is the recognition that states have to get back into big-spending projects to deliver the resources and the needs of a state such as ours. So I hope that that feasibility study works to the benefit of Western Australia and that an alternative option for water is developed as a result.

**Foreign Affairs: Zimbabwe**

Senator MOORE (Queensland) (8.02 p.m.)—I wish to speak tonight about the ongoing situation in Zimbabwe. I particularly want to put on record the concerns that so many of us across the world have for a gentleman called Roy Bennett. Mr Bennett, with whom I was very fortunate to meet several years ago in Queensland, is an elected member of the Zimbabwean parliament. I particularly want to put on record the concerns that so many of us across the world have for a gentleman called Roy Bennett. Mr Bennett, with whom I was very fortunate to meet several years ago in Queensland, is an elected member of the Zimbabwean parliament. However, on 18 May last year his circumstances changed dramatically. Even though Mr Bennett, his family and his supporters were well used to acts of violence and harassment and direct attacks on himself and his family, on that day, whilst serving as a member of parliament, a horrific change in his life occurred. I will quote from the strangely named *Zimbabwe Independent* of 10 December. It is very difficult to find anything independent in Zimbabwe. The article reads:

A debate in parliament on the issue of stock theft on May 18—
not an issue we debate very often in this parliament, I am pleased to say—started it all for Mr Bennett. Justice minister Patrick Chinamasa accused Bennett’s ancestors of being “thieves and murderers” to justify the government’s seizure of his Charleswood Estate.

These attacks on the property of white farmers in Zimbabwe have been going on for a long time. They are not an issue of black and white; they are clearly an issue of politics. The article goes on:

He said Bennett would never be allowed to set foot on his property again.

An incensed Bennett charged at Chinamasa and floored him. Anti-Corruption and Monopolies Minister Didymus Mutasa joined the scuffle in support of Chinamasa but also landed on the floor.

“I kicked him hard,” Mutasa later said.

Bennett was found guilty by the special privileges committee.

It is a bit different from the special privileges committees that operate in this place. The article continues:

It recommended that he be sentenced to one-year imprisonment.

It was actually 15 months imprisonment, but three months were put aside. It goes on:

*Zanu PF’s—*

that is, the government’s—majority in parliament carried the day and the House adopted the recommendation.

This was not a legal action; it was an action of the house of parliament. Mr Bennett attempted to make a formal apology to the house—something we have seen in this place on many occasions. The majority government decided not to accept that apology. Mr Bennett was not kicked out of the house for a
certain period of time for poor behaviour, as happens sometimes in the Australian parliaments; he was taken to prison. All his belongings were taken from him and he was put in a crowded central prison. Mr Bennett promised to return and complete the journey to freedom later with others as he headed for—and I am not even going to attempt to pronounce the name—a prison where hardcore criminals are detained. Mr Bennett only stayed there for a period of time before he was transferred four hours journey away from the centre of Harare, the capital. So he is now in a full security prison working as a detainee and, although appeals are in progress, he is now facing a full 12-month sentence for something that happened on the floor of parliament.

I do not think anyone here can really understand that. The problem is that very few people in this country even know about it, because—as I have said before in this place—the access to information about Zimbabwe is severely limited. It is very difficult to get media coverage and it is very difficult even to ask questions about what is going on. I truly believe that if people understood that this is the kind of thing that can happen to elected representatives, they would share our shock and dismay and they would also be concerned about Mr Bennett’s family, who are now without their father, trying to survive in a situation of continuing daily harassment, fear and attacks.

There are significant links between Zimbabwe and Australia. Most of us who attend citizenship ceremonies regularly find Zimbabwean people who have been able to leave the country. It is a difficult choice for anyone to leave their home and their possessions to restart. But some people who have been fortunate enough to come to Australia and have fulfilled the requirements of citizenship in this country and made the choice to become Australian citizens have great links with their homeland through email. I do not know what we would do without access to email. It allows the free interaction of information, and it is where we find out what is happening to other families and about the attacks on property and the vicious attacks on the Zimbabwean people. We find out about those through email and through people talking amongst themselves.

I do wish to make a clear statement this evening to support Minister Downer’s public statements in support of Roy Bennett and also the need for an ongoing relationship with Zimbabwe.

Amnesty International, in support of the process for the free Roy Bennett campaign—which was started by family members and members of the MDC, which is the major opposition party in Zimbabwe—have put out processes across the world, mainly through the Internet again, getting people to sign petitions, lobby governments, talk to politicians and find out exactly what can be done as community people who want justice and freedom and who can see that the process of harassment is ensuring that there will not be any kind of free democratic process in that country.

It is strange to stand in our parliamentary system and hear what has happened to a comrade, to a person who was going about their duty in their parliament house. It is difficult to understand the quickness and viciousness of the process of ‘justice’ which has destroyed a family and put a representative of the people behind bars. There is an immediate link between this and the fact that the next round of elections in Zimbabwe is scheduled for 31 March this year. We hear from people living in various sections of Zimbabwe that the viciousness and ferocity of the attacks build up as the ballot date draws nearer. In a clear attempt to silence people, to force people not to make open
decisions about their vote and how to use it, there is alleged to be a systematic attack on people who do not favour the current government.

In the last round of elections, we had an open invitation—and it did change as the date drew closer in that last round—to various members and independent observers to visit Zimbabwe and scrutinise the election process. When those people came back, including Kevin Rudd who is the shadow minister for foreign affairs in the lower house, they actually made statements critical of the processes in Zimbabwe. Now, as we face the 2005 elections, the government is determined that that kind of openness will not occur this time. Because of outside interference there will not be the opportunity, particularly for the media, to actually cover the Zimbabwean elections. This has put the people in greater danger and increased the fear in the community.

We are asking that people throughout our communities and politicians from all sides of parliament use every effort to pressure the Zimbabwean government. We know it is difficult because in fact, really, there is very little that can be done. But we have to ensure that the message is out there. For people like Roy Bennett, who will be a candidate in the 31 March elections, it is very difficult to run a campaign from inside a prison. It is interesting that Mr Bennett’s imprisonment covers the full election period until after 31 March. But Mr Bennett will be a candidate. His popularity is very strong in his area. His own supporters have been trying to visit him in prison and have been standing outside saying, ‘Free Roy Bennett,’ which has some kind of symbolic nature.

We need to keep that cry out there so that our government will be able to share in the international call for free and open elections. We also have questions about the role of our embassy, which I believe is looking at downsizing and changing its location. We are told that that is for security reasons in the area, and we understand that. There are serious concerns about security in Harare, but the message to the Zimbabwean people must continue to be that we are their friends and we are their supporters. People who talk to us say that they have strong links with our country, they value the relationship with Australia and the effort and work of our people in our embassy there have been lauded by people from across Africa, particularly in Zimbabwe. (Time expired)

**Australian Parliamentary Delegation to the United Nations General Assembly**

**Senator TIERNEY** (New South Wales)

(8.12 p.m.)—Tonight I make my first speech about my time as leader of the parliamentary delegation to the 59th session of the United Nations assembly in New York from September to December 2004. I was accompanied by Rod Sawford MP, the ALP member for the seat of Port Adelaide. I wish to express my gratitude to the Australian Senate for providing me with this opportunity to provide advice and to observe the work of this highly complex international organisation over a significant period of time.

The delegation was located at the Australian mission to the United Nations. My special thanks go to His Excellency Mr John Dauth, the Ambassador and Permanent Representative of Australia to the United Nations, His Excellency Mr Peter Tesch, Ambassador and Deputy Permanent Representative of Australia to the United Nations, the Australian Consul General, His Excellency Ken Allen, and their staff for their courteous and inclusive approach to the work of our delegation. Australia can be proud of the quality and dedication of its diplomatic staff at this most significant world forum.
I will begin with some reflections on the work of the United Nations as a world body and then discuss my observations of the work of its complex committee process. Prior to leading this delegation to the UN, I had been a member of Commonwealth parliamentary delegations to the South Pacific Forum, India, Pakistan, Brazil, Argentina and France and I led parliamentary delegations to Nigeria, South Africa and the European Union. At the United Nations at this time, it was fascinating to observe so many of the issues and policy challenges that I had observed previously in so many regions of the globe resurface and see them being grappled with in the wider world forum of the United Nations. This was particularly the case with the deep and complex issues affecting the sad continent of Africa.

There are obvious limits to what the United Nations can accomplish. Achieving consensus across 191 nations with diverse national interests borders on the miraculous. Of greater concern are the structural limitations of the Security Council, which were set in concrete by the allies after World War II. Although the UN achieved some success in peacekeeping roles in earlier conflicts—for example, in East Timor—and more recently in backing the French action in Cote d’Ivoire, I could not detect any momentum towards playing a decisive and speedy role in the world’s two major flashpoints: western Sudan and Iraq. Any progress seems to be in the hands of countries like the UK, the USA, France and other members of the coalition of the willing.

Similarly, the UN’s response to humanitarian crises, such as the recent tsunami, has puzzled many. In the public debate about the international reaction since Boxing Day 2004, many questions have been raised about the level and timing of the United Nations’ response to this crisis. Our Prime Minister, John Howard, has been quick to point out why, in the face of such a disaster, bilateral response is more effective. He said:

The UN has an important role but nothing can take the place of nation states because nation states have the assets and they have the capacity, the decision-making processes. I don’t think it is seen as a sidestepping of the United Nations.

The reality is that the international body has no capacity to respond quickly in such a crisis. There are major decision-making and logistical problems in the UN structure. The United Nations’ actions are based on resolutions agreed to by its 191 member states. Action requiring crossing the borders of sovereign nations, particularly in sensitive areas like northern Sumatra, is fraught with difficulty.

The major logistics problems facing the UN operations are multilateral, with sovereign states agreeing to commit such resources. Such agreements take time to put in place. Where the United Nations will find its proper role will be in coordinating the relief effort over time and the long-term rebuilding program, which could take up to 10 years. It is here that the United Nations will come into its own with its diplomatic corps from 191 countries sitting down and resolving the best way to direct the vast resources that have been made available for this crisis to best effect. The need for this to be supplemented by fast-moving bilateral efforts in response to an immediate crisis, such as the Indian Ocean tsunami, does not indicate a failure of the United Nations but a realistic assessment of the limitations of modern multilateral diplomacy. Given the way that the original charter of the UN was crafted, the obstacles to comprehensive reform seem to be insurmountable. I will watch with interest the latest round of proposed reforms advanced by the Secretary-General.

Although fundamental structural reform seems a distant hope, I sensed disquiet about some of the work of the United Nations’
committees and the General Assembly. Committees such as the Economic and Financial Committee—the Second Committee—were simultaneously taking on a wide range of issues, from global climate change to the impact of globalisation. Other committees seemed to be tackling a narrower range of issues. On the agenda of a number of the committees was the topic ‘refreshing the work of the committee’, indicating a possible loss of direction and/or momentum.

The development of resolutions through the committee process was, however, highly impressive, particularly the attempts to find common ground on the exact wording of resolutions between national groups—for example, the group of 77, which makes up the 77 poorest nations in the world, and the European Union—where the negotiations were multinational and the member nations of each group also had to be comfortable with the wording of the resolutions on behalf of their own nation. Although discussions were sometimes tense—for example, the Sixth Committee work on the Law of the Seas, where the Scandinavian countries seemed to have a very different view of the world from everyone else—I was very impressed with the good-natured and highly professional approach of the diplomats seeking a resolution. Having watched so much of the tortuous Sixth Committee work, I was honoured to be asked to put down the Australian position on ‘Oceans and Law of the Seas’ in the plenary session of the United Nations General Assembly.

Across many of the committees there was a strong focus on the plight of the continent of Africa, which is now a net exporter of capital. Apart from trying to put pressure on hot spots—such as Sudan, Zimbabwe and, more recently, Cote d’Ivoire—agreeing on resolutions in a number of the committees that might result in actions that improve the economic and social conditions in Africa seems largely beyond the reach of the current United Nations structures. The plenary processes of the various committees were of great interest and at times were highly instructive. Although most of the time was taken up by nations putting down statements in carefully crafted diplomatic language, occasionally some of these were very memorable—for example, the US position on stem cell research and Zimbabwe’s tortuously crafted position on human rights. Still, everyone listened politely. The Australian parliament could certainly learn something about manners from the United Nations General Assembly.

The most informative part of the committees’ deliberations was the response by the rapporteur, who was an expert in the field and who responded to the debate and answered questions. The most powerful contributions were made by world experts in fields who occasionally addressed the United Nations—that is, various committees, councils and assemblies of the UN. I found many of the workshops and many of the discussions in the UN of interest, particularly the discussions on world trade and developing bilateral and multilateral agreements. This was one of the most impressive things about the United Nations’ process, which we could borrow from in the parliament. People with expertise would come in and give really high-powered, professional presentations to educate the people making the decisions. It is something which we could possibly learn from.

Originally in my work at the United Nations I intended to focus mainly on the work of the Third Committee—Social, Humanitarian and Cultural—but found the work of the Second Committee—Economic and Financial—far more varied and challenging with a wide range of issues under discussion. In the long sweep of human history, the fact that at the United Nations all the nations of the world are sitting down and talking on a daily
basis in an attempt to resolve the world’s most pressing problems is in itself a dramatic step forward for humankind.

Employment: Work for the Dole

Victoria: Muslim Community

Senator TCHEN (Victoria) (8.22 p.m.)—Earlier this evening, this chamber heard Senator Ellison pay tribute to the late Australian Protective Service officer Adam Dunning for his sacrifice and his achievements. I think we all share that sentiment. Tonight I would like to speak on a matter within Australia which I am sure would make the late Mr Dunning feel satisfied that his sacrifice had not been in vain.

Nearly seven months ago on 21 July 2004 I had the pleasant experience of attending a community event in Melbourne that was particularly rewarding for two remarkable reasons. I use the word ‘remarkable’ in the original sense of the word—that is, worthy of remark—rather than in the derivative sense of something which is unusual. The election and chamber priorities intervened so there was a long delay before I could speak on this but the remarkableness of the event remains fresh and relevant, perhaps more so today, so tonight I would share this experience with my colleagues in the Senate.

The first reason that this community event was particularly remarkable and rewarding to attend was that its purpose was to mark the graduation of a Work for the Dole project. The second reason was that this project was sponsored and carried out by Victoria’s Muslim community to celebrate Muslim achievements in our multicultural society. I seek leave to table the book produced by this project, called Celebrating Muslim achievements in Melbourne.

Leave granted.

Senator TCHEN—I thank the Senate.

The successful completion of community projects under the Work for the Dole program is not an uncommon occurrence. Indeed, it is actually very common. Nevertheless, completion is still remarkable in that it invariably demonstrates how well the projects worked out, delivering results that not only meet the objectives of the program but also provide tangible and substantial benefits to the participants and their supporters, be they trainers, workmates, employers or the community. I have attended many such celebratory events over the last 5½ years and have always been thankful for the experience.

The Work for the Dole program is a key component in the Howard government’s mutual obligation initiative. It gives job seekers the opportunity to improve their employability and work skills, while at the same time giving them a sense of achievement and belonging. It was introduced in 1997 against, it must be said, virulent opposition from the Labor Party, but has proved to be such an unqualified success that I have on numerous occasions had to share the stage with my Labor colleagues to offer congratulations to the project participants, coordinators and community sponsors, with not a voice of complaint to be heard.

I will briefly outline the basis of this program. Those eligible to participate in the Work for the Dole program include four groups of people. Those 18- to 20-year-old school leavers who have been receiving the full rate of youth allowance as job seekers for six months or more are required to participate for 310 hours within 26 weeks. Those 21- to 39-year-old job seekers receiving the full rate of Newstart allowance for six months or more are required to participate for 390 hours within 26 weeks. Those 40- to 49-year-old job seekers who have been receiving the full rate of the Newstart allowance for six months or more are required to participate for 150 hours within 26
weeks. Those job seekers who are 50 years old and over who have been receiving the full rate of Newstart allowance for six months or more may volunteer to participate for 150 hours within 26 weeks.

Senators will note that in all cases the precondition of having received six months of income support applies. In other words, these are people who have experienced difficulties in joining or returning to the work force. However, having participated in Work for the Dole projects, records show that they have a one-in-three chance of getting off welfare, either by finding work or pursuing further training. These are very impressive figures and are very encouraging to prospective Work for the Dole participants.

The real success story of the Work for the Dole program, unlike superficially similar programs promoted by previous Labor governments, is that it is not an artificial labour market exercise to reduce the unemployment figures by hiding them in pretend work projects. Work for the Dole projects are community-building projects. Participants do not disappear from the unemployment statistics, except of course those who are able to successfully rejoin the employed work force. I particularly want to emphasise this very fundamental feature of the Work for the Dole program—that is, those participating in the program do not disappear from the unemployment statistics—because some of my Labor colleagues seem unaware of it, simply assuming that this program is just a repeat of the various cynical ‘hide the unemployed’ exercises practised on the Australian people by the Hawke and Keating Labor governments.

My Labor colleagues have an understandable bias against any project that we propose, but there may well be others in the community equally unaware of the community-building nature of the program who, by not supporting it, are denying its very real benefits to their communities. These people do need this reminder. What are these benefits? The Work for the Dole projects help to develop work habits in young people. These young people gain valuable work experience and are able to recover their self-esteem. Often the most valuable lesson participants learn is that the best training for work is work itself. Work for the Dole engagement provides this experience.

Work for the Dole projects also provide opportunities for participants to learn new skills which can open new career opportunities. This is especially true for older people who have had the unfortunate experience of working for most of their life in a contracting industry and have a limited concept of what other careers may be available. Finally, Work for the Dole projects involve the local community in quality projects that provide community improvements. The lasting benefit to the community is a change in attitude and perception towards the unemployed by employers and by the community at large.

The Australians Working Together package, announced on 22 May 2001 and effective from 1 July 2002, included the introduction of the passport to employment and training credits as part of the Work for the Dole program. All participants who successfully complete Work for the Dole must be provided with a passport to employment. The passport to employment is a job readiness package designed to assist participants to effectively present themselves, their abilities and their experience to prospective employers through updating their resumes, developing basic job search and presentation skills and providing relevant certificates and references. Training credits are a reward for job seekers who have successfully completed Work for the Dole. The provision of training credits in conjunction with Work for the Dole builds on the work experience and motiva-
tion gained through these activities and thereby increases job seekers’ work prospects. Entitlement to a training credit between $500 and $800 is based on a job seeker participating in Work for the Dole for a specified amount of time and is dependent on their age.

Since the Work for the Dole program commenced in 1997, more than 18,000 Work for the Dole projects have been completed, providing more than 291,000 job seekers with valuable work experience and benefiting the communities who sponsored these projects with valuable improvements. I see my time is about to expire and I have a fair bit to go through yet, so I shall come back to this topic on the next occasion.

Senate adjourned at 8.32 p.m.

DOCUMENTS

Tabling

The following government documents were tabled:

- Australian Rail Track Corporation Limited (ARTC)—Report for 2003-04.
- Issues from the Advance to the Finance Minister as a final charge for the year ended 30 June 2004.
- Treaties—
  - Beijing Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, done at Beijing in November 1999.

The following documents were tabled by the Clerk:

- Made prior to the commencement of the Legislation Instruments Act 2003 on 1 January 2005:
  - Aboriginal and Torres Strait Islander Commission Act—
Aboriginal and Torres Strait Islander Commission (Forgiveness of Debts) Directions 2004.
Aboriginal and Torres Strait Islander Commission (Supervision of Debts) Directions 2004.
Aged Care Act—Residential Care Subsidy Amendment Principles 2004 (No. 4).
Agricultural and Veterinary Chemicals Code Act—Statutory Rules 2004 Nos—
353—Agricultural and Veterinary Chemicals Code Amendment Regulations 2004 (No. 4).
354—Agricultural and Veterinary Chemicals Code Amendment Regulations 2004 (No. 5).
406—Agricultural and Veterinary Chemicals Code Amendment Order 2004 (No. 2).
Australian Bureau of Statistics Act—Proposals Nos—
Australian Prudential Regulation Authority Act—Non-Confidentiality Determination No. 7 of 2004—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 (2003).
Broadcasting Services Act—Broadcasting Services (Events) Notice (No. 1) 2004 (Amendment No. 2 of 2004).
Civil Aviation Act—
Civil Aviation Amendment Order (No. 8) 2004.
Civil Aviation Regulations—
Civil Aviation Amendment Order (No. 11) 2004.
Civil Aviation Amendment Order (No. 12) 2004.
Instruments Nos CASA 570/04 and CASA 611/04.
Civil Aviation Safety Regulations—
Airworthiness Directives—
Part 105—
AD/A320/164—Cargo Restraint Strap Assemblies.
AD/A320/165—Parking Brake.
AD/A330/39 Amdt 1—Elevator Structure.
AD/A330/44—Cargo Restraint Strap Assemblies.
AD/AS 355/66 Amdt 1—Sliding Door.
AD/AS 355/83—Tail Rotor Blade Trailing Edge Tab.
AD/B717/16—Cargo Restraint Strap Assemblies.
AD/B727/193—Cargo Restraint Strap Assemblies.
AD/B737/125 Amdt 1—Centre Wing Fuel Tank Float Switch Wiring.
AD/B737/233—Cargo Restraint Strap Assemblies.
AD/B737/234—Pylon Sealing.
AD/B737/235—Fuselage Skin Area at the Dorsal Fin Assembly.
AD/B747/216 Amdt 1—Video Monitor Supports.
AD/B747/318—Cargo Restraint Strap Assemblies.
AD/B757/79—Cargo Restraint Strap Assemblies.
AD/B767/14 Amdt 1—Fin Access Door.
AD/B767/167 Amdt 2—Centre/Auxiliary Fuel Tank Over-ride/Jettison Fuel Pumps.
AD/B767/202—Cargo Restraint Strap Assemblies.
AD/Bae 146/112—Cargo Restraint Strap Assemblies.
AD/BAL/24—Solid Floor Baskets.
AD/BEECH 400/26—Spoiler Mixer Bay Drain Holes.
AD/BELL 430/1 Amdt 1—Tail Rotor Blade.
AD/CESSNA 190/8—Magnesium Inboard Aileron Hinge Brackets.
AD/DAUPHIN/74—Main Gear Box—Planet Gear Carrier.
AD/DAUPHIN/75—Fire Protection—Engine Fire Extinguishers.
AD/ECUREUIL/78 Amdt 1—Sliding Door.
AD/ECUREUIL/106—Tail Rotor Blade Trailing Edge Tab.
AD/EXTRA/9—Bottom Fuselage Cover/Firewall Sealing.
AD/F27/157—Cargo Restraint Strap Assemblies.
AD/F28/88—Cargo Restraint Strap Assemblies.
AD/F50/89—Cargo Restraint Strap Assemblies.
AD/F100/62—Cargo Restraint Strap Assemblies.
AD/FU24/63—Main Spar Web.
AD/GENERAL/37 Amdt 8—Emergency Exits.
AD/HU 369/115—Fuselage Station 75 Control Support Bracket Assembly.
AD/S-PUMA/56—Hoist Plate Front Attachment.

AD/TBM 700/33 Amdt 1—Vertical Stabiliser Attachment Fittings.
AD/X-TS/7—Co-Pilot Rudder Pedal Assembly.
Part 106—
AD/CF6/57—HPT S2 NGV Distress.
AD/THIELERT/2—Detachment of HP Fuel Pump Mounting Bolts.
Part 107—
AD/APU/17 Amdt 1—Saphir 20 Model 095 Female Quill Shaft Cycles Since New.
AD/PHZL/68 Amdt 2—Turbine Engine; Steel Hub Propellers.

Class Rulings—
Copyright Act—Statutory Rules 2004 Nos—
362—Copyright (International Protection) Amendment Regulations 2004 (No. 2).
363—Copyright Tribunal (Procedure) Amendment Regulations 2004 (No. 1).
405—Copyright Amendment Regulations 2004 (No. 1).
Corporations Act—
Accounting Standard—
AASB 6—Exploration for and Evaluation of Mineral Resources.
AASB 119—Employee Benefits.
AASB 1048—Interpretation and Applications of Standards.
AASB 2004-1—Amendments to Australian Accounting Standards.
AASB 2004-2—Amendments to Australian Accounting Standards.
AASB 2004-3—Amendments to Australian Accounting Standards.
Statutory Rules 2004 Nos—
398—Corporations Amendment Regulations 2004 (No. 8).
399—Corporations Amendment Regulations 2004 (No. 9).
Corporations (Fees) Act—Statutory Rules 2004 No. 400—Corporations (Fees) Amendment Regulations 2004 (No. 2).
Customs Act—Statutory Rules 2004 Nos—
364—Customs Amendment Regulations 2004 (No. 6).
365—Customs Amendment Regulations 2004 (No. 7).
366—Customs Amendment Regulations 2004 (No. 8).
367—Customs Amendment Regulations 2004 (No. 9).
Defence Act—Determinations under section—
58B—Defence Determinations—
2004/49—Overseas conditions of service—amendment.
2004/50—Overseas conditions of service—amendment.
2005/1—Hardship allowance for Aceh province, Indonesia.
2005/2—Hardship and civil practice support allowances—amendment.
2005/3—Hardship grades and post indexes—review.
2005/4—Travelling, vehicle and disturbance allowance—amendment.
58H—Defence Force Remuneration Tribunal Determinations Nos—
13 of 2004—Specialist salary structure—chaplains.
16 of 2004—Submarine service allowance—amendment.
17 of 2004—Navy medical grades (additional responsibility) allowance.
18 of 2004—Navy medical grade 4 allowance—repeal.
19 of 2004—Specialist operations allowance—amendment.
20 of 2004—Royal Australian Navy electronic warfare categories.
408—Defence Force Retirement and Death Benefits (Family Law Superannuation) Amendment Order 2004 (No. 1).
409—Defence Forces Retirement Benefits (Family Law Superannuation) Amendment Order 2004 (No. 1).
Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—Certificates under regulation 5A, dated 22 December 2004 [2].
Environment Protection and Biodiversity Conservation Act—
Instruments amending lists of—
Exempt native specimens under section 303DB, dated 17 September; 14, 15 and 30 October; 1, 5, 6, 8, 9, 11 [3], 12 [2], 13, 15, 16 [2], 17, 18 [2], 19 [2], 26 [4] and 30 November; and 1, 6 and 16 December 2004.
Specimens suitable for live import under section 303EB, dated 7 December 2004.

Extradition Act—Statutory Rules 2004 Nos—

368—Extradition (Kyrgyzstan) Regulations 2004.


351—Family Law Amendment Rules 2004 (No. 3).
352—Family Law (Superannuation) Amendment Regulations 2004 (No. 2).
370—Family Law Amendment Regulations 2004 (No. 2).
371—Family Law Amendment Regulations 2004 (No. 3).


Financial Sector (Collection of Data) Act—

Exemption from requirement to comply with reporting standards, dated 21 September 2004.

Financial Sector (Collection of Data) Determination No. 8 of 2004—References to accounting standards in reporting standards applying to authorised deposit-taking institutions.

Financial Sector (Collection of Data) Determination No. 9 of 2004—References to accounting standards in reporting standards applying to general insurers.

Foreign Acquisitions and Takeovers Act—Statutory Rules 2004 No. 401—Foreign Acquisitions and Takeovers Amendment Regulations 2004 (No. 3).


Health Insurance Act—


Statutory Rules 2004 Nos—

383—Health Insurance Amendment Regulations 2004 (No. 10).
384—Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2004 (No. 6).
385—Health Insurance (General Medical Services Table) Amendment Regulations 2004 (No. 9).
386—Health Insurance (General Medical Services Table) Amendment Regulations 2004 (No. 10).
387—Health Insurance (General Medical Services Table) Amendment Regulations 2004 (No. 11).

Higher Education Support Act—


Funding Agreements under section 30-25, dated—

15 November 2004—Central Queensland University.
La Trobe University.
16 November 2004—University of Wollongong.
18 November 2004—University of Sydney.
1 December 2004—University of Western Australia.
3 December 2004—Macquarie University.
6 December 2004—
  University of New South Wales.
  University of Technology, Sydney.
  University of Western Sydney.
8 December 2004—
  Batchelor Institute of Indigenous Tertiary Education.
  University of Notre Dame.
14 December 2004—University of Melbourne.
15 December 2004—
  Australian National University.
  University of South Australia.
22 December 2004—
  James Cook University.
  University of Adelaide.
  University of Newcastle.
Other Grants Guidelines (Amendment), dated 8 December 2004.
Other Grants Guidelines (Amendment No. 1), dated 6 December 2004.
Jervis Bay Territory Acceptance Act—Ordinance No. 1 of 2004—Rural Fires Amendment Ordinance 2004 (No. 1).
Migration Act—
  Statements for period 1 July to 31 December 2004 under section—
  48B [13].
  48B and 91L.
  91L [2].
  345.
  351 [64].
  417 [111].
Statutory Rules 2004 Nos—
  390—Migration Amendment Regulations 2004 (No. 8).
  391—Migration Agents Amendment Regulation 2004 (No. 2).
Military Rehabilitation and Compensation Act—Instrument Nos—
M20 of 2004—Military Rehabilitation and Compensation Act Treatment (Revocation) Determination.
M21 of 2004—MRCA Treatment Principles.
M22 of 2004—MRCA Pharmaceutical Benefits Scheme.
Military Superannuation and Benefits Act—Military Superannuation and Benefits Amendment Trust Deed 2004 (No. 5).
Mutual Assistance in Criminal Matters Act—Statutory Rules 2004 Nos—
374—Mutual Assistance in Criminal Matters Amendment Regulations 2004 (No. 1).
National Environment Protection Council Act—
Minor Variation to the National Environment Protection (Movement of Controlled Waste between States and Territories) Measures.
National Environment Protection (Air Toxics) Measure, accompanied by the impact statement, summary of submissions and the Council’s responses to submissions.
National Health Act—
Declarations Nos PB 19 and PB 20 of 2004.
Determinations—
Ozone Protection and Synthetic Greenhouse Gas Management Act—Statutory Rules 2004 Nos—
380—Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2004 (No. 2).
381—Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2004 (No. 3).
Primary Industries (Customs) Charges Act—Statutory Rules 2004 Nos—
355—Primary Industries (Customs) Charges Amendment Regulations 2004 (No. 7).
358—Primary Industries (Customs) Charges Amendment Regulations 2004 (No. 8).
Primary Industries (Excise) Levies Act—
Statutory Rules 2004 Nos—
357—Primary Industries (Excise) Levies Amendment Regulations 2004 (No. 7).
359—Primary Industries (Excise) Levies Amendment Regulations 2004 (No. 8).
Product Grant and Benefit Rulings—Addenda—PGBR 2003/1 and PGBR 2003/2.
Product Rulings—
Public Service Act—Statutory Rules 2004 No. 396—Public Service Amendment Regulations 2004 (No. 2).
Quarantine Act—Statutory Rules 2004 Nos—
360—Quarantine Amendment Regulations 2004 (No. 2).
361—Quarantine (Cocos Islands) Repeal Regulations 2004.
Student Assistance Act—Statutory Rules 2004 No. 377—Student Assistance Amendment Regulations 2004 (No. 1).
Superannuation Determination SD 2004/1.
Sydney Airport Curfew Act—Dispensation granted under section 20—Dispensation No. 9/04 (Addendum).
Taxation Determinations—
Addenda—
TD 58.
TD 94/31.
TD 2005/1.
Taxation Rulings—
Addendum—TR 2000/18.
Notice of Withdrawal—TR 97/21.
Old Series—
Addendum—IT 2130.

Notices of Withdrawal—IT 214, IT 2124, IT 2154, IT 2308, IT 2354, IT 2398, IT 2407, IT 2419 and IT 2550.
TR 2004/List.
TR 2005/1.
Telecommunications Act—
Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2004 (No. 1).
Telecommunications Technical Standard (Analogue interworking and non-interference requirements for Customer Equipment for connection to the Public Switched Telephone Network—AS/ACIF S002) Amendment 2004 (No. 1).
Telecommunications Technical Standard (Analogue interworking and non-interference requirements for Customer Equipment for connection to the Public Switched Telephone Network—AS/ACIF S002) Amendment 2004 (No. 2).
Tourism Australia (Repeal and Transitional Provisions) Act—Statutory Rules 2004 Nos—
Veterans’ Entitlements Act—

Wine Equalisation Tax Rulings—
Notice of Withdrawal—WETR 2002/2.
WETR 2004/1.

Made following the commencement of the Legislative Instruments Act 2003 on 1 January 2005 [Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]:


Aboriginal and Torres Strait Islander Commission Act—Aboriginal and Torres Strait Islander Commission (Protection of Assets) Directions 2005 [F2005L00150]*.

Air Services Act—Air Services Regulations—Instrument No. AERU-05-01—Determination of controlled aerodromes and airspace [F2005L00035]*.

Australian National University Act—
Board of the Faculties Statute (Repeal) Statute 2004 [F2005L00160]*.
Board of the Institute of Advanced Studies Statute (Repeal) Statute 2004 [F2005L00159]*.

Australian Prudential Regulation Authority Act—Non-Confidentiality Determination No. 1 of 2005—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 (2003) [F2005L00124]*.

Civil Aviation Act—
Civil Aviation Regulations—
Civil Aviation Amendment Order (No. 1) 2005 [F2005L00126]*.
Instrument No. CASA 33/05 [F2005L00063]*.

Civil Aviation Safety Regulations—
Airworthiness Directives—Part—

105—
AD/A320/166—Elevator and Aileron Computer [F2005L00135]*.
AD/A330/41 Amdt 1—Passenger Gaseous Oxygen Containers Diaphragm [F2005L00094]*.
AD/A330/45—Wing Rib 6 [F2005L00015]*.
AD/AS 355/67 Amdt 2—Main Gearbox Lubrication Pump [F2005L00106]*.
AD/AS 355/84—Stabilisers—Upper and Lower Vertical Fin Spurs [F2005L00016]*.
AD/B737/86 Amdt 1—Body Station 344 to 360 Support Structure [F2005L00071]*.
AD/B737/236—Centre Fuel Tank FQIS Wire Bundle [F2005L00095]*.
AD/B747/119 Amdt 1—Engine Bleed Air Crossover Duct [F2005L00107]*.
AD/B767/4 Amdt 1—Horizontal Stabiliser Pivot Fitting—Outer Pivot Pin Inspection and Inner Pin Replacement [F2005L00096]*.
AD/B767/15 Amdt 2—Entry/Service Door [F2005L00097]*.
AD/B767/76 Amdt 1—Brakes and Attachments [F2005L00069]*.
AD/B767/81 Amdt 1—Brakes [F2005L00068]*.
AD/B767/197 Amdt 2—Air Data System ([F2005L00098]*)
AD/B767/204—Forward Cargo Compartment Wire Bundles [F2005L00099]*.
AD/BEECH 65/61 Amdt 4—Nose Gear Lower Shock Absorber Assembly [F2005L00076]*.
AD/BEECH 76/19—Trailing Edge Flaps [F2005L00093]*.
AD/BEECH 90/75 Amdt 4—Nose Landing Gear Lower Shock Absorber Assembly [F2005L00075]*.
AD/BEECH 200/45 Amdt 3—Nose Gear Lower Shock Absorber Assembly [F2005L00074]*.
AD/BEECH 1900/2 Amdt 1—Nose Gear Lower Shock Absorber Assembly [F2005L00072]*.
AD/BELL 206/157—Door Handle [F2005L00123]*.
AD/DAUPHIN/76—Cargo Hold Upholstering [F2005L00091]*.
AD/DHC-8/100 Amdt 1—Fluorescent Lighting System [F2005L00089]*.
AD/ECUREUIL/74 Amdt 2—Tail Servo Control Rod Eye End Fitting [F2005L00090]*.
AD/ECUREUIL/107—Stabilisers—Upper and Lower Vertical Fin Spars [F2005L00014]*.
AD/ECUREUIL/108—Tail Servo-Control [F2005L00005]*.
AD/G2T1/1—Induction System Inspection [F2005L00073]*.
AD/SD3-60/68—Elevator Trim Tab Balance Weight Brackets [F2005L00013]*.
AD/SF34097—DC Generating System—Undervoltage Protection [F2005L00100]*.
AD/S-PUMA/57—Tail Servo-Control [F2005L00004]*.
106—
AD/AL 250/84—Hydromechanical Unit Power Lever Angle Potentiometer [F2005L00102]*.
AD/AL 250/84—HMU PLA Potentiometer [F2005L00103]*.
AD/ARRIEL/20—Digital Engine Control Unit—Torque Measurements [F2005L00066]*.
AD/LYC/110—Crane/Learmece Rotary Fuel Pump Relief Valve Attachment Screws [F2005L00101]*.
AD/THIELERT/1 Amdt 1—Engine Failure Due to Electrical System Failure [F2005L00078]*.
107—
AD/AIRCON/13 Amdt 1—Kelly Aerospace Fuel Regulator Shut-off Valves & Cabin Heaters [F2005L00117]*.
AD/FSM/25 Amdt 4—Lear Romec Fuel Pumps [F2005L00104]*.
AD/FSM/29 Amdt 2—Precision Airmotive Corporation Carburetors [F2005L00105]*.
Manual of Standards Amendment (No. 1) 2004 [F2005L00113]*.
Manual of Standards Part 65 Amendment Instrument (No. 1) 2005 [F2005L00012]*.
Consular Privileges and Immunities Act—Consular Privileges and Immunities (Indirect Tax Concession Scheme) Amendment Determination 2005 (No. 1) [F2005L00110]*.
Corporations Act—Declaration under paragraph 992B(1)(c)—ASIC Class Order [CO 05/21] [F2005L00140]*.
Currency Act—Currency (Perth Mint) Determination 2004 (No. 3) Amendment Determination 2005 (No. 1) [F2005L00121]*.
Currency Act—Currency (Perth Mint) Determination 2005 (No. 1) [F2005L00120]*.
Customs Act—By-Laws—
By-Law No. 0540001 [F2005L00136]*.
By-Law No. 0540002 [F2005L00138]*.
Revocation No. 1 (2005) [F2005L00139]*.
CEO Instrument of Approval No. 1 of 2005 [F2005L00060]*.
CEO Instrument of Approval No. 2 of 2005 [F2005L00061]*.
Tariff Concession Orders—
Tariff Concession Instrument No. 0407230 [F2005L00046]*.
Tariff Concession Instrument No. 0408913 [F2005L00065]*.
Tariff Concession Instrument No. 0410029 [F2005L00007]*.
Tariff Concession Instrument No. 0410179 [F2005L00021]*.
Tariff Concession Instrument No. 0410524 [F2005L00022]*.
Tariff Concession Instrument No. 0410860 [F2005L00023]*.
Tariff Concession Instrument No. 0410861 [F2005L00024]*.
Tariff Concession Instrument No. 0410872 [F2005L00025]*.
Tariff Concession Instrument No. 0410875 [F2005L00037]*.
Tariff Concession Instrument No. 0410879 [F2005L00026]*.
Tariff Concession Instrument No. 0410976 [F2005L00174]*.
Tariff Concession Instrument No. 0410990 [F2005L00027]*.
Tariff Concession Instrument No. 0411069 [F2005L00028]*.
Tariff Concession Instrument No. 0411083 [F2005L00038]*.
Tariff Concession Instrument No. 0411085 [F2005L00039]*.
Tariff Concession Instrument No. 0411086 [F2005L00040]*.
Tariff Concession Instrument No. 0411195 [F2005L00029]*.
Tariff Concession Instrument No. 0411196 [F2005L00030]*.
Tariff Concession Instrument No. 0411197 [F2005L00031]*.
Tariff Concession Instrument No. 0411207 [F2005L00032]*.
Tariff Concession Instrument No. 0411262 [F2005L00041]*.
Tariff Concession Instrument No. 0411266 [F2005L00045]*.
Tariff Concession Instrument No. 0411310 [F2005L00042]*.
Tariff Concession Instrument No. 0411311 [F2005L00048]*.
Tariff Concession Instrument No. 0411355 [F2005L00059]*.
Tariff Concession Instrument No. 0411356 [F2005L00050]*.
Tariff Concession Instrument No. 0411357 [F2005L00051]*.
Tariff Concession Instrument No. 0411358 [F2005L00052]*.
Tariff Concession Instrument No. 0411359 [F2005L00053]*.
Tariff Concession Instrument No. 0411360 [F2005L00054]*.
Tariff Concession Instrument No. 0411361 [F2005L00055]*.
Tariff Concession Instrument No. 0411362 [F2005L00056]*.
Tariff Concession Instrument No. 0411497 [F2005L00175]*.
Tariff Concession Instrument No. 0411499 [F2005L00082]*.
Tariff Concession Instrument No. 0411812 [F2005L00057]*.
Tariff Concession Instrument No. 0411819 [F2005L00083]*.
Tariff Concession Instrument No. 0411927 [F2005L00084]*.
Tariff Concession Instrument No. 0411928 [F2005L00085]*.
Tariff Concession Instrument No. 0411937 [F2005L00086]*.
Tariff Concession Instrument No. 0411938 [F2005L00087]*.
Tariff Concession Instrument No. 0500857 [F2005L00130]*.

Diplomatic Privileges and Immunities—

Diplomatic Privileges and Immunities (Indirect Tax Concession Scheme) Amendment Determination 2005 (No. 1) [F2005L00108]*.


Environment Protection and Biodiversity Conservation Act—Instruments amending list of—

CITES species under section 303CA, dated 20 December 2004 [F2005L00011]*.
Exempt native specimens under section 303DB, dated 20 December 2004 [F2005L00058]*.

Export Control Act—Export Control (Orders) Regulations—

Export Control (Dairy, Eggs and Fish) Orders 2005 [F2005L00161]*.

Financial Management and Accountability Act—Adjustments of Appropriations on Change of Agency Functions—

Direction No. 25 of 2004-2005 [F2005L00009]*.
Direction No. 26 of 2004-2005 [F2005L00036]*.
Direction No. 27 of 2004-2005 [F2005L00081]*.
Direction No. 28 of 2004-2005 [F2005L00131]*.

Health Insurance Act—

Health Insurance (Deep Brain Stimulation for Parkinson’s Disease) Determination HS/01/2005 [F2005L00033]*.

Higher Education Support Act—Higher Education Provider Approval (No. 1 of 2005)—The Southern School of Natural Therapies Limited [F2005L00148]*.

Lands Acquisition Act—Statements describing property acquired by agreement for specified public purposes under sections—

40.
125.

Migration Act—Migration Agents Regulations—MARA Notice MN4-05 of 2005—

Migration Agents (Continuing Professional Development—Attendance at a Seminar, Workshop, Conference or Lecture) [F2005L00115]*.
Migration Agents (Continuing Professional Development—Miscellaneous Activities) [F2005L000116]*.
Migration Agents (Continuing Professional Development—Private Study of Audio, Video or Written Material) [F2005L000114]*.

National Health Act—Determination HIB 1/2005 [F2005L00134]*.

Parliamentary Entitlements Act—

Parliamentary Entitlements Regulations—Advice of decision to pay assistance under paragraph 18(a), dated 21 January 2005.

Remuneration Tribunal Act—

Determination 2005/01: Remuneration and Allowances for Full-time Holders of Public Office [F2005L00118]*.

Telecommunications (Interception) Act—Declaration of eligible authority as agency—Tasmania Police [F2005L00151]*.

Therapeutic Goods Act—
Therapeutic Goods (Emergency) Exemption 2005 (No. 1) [F2005L00178]*.

* Explanatory statement tabled with legislative instrument.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Immigration: Protection Visas
(Question No. 3175)

Senator Bartlett asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 27 August 2004:

With reference to protection visa applicants as of 30 June 2004:

1. How many applicants were there in: (a) Australia; and (b) each state and territory.

2. How many applicants had been granted a bridging visa in: (a) Australia; and (b) each state and territory.

3. Of applicants with bridging visas: (a) how many have applied for Asylum Seeker Assistance Scheme (ASAS) income support in: (i) Australia; and (ii) each state and territory; (b) how many have received income support through ASAS in: (i) Australia; and (ii) each state and territory; (c) how many have applied for work rights in: (i) Australia; and (ii) each state and territory; (d) how many have received work rights in: (i) Australia; and (ii) each state and territory; (e) how many had no access to ASAS income support or work rights in: (i) Australia; and (ii) each state and territory; (f) how many are unaccompanied minors; and (g) how many have been granted bridging visa: (i) A, (ii) B, (iii) C, (iv) D, and (v) E.

4. How many applicants have been released from detention on bridging visas with any Government income support assistance other than ASAS in: (a) Australia; and (b) each state and territory.

5. How many applicants have been released from detention by order of the court (habeas corpus or interlocutory orders) in: (a) Australia; and (b) each state and territory.

6. (a) How many applicants in: (i) Australia; and (ii) each state and territory have expired bridging visas; and (b) how many have been detained after the expiry of their bridging visas.

7. (a) How many applicants in: (i) Australia; and (ii) each state and territory have been detained for breaching their visa conditions; (b) what types of breaches occurred; and (c) what were the five most common breaches.

8. How many applicants are eligible for Medicare in: (a) Australia; and (b) each state and territory.

9. How many applicants are eligible for the ASAS General Health Scheme in: (a) Australia; and (b) each state and territory.

10. How many protection visa applicant minors have no rights to access Medicare or the ASAS General Health Scheme in: (a) Australia; and (b) each state and territory.

11. (a) Whom do departmental officials or detention centre management notify when a detainee is released on a bridging visa; and (b) what system is in place to ensure that their lawyer, counsellor, doctor, family, friends and community are notified of their release.

12. What system is in place to ensure that adequate information is provided to applicants with bridging visas in relation to their eligibility for ASAS and work rights.

13. How many applicants in: (a) Australia; and (b) each state and territory had been without income assistance and work rights for: (i) 0-6 months (ii) 6-12 months (iii) 12-18 months (iv) 18-24 months (v) 24 months and over.

14. (a) What are the compliance rates for applicants with expired bridging visas who have never been detained (that is, how many ‘disappeared’); and (b) of these, how many had: (i) ASAS income assistance; and (ii) no ASAS income assistance.

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

(1) (a) Departmental systems indicate that as at 30 June 2004, there were 22 Protection visa (PV) applicants in immigration detention and 666 applicants not in immigration detention, who were awaiting a primary decision from the Department.

Given the nature of information sought in parts (1) to (14) of the question, these figures and subsequent answers exclude applications for Further Protection Visas (FPVs) lodged by holders of Temporary Protection visas (TPVs) and offshore Temporary Humanitarian visas.

(b) Of the non-detainee PV caseload 33 persons do not at present have a reportable residential address postcode. Of the remainder, the State and Territory breakdown is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Non-Detention PV applicants</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>9</td>
</tr>
<tr>
<td>NSW</td>
<td>320</td>
</tr>
<tr>
<td>QLD</td>
<td>17</td>
</tr>
<tr>
<td>SA</td>
<td>45</td>
</tr>
<tr>
<td>TAS</td>
<td>3</td>
</tr>
<tr>
<td>VIC</td>
<td>219</td>
</tr>
<tr>
<td>WA</td>
<td>20</td>
</tr>
</tbody>
</table>

(2) The Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) systems do not enable the statistical reporting requested on the numbers of PV applicants who have Bridging Visas in effect.

(3) For reasons stated in (2) above, DIMIA systems cannot provide the statistical reporting requested on Bridging Visa holders.

(a) The ASAS is administered by the Australian Red Cross (ARC) under an agreement with the Commonwealth. ARC systems do not provide consolidated reports on the number of persons who have applied for ASAS income support.

(b) The total number of persons in receipt of ASAS income support as at 30 June 2004 was:

<table>
<thead>
<tr>
<th>State</th>
<th>Cases</th>
<th>Persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>NSW</td>
<td>45</td>
<td>96</td>
</tr>
<tr>
<td>VIC</td>
<td>116</td>
<td>273</td>
</tr>
<tr>
<td>NT</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>QLD</td>
<td>3</td>
<td>12</td>
</tr>
<tr>
<td>SA</td>
<td>8</td>
<td>18</td>
</tr>
<tr>
<td>WA</td>
<td>7</td>
<td>9</td>
</tr>
<tr>
<td>TAS</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

(c)-(e) Departmental systems are unable to provide consolidated statistics on this matter.

(f) There were no unaccompanied minors receiving ASAS assistance as at 30 June 2004.

(g) Departmental systems are unable to provide consolidated statistics on this matter.

(4) (a) During 2004 (to 30 June), six families involving 14 persons have received financial assistance from the Government after being released from immigration detention on Bridging Visa E (subclass 051). This subclass of Bridging Visa E requires adequate care arrangements to be in place before a visa can be granted.
Where there are significant ongoing costs such as medical and pharmaceutical expenses, the Department examines, on a case-by-case basis, requests to contribute to these costs to ensure the proper welfare of those persons.

(b) The geographic distribution of those released referred to in (a) during 2004 (to 30 June) on Bridging Visa E (subclass 051) are:

<table>
<thead>
<tr>
<th>State</th>
<th>Cases</th>
<th>Persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>SA</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>WA</td>
<td>3</td>
<td>7</td>
</tr>
</tbody>
</table>

(5) (a) On or before 30 June 2004, 25 former PV applicants had been released from detention by order of the courts (either habeas corpus or interlocutory release).

(b) The geographic distribution of those released by order of the courts was:

<table>
<thead>
<tr>
<th>Court Jurisdiction</th>
<th>Persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>7</td>
</tr>
<tr>
<td>VIC</td>
<td>6</td>
</tr>
<tr>
<td>SA</td>
<td>10</td>
</tr>
<tr>
<td>WA</td>
<td>2</td>
</tr>
</tbody>
</table>

(6) (a)-(b) The Department normally collects data on those who are unlawful or in breach of visa conditions, and has information about cases that come to our notice. However, analysis of the data based on the type of visa applied for, such as a PV, is necessarily complex and not readily available.

(7) (a)-(c) The Department normally collects data on those who are unlawful or in breach of visa conditions, and has information about cases that come to our notice. However, analysis of the data based on the type of visa applied for, such as a PV, is necessarily complex and not readily available.

(8) (a)-(b) Departmental systems are unable to provide consolidated statistics on this matter.

(9) (a)-(b) Persons who have been approved for income support under the ASAS are eligible for the General Health Care component of the Scheme. Refer to table in (b) above.

(10) (a)-(b) Departmental systems are unable to provide consolidated statistics on this matter.

(11) (a) The decision to grant a Bridging Visa E (subclass 051) is conveyed in writing to the applicant through departmental staff within the immigration detention facility. All applicants are required to acknowledge in writing the conditions of their visa.

(b) The person’s nominated representative, such as a Migration Agent, routinely receives written advice of the decision.

(12) Information on eligibility for assistance under the ASAS is available in Departmental Fact Sheets, the DIMIA Website and in relevant standard letters to applicants. The ARC also advertises the scheme through its Annual Report and Website. Migration Agents and community organisations are aware of the Scheme and regularly refer potential clients to the ARC for determination of their eligibility to access assistance under the Scheme.

(13) (a)-(b) Departmental systems are unable to provide consolidated statistics on this matter.

(14) (a) The Department normally collects data on those who are unlawful or in breach of visa conditions, and has information about cases that come to our notice. However, analysis of the data based on the type of visa applied for, such as a PV, is necessarily complex and not readily available.

(b) (i)-(ii) Departmental systems are unable to provide consolidated statistics on this matter.
Immigration: Hao Kiet
(Question No. 3178)

Senator Bartlett asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 30 August 2004:

(1) Can a breakdown be provided of the current visa and detention status (including place of detention) of all people who arrived on the boat Hao Kiet, which arrived in Port Hedland around 1 July 2003.

(2) Can a breakdown be provided of the visa and detention status of any children who have since been born to people who arrived on this boat.

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

(1) Due to privacy considerations, I cannot comment on the visa situation for individual cases. I can, however, advise as follows. Of the 54 people who arrived on that boat, nine were granted visas and released from detention as at 7 September 2004. The 45 people remaining in immigration detention or prison are unlawful non-citizens. Of these, 44 are currently pursuing judicial or merits review of their decisions. As at 7 September 2004, their detention status is as follows:

- 43 people (including the newborn child) are detained at Christmas Island Immigration Reception and Processing Centre;
- 1 person is in Acacia Prison in Western Australia;
- 1 person is detained at Perth Immigration Detention Centre.

(2) There is one child in the group who was born after arrival. As at 7 September 2004 the child does not have a visa and was accommodated at Christmas Island Immigration Reception and Processing Centre.

Aboriginal Corporations
(Question No. 3)

Senator Brown asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 16 November 2004:

With reference to the administration of the Aboriginal Councils and Associations Act 1976 and, in particular, to section 60:

(1) Given that an authorised person must produce written authority provided by the Registrar before exercising any powers under this section: (a) which Aboriginal corporations were served with written authority; (b) how was this written authority served and by whom; (c) what were the names of the persons to whom the written authority was given; and (d) which Aboriginal corporations were not served with any written authority.

(2) Which Aboriginal corporations were and are subject to legal actions by the Registrar.

(3) Since 1996: (a) how much has been spent by the Registrar’s office on legal matters in relation to section 60 findings; and (b) what are the names of the Aboriginal corporations involved in these matters.

(4) (a) Did the Registrar act upon complaints from former employees of the Aboriginal and Torres Strait Islander Commission (ATSIC) and the Aboriginal and Torres Strait Islander Services (ATSIS) to institute action under section 60; and (b) which Aboriginal corporations were recommended for examination on the instruction of the former ATSIC or ATSIS.

(5) Were procedures in place between the Registrar’s office and the former ATSIC and ATSIS to allow for Commonwealth employees of either the Registrar’s office or the former ATSIC or ATSIS to engage in a deliberate process of instructing solicitors engaged in court proceedings initiated by the Registrar’s office.
Senator Vanstone—The answer to the honourable senator’s question is as follows:

(1) (a) When the Registrar or the Registrar’s delegate authorises the completion of an examination of the documents of a corporation pursuant to Section 60 of the ACA Act, a statutory notice is sent to the corporation about one (1) to two (2) weeks prior to the commencement of the examination. In addition a copy of the statutory notice is also given to the examiner(s) for production at the commencement of all examinations. A list of all corporations examined by the Registrar since 1996 is attached in answer to your Question No 4 (2).

(b) In the first instance the statutory notice is usually sent to the Board at the corporation’s registered address and the Public Officer of each Corporation by post, and in most circumstances the Notice is also faxed to the Chairperson of the Board at the corporation’s registered address. A copy of the statutory notice is also produced to a member of the Board or an officer of the corporation by the examiner at the commencement of the examination.

(c) Section 60(8) of the ACA Act requires production of the statutory notice by the authorised person (the examiner) before commencing the examination, but it does not stipulate that records of the name of the actual person to whom the notice was produced be maintained. As previously mentioned the examiner will produce the statutory notice to a board member or an officer of the corporation at the commencement of the examination work.

(d) None

(2) A list of Aboriginal corporations that were and are subject to legal action by the Registrar is at Attachment A. The list includes the names of all corporations where legal costs were incurred as follows:

- for action to wind up corporations
- for the costs of legal advice associated with statutory notices and other matters, and
- for legal costs on behalf of an Administrator or a Liquidator to pursue matters such as actions against individuals in relation to civil and/or criminal matters.

(3) (a)---

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
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<td>$353,843</td>
</tr>
<tr>
<td>1996/97</td>
<td>$405,507</td>
</tr>
<tr>
<td>1997/98</td>
<td>$582,263</td>
</tr>
<tr>
<td>1998/99</td>
<td>$601,781</td>
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<td>$392,063</td>
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<td>$229,714</td>
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<tr>
<td>2001/02</td>
<td>$248,413</td>
</tr>
<tr>
<td>2002/03</td>
<td>$297,185</td>
</tr>
<tr>
<td>2003/04</td>
<td>$300,000</td>
</tr>
</tbody>
</table>

(b) The names of the Aboriginal corporations are included in the list provided in response to Question 3 (2).

(4) (a) The Registrar receives information and complaints from many different sources (eg. members of corporations, members of the public, Commonwealth and State government agencies who provide grants to corporations, members of Commonwealth and State Parliaments, auditors engaged by corporations). Every complaint is researched and assessed by the Registrar’s staff before a decision is made about whether any intervention is required.

(b) The Registrar does not take instructions from ATSIC, ATSIS or any other Commonwealth or State government agency in the exercise of statutory functions under the ACA Act.

(5) When the Registrar initiates legal action, the Registrar or the Registrar’s staff instructs the Registrar’s solicitor. There is no procedure in place that allows ATSIC, ATSIS or any other Common-
wealth or State government agency to pursue any matter under the ACA Act on the Registrar’s behalf.

If the Registrar decides to provide funds to an Administrator (appointed by the Registrar) or a Liquidator (appointed by the Court) to engage a solicitor to take legal action against any person associated with an Aboriginal corporation, the Administrator or Liquidator instruct that solicitor. Likewise if a Commonwealth or State government agency decides to provide funds to an Administrator or Liquidator to take legal action, the latter instruct the solicitor.

Attachment A

**QUESTION 3 (2) and 3(3)(b) - THE NAMES OF THE ABORIGINAL CORPORATIONS FOR WHICH THE REGISTRAR’S OFFICE HAS INCURRED COSTS FOR LEGAL MATTERS ARISING OUT OF SECTION 60 EXAMINATION FINDINGS 1996/97 YEAR**

**Australian Capital Territory**
- ACT Ngunnawal Education Aboriginal Corporation
- Bogong Community Aboriginal and Torres Strait Islanders Corporation

**New South Wales**
- Kamilaroi Aboriginal Corporation
- Moree Aboriginal Sobriety House Aboriginal Corporation
- National Indigenous Advisory Group Aboriginal Corporation
- Perleeka Television - An Aboriginal Corporation
- Central Area Training Accounting and Resource Aboriginal Corporation
- Dubbo Koorie Housing Aboriginal Corporation
- Gilgandra Aboriginal Corporation
- Gular CDEP Aboriginal Corporation
- Illawarra Aboriginal Medical Service Aboriginal Corporation
- Muli Art Aboriginal Corporation
- Nanima Progress Association (Aboriginal Corporation)
- New Burnt Bridge Aboriginal Corporation
- North Star Construction Aboriginal Corporation
- Northern Star Aboriginal Corporation
- Sandhills Advancement Aboriginal Corporation
- Southern and Western Regional Aboriginal Corporation for Justice
- Tharawal Aboriginal Corporation

**Queensland**
- Barambah Men’s Aboriginal Corporation
- Central Queensland Aboriginal Corporation for Training Resources
- Dalaipji Aboriginal and Torres Strait Islanders Corporation
- Incarcerated Peoples Cultural Heritage Aboriginal Corporation
- Toowoomba Aboriginal and Torres Strait Islanders Corporation for Health Services
- Yidinji Community Aboriginal Corporation

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**QUESTIONS ON NOTICE**
Bidgerdii Aboriginal & Torres Strait Islanders Corporation
Community Health Service Central Queensland Region
Carpentaria Land Council Aboriginal Corporation
Charleville and Western Areas Aboriginal and Torres Strait Islanders Corporation For Health
Kabi Kabi Aboriginal Corporation
Kuku Djungan Aboriginal Corporation
Townsville and District Aboriginal and Torres Strait Islanders Corporation for Legal Service
Wakka Wakka Legal Aboriginal Corporation
Northern Territory
Acacia Larrakia Aboriginal Corporation
Bulgul Aboriginal Corporation
Top End Aboriginal Bush Broadcasting Association (Aboriginal Corporation)
Wadjigan Aboriginal Corporation
Victoria
Yuroke Students Aboriginal Corporation
Western Australia
Ngurin Aboriginal Corporation
Nyu Nyul Aboriginal Corporation
Eastern Goldfields Aboriginal Corporation Resource Agency
Goldfields Land Council Aboriginal Corporation
Iragul Aboriginal Corporation
Lake Jasper Project (Aboriginal Corporation)
Noongar Land Council Aboriginal Corporation
Southern Aboriginal Corporation
Warta Kutju Aboriginal Corporation

QUESTION 3 (2) and 3(3)(b) - THE NAMES OF THE ABORIGINAL CORPORATIONS FOR WHICH THE REGISTRAR’S OFFICE HAS INCURRED COSTS FOR LEGAL MATTERS ARISING OUT OF SECTION 60 EXAMINATION FINDINGS
1997/98 YEAR

New South Wales
Nucoorilma Aboriginal Corporation
Wirrajarrai Aboriginal Corporation
Girree Girree Aboriginal Corporation
Adjee Aboriginal Corporation
Narwon Housing Aboriginal Corporation
Minnon Housing Aboriginal Corporation
Doonooch Self-Healing Aboriginal Corporation
Gundabooka Aboriginal Corporation
Ngunawal Housing Aboriginal Corporation
Buyinbin Aboriginal Corporation

QUESTIONS ON NOTICE
Riverina Medical & Dental Aboriginal Corporation
Coomealla Health Aboriginal Corporation
Goolburri Aboriginal Corporation Land Council

Queensland
Maithakari North West Queensland Aboriginal Corporation
Mona Mona Aboriginal Corporation
Thallon Aboriginal Corporation
Thoorgine Educational and Culture Centre Aboriginal Corporation
Yirganydji Tribal Aboriginal Corporation
Townsville and District Aboriginal & Torres Strait Islanders Corporation for Legal Services
Aboriginal Outreach Programme (Aboriginal Corporation)
Marula Aboriginal Corporation
Gulgi-Galbay Aboriginal Corporation
Ghundu Aboriginal & Torres Strait Islanders Corporation
Bidjara Traditional Owners Aboriginal Corporation for Land Culture and Heritage
Gurang Land Council Aboriginal Corporation
Nungeena Aboriginal Corporation For Womens Business

Victoria
Yangennanock Aboriginal Corporation

Western Australia
Bibelmen Mia Aboriginal Corporation
Kal Services Aboriginal Corporation
Kulan Nintibai Child Care Aboriginal Corporation
Walagunya Aboriginal Corporation
West Pilbara Land Council Aboriginal Corporation
Karla Aboriginal Corporation
Goldfields Land Council Aboriginal Corporation
West Pilbara Land Council Aboriginal Corporation
Gubrun Aboriginal Corporation
Mallingbarr Aboriginal Corporation
Esperance Aboriginal Corporation

Northern Territory
Woodycupaldiya Aboriginal Corporation
Yantiwarwu Outstation Resource Centre Aboriginal Corporation
Top-End Aboriginal Bush Broadcasting (Aboriginal Corporation)

QUESTIONS ON NOTICE
QUESTION 3 (2) and 3(3)(b) - THE NAMES OF THE ABORIGINAL CORPORATIONS FOR WHICH THE REGISTRAR’S OFFICE HAS INCURRED COSTS FOR LEGAL MATTERS ARISING OUT OF SECTION 60 EXAMINATION FINDINGS

1998/99 YEAR

New South Wales
Allambi Aboriginal Corporation
Boggabilla Aboriginal Corporation
Cabarita Aboriginal Corporation
Carma Trading Aboriginal Corporation
Euston Aboriginal Corporation
Gillarwarna Aboriginal Corporation
Gingie Community Aboriginal Corporation
Jannawigu Youth Centre Aboriginal Corporation
Leeton and District Aboriginal Corporation
Mungindi Aboriginal Corporation
Nambucca Valley Aboriginal Corporation for Sport
Narooma Community Centre Aboriginal Corporation
Orange Mirriwinni Aboriginal Corporation
South Coast Youth Movement Aboriginal Corporation
Yarrakappinni Aboriginal Corporation
Hunter Valley Aboriginal Corporation
Tenterfield Aboriginal Corporation
Kullila Welfare and Housing Aboriginal Corporation

Western Australia
Balangarri Aboriginal Corporation
Karalundi Community Aboriginal Corporation
Meearu Djarula Aboriginal Corporation
Morrell Park Farm Aboriginal Corporation
Murnkurni Women’s Aboriginal Corporation
Wungu Aboriginal Corporation
Yorganop Child Care Aboriginal Corporation

Queensland
Ghundu Aboriginal and Torres Strait Islanders Corporation
Munding-Garrbay Aboriginal Corporation
National Aboriginal and Islanders Legal Services Secretariat Aboriginal Corporation (NAILSS)
Ngumarryina Aboriginal Corporation
Queensland Aboriginal and Torres Strait Islanders Corporation for Legal Services Secretariat (QAILSS)
Wanamara Aboriginal Corporation
Nalingu Aboriginal Corporation
KASH Aboriginal Corporation

QUESTIONS ON NOTICE
QUESTIONS ON NOTICE

Giangurra Aboriginal Corporation
Yaamba Aboriginal and Torres Strait Islanders Corporation for Men
Petford Training Farm Aboriginal Corporation
Northern Territory
Allalgara/Annangara Aboriginal Corporation
Babbbarra Women’s Council Aboriginal Corporation
Glunuurra Aboriginal Corporation
Mbantarinya Aboriginal Corporation
Tiwi Ngaripuluwamigi Aboriginal Corporation
Ukaka Aboriginal Corporation
Wogayala Aboriginal Corporation
Balangarri Aboriginal Corporation
Emama Gnuda Aboriginal Corporation
Gubrun Aboriginal Corporation
South Australia
Nalta Ruwe Aboriginal Corporation

QUESTION 3 (2) and 3(3)(b) - THE NAMES OF THE ABORIGINAL CORPORATIONS FOR WHICH THE REGISTRAR’S OFFICE HAS INCURRED COSTS FOR LEGAL MATTERS ARISING OUT OF SECTION 60 EXAMINATION FINDINGS
1999/2000 YEAR

New South Wales
Dhunghulla Economic Development Aboriginal Corporation
Orana Barellan Aboriginal Corporation
Central Area Training Accounting and Resource Aboriginal Corporation
Cootamundra and Districts Aboriginal Corporation
Tingha Aboriginal Corporation
Black Swan Aboriginal Theatre (Aboriginal Corporation)
New Burnt Bridge Aboriginal Corporation
Wongaibon Women’s Aboriginal Corporation
Armidale Baalapiny Housing Aboriginal Corporation
Kattang Housing Aboriginal Corporation
Gunyah Housing Aboriginal Corporation
Mirrabooka Housing Aboriginal Corporation
NSW Women’s Aboriginal Corporation
Mrangalli Housing Aboriginal Corporation
Narrandera Wiradjuri Elders Group Aboriginal Corporation
Twofold Aboriginal Corporation
Nulla Nulla Boongutti Aboriginal Corporation
Mrangalli Aboriginal Corporation
Mrangalli Housing Aboriginal Corporation

QUESTIONS ON NOTICE
Towri Aboriginal Corporation

Queensland

King Kiara Community Council (Aboriginal Corporation)

Keriba Kazil Torres Strait Islanders Corporation

Gungandji Aboriginal Corporation

Camu Goun-Doi Aboriginal Corporation

Uutaalnganu Aboriginal Corporation

Petford Training Farm (Aboriginal Corporation)

Townsville Regional Aboriginal & Torres Strait Islanders Corporation for Youth

Manth-thayan Aboriginal Corporation

Capricorn Aboriginal Corporation for Heritage and Culture

Lockhart Women’s Aboriginal Corporation

Nurapai Torres Strait Islanders Corporation

Millmerran Aboriginal and Torres Strait Islanders Corporation

Dabu Jajikal Aboriginal Corporation

Dirrabandi Aboriginal Corporation

Theodore Aboriginal Corporation

Nurapai Torres Strait Islanders Corporation

Napranum Aboriginal Corporation

Theodore Aboriginal Corporation

Wiri/Yuwibirra “Touri” Aboriginal Corporation

Link-up (QLD) Aboriginal Corporation

Northern Territory

Mistake Creek Aboriginal Corporation

Payeperrentye Aboriginal Corporation

Mount Liebig Aboriginal Corporation

Sandover Farm Aboriginal Corporation

Tuwakam Aboriginal Corporation

Kuwuma Djudian Aboriginal Corporation

Flinders Outstation Aboriginal Corporation

Jangirulu Aboriginal Corporation

Arrunge Aboriginal Corporation

Utopia Cultural Centre and Utopia Awely Batik Aboriginal Corporation

Ahalpere/Pitchi Richi Aboriginal Corporation

Likajarrayinda Aboriginal Corporation

Mungoorbada Aboriginal Corporation

Irwanyere Aboriginal Corporation

Gulin Gulin and Weemol Community Council Aboriginal Corporation

Rtumburriya Malandari Council Aboriginal Corporation
Western Australia
Gooda Binya Aboriginal Corporation
Kupartiya (Aboriginal Corporation)
Gulingi Nangga Aboriginal Corporation
Ngadju Bugarla Miming Wamu Wamu Aboriginal Corporation
Balangarri Aboriginal Corporation
Miniarra Resource Agency Aboriginal Corporation
Butchilbidi Aboriginal Corporation
Buurabalayji Thalanyji Aboriginal Corporation
Onslow Women’s Aboriginal Corporation
Wandanooka Aboriginal Corporation.
Morawa Aboriginal Corporation
Gubrun Aboriginal Corporation
Yonga Aboriginal Corporation
Aboriginal Driver Training Program Aboriginal Corporation
Yathalla Group Aboriginal Corporation
Guddoo Marddah Aboriginal Corporation
Aboriginal Movement for Outback Survival Aboriginal Corporation
Tkalkaboorda Community Aboriginal Corporation
Barrel Well Community Nanda Aboriginal Corporation
Gumala Aboriginal Corporation
Ngoonjuwah Council Aboriginal Corporation
Murchison Region Aboriginal Corporation
Carnarvon Medical Service Aboriginal Corporation
South Australia
Aboriginal Corporation of Employment and Training Development
Tasmania
Indigenous Tasmanians Aboriginal Corporation

QUESTION 3 (2) and 3(3)(b) - THE NAMES OF THE ABORIGINAL CORPORATIONS FOR WHICH THE REGISTRAR’S OFFICE HAS INCURRED COSTS FOR LEGAL MATTERS ARISING OUT OF SECTION 60 EXAMINATION FINDINGS 2000/2001 YEAR

New South Wales
Aboriginal Youth Accommodation (Aboriginal Corporation)
Doonooch Self-Healing Aboriginal Corporation
Dubbo Koorie Housing Aboriginal Corporation
Guri Wa Ngundagar Aboriginal Corporation
Queensland
Harlaxton Youth and Sporting Aboriginal Corporation
Kooma Aboriginal Corporation for Land

QUESTIONS ON NOTICE
Marillac House Aboriginal Corporation  
Twin Cities Aboriginal and Torres Strait Islanders Corporation  
Jiddabul Aboriginal Corporation  
Victoria  
Kerrup Jmara Elders Aboriginal Corporation  
Western Australia  
Tkalkaboorda Community Aboriginal Corporation  
Yamati Media Aboriginal Corporation  
Gobawarrah Minduwarra Yinhawanga Aboriginal Corporation  

QUESTION 3 (2) and 3(3)(b) - THE NAMES OF THE ABORIGINAL CORPORATIONS FOR WHICH THE REGISTRAR’S OFFICE HAS INCURRED COSTS FOR LEGAL MATTERS ARISING OUT OF SECTION 60 EXAMINATION FINDINGS  
2001/2002 YEAR  
New South Wales  
Gilgandra Aboriginal Corporation  
Nungi Aboriginal Corporation  
Queensland  
Wiri/Yuwiburra “Touri” Aboriginal Corporation  
Ang-Gnarra Aboriginal Corporation of Laura  
Toowoomba Aboriginal Corporation for Community Welfare  
Murri-Aid Inala Aboriginal & Torres Strait Islander Corporation  
Western Australia  
Koomaal Aboriginal Corporation  
Narrogin Aboriginal Corporation  
Louisa Downs Aboriginal Corporation  
Noongar Language and Culture Centre Aboriginal Corporation  
Bega Gambirringu Health Services Aboriginal Corporation  
Goomburrup Aboriginal Corporation  

QUESTION 3 (2) and 3(3)(b) - THE NAMES OF THE ABORIGINAL CORPORATIONS FOR WHICH THE REGISTRAR’S OFFICE HAS INCURRED COSTS FOR LEGAL MATTERS ARISING OUT OF SECTION 60 EXAMINATION FINDINGS  
2002/2003 YEAR  
New South Wales  
Gundabooka Aboriginal Corporation  
Brewarrina Aboriginal Cultural Tourism Aboriginal Corporation  
Brewarrina Aboriginal Cultural Museum Aboriginal Corporation  
Noongar Language & Culture Centre Aboriginal Corporation  
Camma CDEP Aboriginal Corporation  
Munjuluwa Health Housing & Community Aboriginal Corporation

QUESTIONS ON NOTICE
Tuesday, 8 February 2005

SENATE

151

Queensland
Aboriginal & Torres Strait Islander Corporation For All Sports Health & Recreation Association
Mitakoodi Aboriginal Corporation

Western Australia
Karijini Aboriginal Corporation
Martidja Banyjima Aboriginal Corporation

QUESTION 3 (2) and 3(3)(b) - THE NAMES OF THE ABORIGINAL CORPORATIONS FOR WHICH THE REGISTRAR’S OFFICE HAS INCURRED COSTS FOR LEGAL MATTERS ARISING OUT OF SECTION 60 EXAMINATION FINDINGS 2003/2004 YEAR

New South Wales
Boree Aboriginal Corporation
Camma CDEP Aboriginal Corporation
Gunangarah Aboriginal Corporation for Housing
Boorabee Aboriginal Corporation
Armidale Employment Aboriginal Corporation

Queensland
Brisbane North Aboriginal and Torres Strait Islanders Corporation for Aged Care
Yuddika (Aboriginal and Torres Strait Islanders Corporation)
Kalkadoon Aboriginal Corporation
Central Queensland Aboriginal Corporation for Media
Mount Morgan Aboriginal Corporation

Western Australia
South-West Aboriginal Medical Service Aboriginal Corporation
Kununurra Region Economic Aboriginal Corporation
Wirrimanu Aboriginal Corporation

Aboriginal Corporations
(Question No. 4)

Senator Brown asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 16 November 2004:

With reference to the administration of the Aboriginal Councils and Associations Act 1976:

(1) Since 1996, how many Aboriginal Corporations were subjected to examination under section 60 of the Act.

(2) (a) Which corporations were involved; and (b) in which state or territory did or do these corporations exist.

(3) What was the name of the person or persons or company that undertook the examination of corporations’ office documents.

(4) Did the Registrar’s office ensure probity checks were conducted on all the nominated persons or companies that undertook the examinations.

QUESTIONS ON NOTICE
(5) (a) Who did the Registrar engage to undertake the examinations; and (b) was this selection made through a tender process; if so, can a copy be provided of the notice that appeared in national newspapers calling for expressions of interest.

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

(1) 416 corporations have been subject to examination under section 60 of the Aboriginal Councils and Associations Act 1976 (ACA Act) since 1 July 1995.

(2) (a) The names of all corporations that have been examined under section 60 of the ACA Act since 1 July 1995 are contained in the list at Attachment A.

(b) The details of the states/territories where corporations have been examined under section 60 of the ACA Act since 1 July 1995 are shown in the list at Attachment A.

(3) The names of the persons or company that undertook each examination are contained in the list at Attachment A under the heading “Examiner”.

(4) Yes. The Registrar is careful to ensure that only reputable persons are used as examiners and administrators (the procurement and selection process is outlined in (5)(b)). This process involves examiners and administrators declaring any conflict of interest on a case by case basis (i.e. each time a quote is submitted and during the course of the job).

(5) (a) Refer to (3) above.

(b) The Registrar maintains a register of persons and companies capable of undertaking examinations and administrations. The current register was established in 1999 after advertising nationally for expressions of interest. The expressions of interest were assessed against two main criteria being relevant tertiary qualifications and experience working with Indigenous corporations. Subsequent additions to the register are made after assessment of resumes against these criteria.

When a decision is made to have an examination completed by a person or company listed in the register, then at least three (3) quotes are sought from persons or companies listed therein. Each quote is then assessed by the Registrar’s staff on the basis of price, availability, relevant expertise, probity and quality of any recent work undertaken for ORAC.

The register of examiners and administrators is being re-established now, due for completion in early 2005. The process for re-establishing it is consistent with Commonwealth procurement guidelines and other requirements.

In relation to your Question 4 (5)(b) the Registrar has also provided me with copies of documentation relevant to the tender process completed in 1999 to re-establish the Register of Examiners and Administrators, as follows:

(i) advertisement issued on 4 September 1999 (Attachment B);
(ii) assessment criteria used to evaluate the tenders (Attachment C); and
(iii) the assessment form (Attachment D).

Attachment A

QUESTION 4 (2) DETAILS OF SECTION 60 EXAMINATIONS FOR THE 1995-96 YEAR

<table>
<thead>
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<th>Corporation Name</th>
<th>Examiner</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td></td>
</tr>
<tr>
<td>Urimbirra Aboriginal and Torres Strait Islanders Corporation</td>
<td>Office of the Registrar</td>
</tr>
<tr>
<td>Wiemija Aboriginal Corporation</td>
<td>Walter &amp; Turnbull</td>
</tr>
<tr>
<td>Narwon Aboriginal Corporation</td>
<td>Office of the Registrar</td>
</tr>
<tr>
<td>Kamarah Aboriginal Corporation</td>
<td>Office of the Registrar</td>
</tr>
<tr>
<td>Corporation Name</td>
<td>Examiner</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------</td>
<td>----------------------------------------------------</td>
</tr>
<tr>
<td>Southern and Western Regional Aboriginal Corporation for Justice</td>
<td>Moores</td>
</tr>
<tr>
<td>Erambie Advancement Aboriginal Corporation</td>
<td>Office of the Registrar</td>
</tr>
<tr>
<td>Biripi Aboriginal Corporation Medical Centre</td>
<td>Office of the Registrar</td>
</tr>
<tr>
<td>Ngarabul Aboriginal Corporation</td>
<td>Thomas Noble &amp; Russell</td>
</tr>
<tr>
<td>Bugdlie Kooprih Yapitja Aboriginal Corporation</td>
<td>Walter &amp; Turnbull</td>
</tr>
<tr>
<td>Cooramah Housing Enterprise Aboriginal Corporation</td>
<td>Hull &amp; Cook</td>
</tr>
<tr>
<td>St Clairs Singleton Aboriginal Corporation</td>
<td>Sneddon McKeown</td>
</tr>
<tr>
<td>Orana Haven Aboriginal Corporation</td>
<td>Walter &amp; Turnbull</td>
</tr>
<tr>
<td>Perleeka Television Aboriginal Corporation</td>
<td>Moores</td>
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<td>Northern Star Aboriginal Corporation</td>
<td>Moores</td>
</tr>
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<td>Wyngal Accounting Services Aboriginal Corporation</td>
<td>Office of the Registrar</td>
</tr>
<tr>
<td>Moree Aboriginal Sobriety House Aboriginal Corporation</td>
<td>Thomas Noble &amp; Russell</td>
</tr>
<tr>
<td>National Aborigines and Islander Day Observance Committee (Aboriginal Corporation)</td>
<td>Office of the Registrar</td>
</tr>
<tr>
<td>Central Area Training and Accounting Resource Aboriginal Corporation</td>
<td>Walter &amp; Turnbull</td>
</tr>
<tr>
<td>National Indigenous Advisory Group Aboriginal Corporation</td>
<td>Moores</td>
</tr>
<tr>
<td>Gilgandra Aboriginal Corporation</td>
<td>Office of the Registrar</td>
</tr>
<tr>
<td>Parkes Multi Purpose Aboriginal Corporation</td>
<td>Office of the Registrar</td>
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<td>Mildura Aboriginal Corporation</td>
<td>Office of the Registrar</td>
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<tr>
<td>Queensland</td>
<td></td>
</tr>
<tr>
<td>Aboriginal and Torres Strait Islander Corporation for Men (Brisbane)</td>
<td>Lindsay Roberts</td>
</tr>
<tr>
<td>Wunjuada Aboriginal Corporation for Alcoholism and Drug Dependence</td>
<td>Horwath &amp; Horwath</td>
</tr>
<tr>
<td>Aboriginal and Torres Strait Islander Corporation for Women (Brisbane)</td>
<td>Cranstoun &amp; Hussein</td>
</tr>
<tr>
<td>Central West Aboriginal Corporation</td>
<td>Horwath &amp; Horwath</td>
</tr>
<tr>
<td>Palm Island Alcoholic and Drug Rehabilitation Aboriginal Corporation</td>
<td>C.E. Smith &amp; Co.</td>
</tr>
<tr>
<td>Mt Isa Aboriginal Media Association Aboriginal Corporation</td>
<td>Don Usher &amp; Co.</td>
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<td>Aboriginal and Torres Strait Islander Corporation for Welfare, Resource and Housing</td>
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<td>Dalapi Aboriginal and Torres Strait Islanders Corporation</td>
<td>Lindsay Roberts</td>
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<td>Mona Mona Aboriginal Corporation</td>
<td>Price Waterhouse</td>
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<td>Guranggu Council Aboriginal Corporation</td>
<td>Garraway &amp; Partners</td>
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<tr>
<td>Townsville &amp; District Aboriginal Corporation for Legal Services</td>
<td>Lindsay Roberts</td>
</tr>
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**QUESTION 4 (2) SECTION 60 EXAMINATIONS FOR THE 1997-98 YEAR**

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**QUESTION 4 (2) SECTION 60 EXAMINATIONS FOR THE 1998-99 YEAR**

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QUESTION 4 (2) SECTION 60 EXAMINATIONS FOR THE 2000 - 2001 YEAR

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## QUESTIONS ON NOTICE

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### QUESTION 4 (2) SECTION 60 EXAMINATIONS FOR THE 2001 - 2002 YEAR

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**QUESTION 4 (2) SECTION 60 EXAMINATIONS FOR THE 2002 – 2003 YEAR**

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**QUESTION 4 (2) SECTION 60 EXAMINATIONS FOR THE 2003 - 2004 YEAR**

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**QUESTIONS ON NOTICE**
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Attachment B

The Canberra Times – Saturday, 4 September 1999

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QUESTIONS ON NOTICE
Assessment Criteria
Register of Examiners/Administrators year 2000

QUALIFICATIONS:
1. Bachelors degree, or
2. Chartered Accountant, or
3. Certified Practising Accountant, or
4. Registered Company Auditor, or
5. Solicitor, or
6. Other relevant qualifications (to be determined case by case basis).
   (eg. Institute of Internal Auditors)

AND

EXPERIENCE:
1. Five or more years experience in accounting, auditing, investigation, administration, or receiver/manager, Or

2. Two or more years experience in accounting, auditing, investigation, administration, or receiver/manager, AND

Three or more years experience in assisting Aboriginal organisations.
## Assessment Form

### Register of Examiners/Administrators year 2000

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### Experience in Aboriginal affairs


### ASSESSMENT:

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## QUESTIONS ON NOTICE
Defence: Salt Ash Weapons Range  
(Question No. 5)

Senator Brown asked the Minister for Defence, upon notice, on 16 November 2004:
With reference to the Salt Ash Air Weapons Range near Port Stephens, which is used by aircraft from the Royal Australian Air Force Base, Williamtown, and to studies by PPK Consultants of an alternative range site using land at Mungo Brush (Tea Gardens):

(1) Is a second study by PPK Consultants, commissioned by the department in response to deficiencies in the initial study, a classified document.
(2) Has the Defence Inspector-General refused to release the study to the Australian National Audit Office.
(3) Will the study be made publicly available.
(4) Given that in media release 328/03, dated 13 November 2003, the department stated that, ‘Under the conditions attached to the introduction of the Hawk fighter, Defence is required to engage with local and state planning authorities to establish guidelines to ensure proposed developments near both sites are compatible with Defence operational and training requirements’, what consultation has since taken place with local and state planning authorities.
(5) Will the department also consult with these authorities in relation to the impact upon existing communities.
(6) In examining the environmental impact of the range, have the effects of exposure to aerosol jet fuel spray been investigated.
(7) Will the department commission on-going studies to determine the actual, as compared to the predicted, impact of the range upon local communities.
(8) Has there been any study of potential dangers to nearby residents arising from the use of live munitions in proximity to their homes.

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

(1) No, the Monkey Brush, Air Weapons Range Study, November 2002, is not a classified document.
(2) No.
(3) Yes, on request.
(4) The Williamtown Community Consultative Forum established under the conditions attached to the introduction of the Hawk Lead-In Fighter aircraft, provides a forum for the Department of Defence and the Royal Australian Air Force (RAAF) to exchange information with stakeholders on issues related to RAAF Williamtown and the Salt Ash Air Weapons Range. Members include the Hon Bob Baldwin MP, Senator John Tierney, representatives from Port Stephens Council, Newcastle City Council, Newcastle Airport Limited, Hunter Water Corporation, NSW Government and the Department of Defence. The forum meets quarterly. In addition, Defence liaises with state and local planning authorities to provide input to both strategic regional planning documents, urban settlement strategies and individual development applications in the vicinity of the RAAF base.
(5) Yes.
(6) Yes.
(7) Yes.
(8) Yes. The safety templates for Salt Ash Air Weapons Range are now all fully contained within Commonwealth land.
Military Detention: Australian Citizens

(Question No. 7)

Senator Brown asked the Minister representing the Attorney-General, upon notice, on 16 November 2004:

With reference to the prospective trials of Mr David Hicks and Mr Mamdouh Habib before a United States (US) Military Commission established under a Military Commission Order, under which a statement is admissible in evidence ‘if it has probative value to a reasonable person’:

1. Does this provision give the defendants less protection against making admissions as a result of physical or mental torture than they would have if they were tried by a civil court in either Australia or the US.

2. Will the Australian Government petition the US Administration to ensure that statements made by the defendants under duress are not admitted as evidence by the military commission.

3. Will the Australian Government petition the US Administration for an inquiry into whether Mr Hicks and/or Mr Habib have been subjected to torture to be conducted by an independent inquiry rather than by an inquiry held within the US Navy.

Senator Ellison—The Attorney-General has provided the following answer to the honourable senator’s question:

1. The provision of Military Commission Order No. 2 cited in the question is a rule governing admissibility of evidence, not protection against making an admission. That is, it is not a rule about the methods by which confessions may be obtained, but rather a rule about whether those admissions may be accepted as evidence in a military commission proceeding.

In Australia, the admissibility of admissions into evidence in a prosecution for offences against Commonwealth criminal law is governed by the Evidence Act 1995 and provisions in the Crimes Act 1918. In accordance with section 84 of the Evidence Act 1995, an admission is to be excluded from evidence if it was influenced by “violent, oppressive, inhuman or degrading conduct” or “a threat of conduct of that kind”.

The rules of evidence applicable to the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda do not include an express provision excluding evidence obtained as a result of torture. Rule 95 of the Rules of Procedure and Evidence applicable to the ICTY states that: “No evidence shall be admissible if obtained by methods which cast substantial doubt on its reliability or if its admission is antithetical to, and would seriously damage, the integrity of the proceedings”. Similarly, evidence is not to be admitted before a military commission unless it would have probative value to a reasonable person. A determination of the probative value of a piece of evidence may include consideration of the manner by which that evidence was obtained.

2. US authorities have previously advised it is open to defence counsel acting in military commission cases to argue that the manner in which evidence, including admissions, was obtained means that the evidence could not have probative value to a reasonable person. The decision whether to admit evidence is a matter properly considered by the military commission members who are sitting as deciders of law and fact.

3. The Government will await the results of the US Navy's investigation.

Transport: Road Freight

(Question No. 10)

Senator Brown asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 16 November 2004:
With reference to the sub-contracting of the carriage of road freight by transport operators:

(1) In circumstances where monies are collected from sub-contractors for insurance purposes: (a) are operators required to lodge these monies with an insurance agency; (b) are operators required to notify their sub-contractors in writing of the extent to which they are covered by insurance that is held by the contracting company; and (c) is there an available estimate of the yearly value of insurance levies collected by contracting companies where the above conditions are not met.

(2) In circumstances where monies are collected from customers, as a levy to cover the increased cost of fuel: (a) are operators required to pass these levies to sub-contractors where the fuel is purchased by the sub-contractor; and (b) is there an available estimate of the yearly value of fuel levies that are not passed on to sub-contractors who purchase their own fuel.

(3) Will the Government ask the National Road Transport Commission to investigate whether sub-contractors should be given further protection with respect to both of the above issues.

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

(1) This matter is one for the Australian Securities and Investment Commission and the question should be directed to the Honourable Senator representing the Treasurer.

(2)Issues associated with the charging regime of individual companies do not fall within the responsibilities of the Minister for Transport and Regional Services.

(3) The National Transport Commission is a multi-jurisdictional organisation responsible for developing regulatory reform proposals for road, rail and intermodal transport. Individual charging regimes by transport companies do not fall within the NTC’s area of responsibility.

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**Marriage: Gender Reassignment**

(Question No. 12)

**Senator Brown** asked the Minister representing the Attorney-General, upon notice, on 16 November 2004:

With reference to the Marriage Amendment Act 2004 and in particular to couples where one partner has undergone, or is contemplating, gender reassignment:

(1) What is the meaning of the terms: (a) ‘man’; and (b) ‘woman’.

(2) (a) What is the situation of married couples where one partner undergoes a gender reassignment; (b) is their marriage invalidated by the legislation; and (c) what are the consequences for: (i) the couple, (ii) their children (including adopted children), (iii) property, including inheritance, (iv) entitlement to government benefits, (v) citizenship, and (vi) any other circumstance.

(3) If the law in effect annuls such marriages, how and when will the Government inform couples of this fact.

**Senator Ellison**—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) The terms ‘man’ and ‘woman’ are not defined in the Marriage Amendment Act 2004 (the Act). The terms continue to be given their ordinary everyday meaning.

(2) (a) and (b) It is not appropriate for the Attorney-General to give legal advice. However he considers that the decision of the Full Family Court in Re Kevin establishes that the validity of a marriage is determined at the time it is solemnised, and the definition in the Act does not mean that a marriage will be annulled or made invalid because one of the parties to it undergoes gender reassignment surgery. (c) Any consequences for benefits or other matters will depend on the particular legal provisions and the individual circumstances in each case and it is not appropriate for the
ATTORNEY-GENERAL TO TRY TO GIVE GENERAL ANSWERS TO THE QUESTIONS ASKED, AS DOING SO MAY AMOUNT TO GIVING LEGAL ADVICE.

(3) AS THE LAW DOES NOT IN EFFECT ANNUL MARRIAGES THERE WILL BE NO NEED FOR THE GOVERNMENT TO CONTACT COUPLES.

MILITARY DETENTION: AUSTRALIAN CITIZENS
(Question No. 13)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 16 November 2004:

(1) Before, or since, the Minister’s comments on the Australian Broadcasting Corporation’s Lateline program on 12 May 2004, what action has the Minister taken to establish the complete picture of treatment or mistreatment of the two Australians, and other persons, at Guantanamo Bay.

(2) What is the complete picture regarding the treatment of the two Australians at Guantanamo Bay.

(3) Since 12 May 2004, what specific request has been made to the United States Government for details of the treatment of Mr Hicks and Mr Habib, known to Major Mori or any other person involved.

(4) What details of the treatment of Mr Hicks and Mr Habib have been received.

Senator Hill—The following answer has been provided by the Minister for Foreign Affairs to the honourable senator’s question:

(1) Australian officials who have visited Mr Hicks and Mr Habib in US custody on many occasions have confirmed both men have been, and are being, treated humanely. The most recent visit was undertaken by the Australian Consul-General in Washington in the week beginning 1 November 2004. Representatives of the International Committee of the Red Cross have also seen both men in the course of regular visits to Guantanamo Bay.

(2) On 23 August 2004, the United States Department of Defense advised Australia’s Ambassador to the United States that an examination of medical records and other documents concerning the detention of Mr Hicks and Mr Habib had revealed no evidence of mistreatment or abuse while in United States Department of Defence custody. The findings are consistent with reports by Australian officials who have regularly visited the two men at Guantanamo Bay that they are being treated humanely. We note that a separate investigation by the United States Naval Criminal Investigative Service is ongoing. The Government has been advised by United States authorities that this investigation is due to be completed shortly.

(3) In light of allegations about the treatment of Mr Hicks and Mr Habib while in the custody of the United States, the Government expressly requested the US Government to initiate an investigation into the claims. The Australian Ambassador in Washington wrote to the US on 20 May 2004 requesting a formal investigation into both men’s treatment at all times they have been in US custody. Mr Wolfowitz confirmed in writing on 26 May 2004 that the US agreed to conduct a review of all circumstances surrounding Mr Hicks’ and Mr Habib’s detention in US custody.

(4) See (2) above.

Health: Tobacco Advertising
(Question No. 15)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 4 November 2004:

With reference to an article in the Herald Sun, dated 18 October 2004, which reported that the Premier of Victoria (Mr Bracks) will ask for funds to compensate for the loss of revenue expected after 2006
when exemptions for motor racing from the Tobacco Advertising Prohibition Act 1992 will not be provided by the Federal Government:

(1) Has such an approach been made; if so, can a copy of the correspondence or records be provided.

(2) Is the Minister aware that compensation of $18 million was paid to Mr Ecclestone for the Montreal Formula One Grand Prix when the Canadian Government banned tobacco advertising in 2004.

(3) Has the Government considered providing revenue for this purpose; if so, will it do so.

(4) Has the Minister advised the Victorian Government that exemptions will not be provided after the Melbourne Formula One Grand Prix in 2006; if not, will it do so.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) No approach has been made.

(2) No.

(3) No approach has been made.

(4) No. It was not necessary to advise the Victorian Government that exemptions will not be provided after the 2006 Melbourne Formula One Grand Prix, as this is prescribed in legislation that is familiar to all parties concerned.

Health: Alcohol and Tobacco Use

(Question No. 16)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 10 November 2004:

With reference to the report of the National Drug Research Institute released on 29 June 2004:

(1) Given that 90 per cent of drug-caused disability and death is caused by alcohol and tobacco, will the Minister consider any change to the current proportion of spending on harm reduction and prevention programs that relate to legal and illegal substance use, namely the approximately $120 million spent per year on alcohol and tobacco; if not, why not.

(2) Will the Minister consider the following suggested strategies, where appropriate in collaboration with state and territory governments: (a) further restrictions on smoking in public spaces; (b) increased taxes on high strength alcoholic products; (c) increasing the legal age for purchasing tobacco products; (d) enforcing liquor laws; and (e) improving the advice and intervention given by general practitioners to patients who smoke and/or drink to excess.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) Prevention and harm reduction are priorities in the recently announced National Drug Strategy 2004-2009. The Australian Government supports the National Drug Strategy priorities, which call for a balanced and comprehensive approach covering both licit and illicit drugs, as do all state and territory governments. Responsibility for harm reduction and prevention is shared by all governments.

(2) (a) The National Public Health Partnership, a cross-jurisdictional body including the Australian Government and all state and territory jurisdictions, released a National Response to Passive Smoking in November 2002. This document incorporates a background paper on passive smoking as a public health issue, a statement of the guiding principles for developing legislation; and examples of core provisions for consideration in legislation. These recommendations have been used to inform the development of state and territory approaches, while respecting the sovereignty of each Parliament and the need for flexibility. I understand that states and territories have legislated fur-
other bans for smoking in public places to be introduced in the next two to three years, depending on
the jurisdiction.

(b) Taxation of alcohol products is a matter for the Treasurer.

(c) The legal age for purchasing tobacco products is a matter for state and territory governments under
their Acts governing the Age of Majority or other applicable statutes. Subject to such Acts, a person
attains full age for all purposes of the law of each state and territory when he/she attains the age of
18 years.

(d) Enforcement of liquor laws is the responsibility of state and territory liquor licensing authorities
and/or police.

(e) The Australian Government Department of Health and Ageing commissioned General Practice
Education Australia (GPEA) Limited to develop Australian best practice guidelines in smoking
cessation for general practice and supporting resource material. The Smoking Cessation Guidelines
for Australian General Practice were released by the then Parliamentary Secretary, the Hon Trish
Worth MP on 24 June 2004. All GPs have been sent a copy.

The Australian Government funded a review of the scientific evidence regarding the treatment of
alcohol problems and the development of clinical practice guidelines for health care providers.

Publications covering the treatment of alcohol problems, as well as an extensive series of summary
guidelines targeted at general practitioners and other health care workers, including alcohol con-
sumers and young people with alcohol problems, have been published and are being disseminated.

Information workshops, completed in mid 2004, were held in all states and territories targeting
health care workers.

The Australian Government is a partner, together with the Australian Divisions of General Practice,
the Australian Government Department of Veterans’ Affairs and the Alcohol Education and Reha-
bilitation Foundation (AERF), in the ‘Your Mental Health and Alcohol: Managing the Mix’ Project,
which commenced in February 2004. The aim of the project is to improve the capacity of general
practitioners in the prevention and management of high prevalence alcohol and mental health co-
morbidities in primary care; and build a critical mass of GPs and practice staff competent in the
prevention, management and referral of alcohol and mental health comorbidity. Nineteen projects
will be delivered nationally. The projects cover 33 Divisions of General Practice and have a poten-
tial target audience of almost 6,000 GPs.

Health: Alcohol Use
(Question No. 17)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon
notice, on 11 November 2004:

(1) Is the Minister aware that Canada is joining New Zealand, the United Kingdom and France in in-
troducing mandatory warnings on all alcoholic beverages similar to those that are currently used in
the United States of America and Japan.

(2) Given that the long-term effects of irresponsible alcohol use include chronic health problems, alco-
holic dependence, unemployment, family breakdown, and homelessness and the short-term effects
include loss of control and intoxication contributing to road trauma, public violence, domestic vio-
ience, falls, accidents operating machinery, increased sexual vulnerability and unwanted pregnan-
cies; what plans does the Government have to investigate the efficacy of introducing improved
consumer information labelling on alcoholic beverages in Australia.

Senator Patterson—The Minister for Health and Ageing has provided the following an-
twer to the honourable senator’s question:
(1) No. The Department of Health and Ageing understands that the information within this question may be incorrect.

Australia and New Zealand have a joint Food Standards system. Currently there is no requirement in Australia or New Zealand for alcohol beverages to be labelled with a mandatory warning statement.

(2) The Australia New Zealand Joint Food Standards Code requires that all alcoholic beverages are labelled with a statement of alcohol content (i.e. X% alcohol by volume) and a statement of the approximate number of standard drinks this equates to. These provisions were adopted as part of the review of Food Standard Code in 2002. Food Standards Australia and New Zealand, or its predecessors, have considered the issue of additional warning labels on alcohol products twice in the past. On those previous occasions the decision was made that there was inadequate evidence for the introduction of such additional warnings. There is no international consensus on the effectiveness of warning statements on alcoholic beverages in changing behaviour in ‘at risk’ groups.

Public health strategies aimed at reducing alcohol-related harm are already being implemented in Australia. The Ministerial Council on Drug Strategy (MCDS) at its meeting of 12 November 2004 has agreed to write to the Australia and New Zealand Food Regulation Ministerial Council requesting that:
- alcoholic beverages are more clearly labelled as alcoholic drinks; and
- that the number of standard drinks contained in a beverage are more prominently marked on the container in a standard, easy to read format.

These matters will be considered by Australia and New Zealand Food Regulation Ministerial Council once a formal request is received.

**Environment: Climate Change**

(Question No. 18)

Senator Brown asked the Minister for Defence, upon notice, on 16 November 2004:

With reference to the answer to question on notice no. 2811 (Senate Hansard, 12 May 2004, p. 23190): Is the scenario outlined in the October 2003 Pentagon report, Abrupt climate change scenario and its implications for United States National Security by Peter Schwartz and Doug Randall, including ‘Fortress USA’ and/or ‘Fortress Australia’ plausible; if not, why not.

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

The assumptions that underpin the climate change scenario are very complicated and technical, and as stated in my previous answer, are more appropriately addressed by the Minister for the Environment and Heritage.

However, I would comment that Australia is a trading nation, dependent upon its commercial, personal and other linkages with countries in Asia, America and Europe. It is not in Australia’s interests to create a fortress (physical or conceptual) in an attempt to create a more secure environment for Australians. Australia’s security is closely linked to the security and stability of our region. We recognise that Australia’s security could be compromised if we did not continue to work to improve security in the region itself. Working with regional partners to build the region’s capacity and capability to secure itself is a critical element of our strategy to safeguard Australia, and the fortress concept would do significant damage to that goal and its achievement.
Defence: High Intensity Active Naval Sonar
(Question No. 19)

Senator Allison asked the Minister for Defence, upon notice, on 16 November 2004:

(1) Is the Minister aware of the resolution of the Parliament of the European Union (EU) dated 28 October 2004 which calls on its 25 member states to stop the deployment of high intensity active naval sonar until more is known about the harm it inflicts on whales and other marine life.

(2) Is the Minister aware of the report of the Scientific Committee of the International Whaling Commission (IWC) 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.

(3) Is the Minister aware that the IWC expressed particular concern about the effects of high intensity sonar, noting that the association with certain mass strandings ‘is very convincing and appears overwhelming’.

(4) Will the Government consider joining the EU in supporting the establishment of a multinational task force to develop an international agreement on sonar and other sources of intense ocean noise in order to exclude and seek alternatives to the harmful sonars used and to immediately restrict the use of high intensity active naval sonars in waters falling under their jurisdiction; if not, why not.

(5) Will the Minister provide details of: (a) the sonar systems used in Australian waters; and (b) the proposals to use active sonar during the proposed joint military training exercises between Australia and the United States of America (US) in Shoalwater Bay and surrounding waters.

(6) Will the environmental management plans for these joint military training exercises be made public and will the precautionary principle be adopted in all circumstances.

(7) Will the Minister provide details of proposals to adopt the new Surveillance Towed Array Sensor System Low Frequency Active system, currently in use on two US Navy ships, for Australian warships and submarines.

(8) What efforts have been made by the Government to improve knowledge about the distribution of whales in Australian waters and the effects of active sonar systems on marine life.

(9) Will the environmental impact of the use of active sonar systems in joint military exercises and more generally be overseen and assessed by marine scientists independent of government; if so, by whom; if not, why not.

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

(1) Yes.
(2) Yes.
(3) Yes. The United States Navy admits that there is a spatial and temporal correlation between some mass stranding events and its operation of certain types of sonar equipment in particular circumstances. There appears to be no instance in Australia of a whale stranding event occurring in association with the conduct of Defence activities using sonar.

(4) No. The sonars used by Defence are operated in a way that ensures that there is minimal risk to marine mammals. The strategies in place for the operation of sonar equipment are among the most precautionary in the world.

(5) (a) Yes. There are hundreds of types of sonar devices used by civilians, industry and the military, ranging from depth sounders and fish finders to military systems used in anti-submarine warfare. With regard to the military applications of sonar technology used in military exercises, some information was made available to the public on 12 October 2004 in supporting information produced for the environmental impact assessment process currently underway for the United States -
Australian Exercise Talisman Saber 05. Further information will also be provided early in 2005 as part of the public consultation process being undertaken for this exercise under the Environment Protection and Biodiversity Conservation Act (1999). (b) Yes. See answer to (a). Vessel mounted active anti-submarine warfare sonar is not used in Shoalwater Bay nor in the immediate vicinity. Anti-submarine warfare exercises will be conducted far offshore in the Coral Sea.

(6) Yes.

(7) There are no proposals to adopt Surveillance Towed Array Sensor System Low Frequency Active Sonar for Australian warships or submarines.

(8) The Australian Government, through the Natural Heritage Trust, has funded whale research of over three million dollars determining the distribution and abundance of the listed threatened species of blue, southern right and humpback whales. In addition, Defence has contributed funding over several years toward research into the distribution and abundance of blue whales and the effects of noise on humpback whales. It has also supported university studies of the effects of noise on whales, dolphins and other marine mammals. The Australian Government is aware of the concerns regarding the effect of sound on marine mammals and is monitoring research efforts particularly in Europe and North America to ensure we are abreast of the latest information. Defence has also conducted an environmental impact assessment of the use of all acoustic sources used by Defence in the marine environment.

(9) Yes, and this has already been done. The strategies dealing with acoustic sources of sound in the ocean, developed as part of an environmental impact management plan for Defence activities in the marine environment, were provided to the Department of Environment and Heritage, the Whale and Dolphin Conservation Society and Dr Rob McCauley of Curtin University in Western Australia, who is a world renowned expert in this field, for comment prior to being implemented by Defence.

**Health: Solarium Operators**

*(Question No. 21)*

**Senator Allison** asked the Minister representing the Minister for Health and Ageing, upon notice, on 15 November 2004:

(1) Is the Minister aware of a study conducted by the Victorian Cancer Council which found that 90 per cent of customers with very fair skin were able to use solariums, and that this use is in breach of Australian Standards.

(2) Will the Minister require solarium operators to comply with Australian Standards.

(3) Will the Minister require solarium operators to give warning to those who are at high risk of developing skin damage and skin cancer.

**Senator Patterson**—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) The Australian Radiation Protection and Nuclear Safety Agency, through the Radiation Health Committee was advised in March 2004 that recent Victorian surveys of the compliance of solaria operators with Australian Standard 2635:2002 had demonstrated a need for stronger encouragement of the industry to adhere to the Standard. In response, a statement was released on compliance with the Australian and New Zealand Standard on Solaria for Cosmetic Purposes. The Statement is available at http://www.arpansa.gov.au/rhc_stat.htm.

(2) Sources and facilities of radiation, such as solaria, may be regulated by the authorities in each state and territory. Currently no state or territory regulates solaria. The Australian Standard is not currently a regulatory document. The Radiation Health Committee is established under the Australian
Radiation and Nuclear Safety Act (1998). The Committee includes senior radiation regulator representatives from each state and territory.

(3) The Statement released by the Radiation Health Committee stresses requirements of the Australian and New Zealand Standard including prohibition of use of solaria by persons under the age of 15, parental consent for persons under the age of 18, exclusion of people with fair skin to solaria, restricts repeat exposures and forbids claims of non-cosmetic health benefit of solaria to be used in promotion.

Environment: Threatened Ecological Communities
(Question No. 25)

Senator Allison asked the Minister for the Environment and Heritage, upon notice, on 17 November 2004:

With reference to threatened ecological community listings and the report, Identification and Assessment of Nationally Threatened Woodlands.

(1) What course of action will the Minister take to ensure the further assessment of national ecological communities identified as lacking data or not assessed.

(2) Does the Minister intend to proceed with the listing of two national ecological communities identified as eligible for listing under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), namely: (a) Coolabah woodlands and open woodlands in the Mulga Lands and Darling Riverine Plains (and neighboring lands); and (b) Woodlands of Eucalyptus formanii of the arid region of Western Australia.

(3) Given the findings of the report will the public nomination for Coolabah (Eucalyptus coolabah)/ blackbox (Eucalyptus largiflorens) woodlands of northern New South Wales wheatbelt and Queensland Brigalow Belt Bioregion be progressed under the EPBC Act, particularly as the New South Wales portion of this region has recently been recognized as an endangered ecological community under the New South Wales Threatened Species Conservation Act 1995.

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


(2) I will consider whether or not the particular ecological communities in question are eligible for listing under the EPBC Act following receipt of expert advice from the Threatened Species Scientific Committee, as required by the EPBC Act.

(a) The Committee is currently assessing a public nomination for Coolabah (Eucalyptus coolabah)/ Black Box (Eucalyptus largiflorens) Woodlands of the Northern NSW Wheatbelt and Queensland Brigalow Belt bioregion.

(b) The Woodlands of Eucalyptus formanii of the semi-arid and arid regions of Western Australia will be assessed by the Committee within the strategic framework noted at (1) above.

(3) Yes.

Gambling
(Question No. 35)

Senator Allison asked the Minister for Justice and Customs, upon notice, on 17 November 2004:
(1) Has the Australian Broadcasting Authority or anyone else referred to the Australian Federal Police any complaints that Betfair breached subsection 8A(2) of the Interactive Gambling Act 2001 by taking a bet on the US Golf Open after the event had started; if so: (a) what is the status of that referral; and (b) have charges been laid.

(2) Has there been any investigation of claims that Betfair continue to offer betting that contravenes subsection 8A(2) of the Interactive Gambling Act 2001; if so, have charges been laid: if not why not.

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

(1) This matter was referred to the Australian Federal Police (AFP) by the Australian Broadcasting Authority on 31 March 2003.

(a) The matter is under investigation.

(b) No.

(2) This matter is under investigation. No charges have yet been laid.

Health: Healthy Weight 2008

(Question No. 38)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 16 November 2004:

With reference to Healthy Weight 2008 – Australia’s Future, the National Action Agenda for Children and Young People and their families; what progress has been made on the following 2004 actions listed on the action agenda:

(a) develop, disseminate and promote physical activity guidelines for children under five;

(b) disseminate, promote and implement the National Health and Medical Research Council (NHMRC) Dietary Guidelines for Children and Adolescents;

(c) introduce ‘good practice’ standards on healthy eating and physical activity that meet the above guidelines and build on accreditation and funding frameworks;

(d) address real and perceived barriers that may limit the achievement of standards and guidelines (for example, legal liability issues, food safety regulations) including education with regard to ‘perceived’ barriers;

(e) implement ‘good practice’ interventions, including training for childcare workers and information and support for parents, grandparents and carers on active play and healthy eating (including breast feeding);

(f) identify, disseminate and implement ‘good practice’ and innovative curricula and environmental interventions on a national basis (for example, fruit and vegetable promotion, cooking skills, physical activity) in schools;

(g) promote widely the implementation of the NHMRC Dietary Guidelines for Children and Adolescents and Australian Guide to Healthy Eating by introducing standards for school canteens, vending machines, fund raising, sponsorships, special events, and by strengthening nutrition education in the curriculum;

(h) develop and promote widely the implementation of physical activity guidelines for children and adolescents, and increase the amount and reach of physical education in schools (including traditional Indigenous games);

(i) support initiatives for safe active travel and/or transport to school, for example, walking and/or cycling to school programs;
(j) develop integrated programs to reduce excessive television watching and computer games using multiple strategies with young people, teachers and parents;

(k) forge and extend partnerships between schools and the wider community to raise awareness and provide resources and information to young people and families, for example, sporting and recreational bodies, local government, horticulture industry;

(l) develop programs to support children and adolescents to be advocates for healthy eating and active living and promote NHMRC guidelines and/or prompt sheets on the prevention, treatment;

(m) promote NHMRC guidelines and/or prompt sheets on the prevention, treatment and management of overweight and obesity to all primary health care professional groups;

(n) develop IT software for GP child and adult screening of body mass index and intervention and referral pathways;

(o) develop and implement ‘Lifestyle Scripts’ for young people and parents;

(p) increase the number of community-based support programs for management of overweight in young people and families, which are culturally appropriate;

(q) extend ‘good’ practice programs for healthy eating (including breastfeeding) and active living within antenatal and postnatal care (including home visiting), and increase the access of these services by Indigenous people;

(r) develop and disseminate information resources for parents at different stages of their child’s development - starting with new parents - on healthy eating, active living and healthy weight for themselves as well as their child;

(s) assist hospitals and health services to be accredited as ‘Baby Friendly’ hospitals and community services;

(t) develop and implement breastfeeding support policies and programs for all government organisations at local, state, territory and federal levels – with health departments leading by example;

(u) introduce healthy eating and active living initiatives in existing and future urban design projects, neighborhoods renewal and community strengthening programs;

(v) strengthen state/territory government, local government and community planning of physical and service infrastructure to support healthy eating and active living (for example, density of food outlets, integrated planning for ‘mixed-use localities’, availability of swimming pools in rural areas);

(w) develop and promote tools for local government and community organisations (including sporting bodies) on ‘good practice’ options, including partnerships with the private sector such as retailers, the development industry and community service providers;

(x) promote the National Indigenous Housing Guide to ensure improvement in household environment design and essential amenities (for example, food storage, cooking facilities, power, safe water, and sanitation);

(y) investigate ways to address legal liability issues where they pose barriers to active living;

(z) encourage other public sector agencies as well as the private and non-government sectors to provide supportive healthy eating and active living workplace environments, and improve workplace policies to assist parents with healthy eating and active living in their families (for example, disseminate parent support information);

(aa) support programs promoting active travel and/or transport, for example, walking and/or cycling to work and Transport Access Guides, with government agencies taking the lead;
(ab) initiate programs in healthy eating and active living to support parents of young children seeking work;

(ac) support and extend good practice programs (including codes of practice) to promote healthy eating (especially vegetables and fruit) through all types of food service and retail outlets, including a focus on remote and rural communities;

(ad) enhance consumer education, including point of sale advice, to improve understanding of food labels, dietary guidelines, and the links between weight, energy intake and physical activity levels;

(ae) monitor the cost and availability of healthy food choices including further development of the Healthy Food Access Basket Surveys;

(af) develop a national accreditation system for food service outlets and Aboriginal community controlled stores based on sales of healthy food and encourage funding bodies to recognise accreditation when funding;

(ag) encourage the food service industry to limit size of servings and reduce energy content of less healthy meals and snacks, and support the food manufacturing industry to develop less energy dense products;

(ah) develop cold chain management initiatives to improve the quality and safety of fresh produce in rural and remote areas;

(ai) address food access and food security issues for young people in social disadvantaged, remote and Indigenous communities, to increase the availability of healthy foods and establish patterns of healthy eating;

(aj) coordinate a national program of marketing and communication activities, which supports healthy weight through promoting healthy eating and active living;

(ak) undertake research to understand and assess the impact of current food and drinks advertising practices on community levels of overweight and obesity;

(al) monitor and assess the effectiveness of the Children’s Television Standards and the revised regulatory framework for food and drinks advertising to children in meeting health objectives, and recommend modifications if necessary, for example, the inclusion of health objectives in the regulatory code of practice;

(am) develop and implement a coordinated a whole-of-community education and social marketing strategy - acknowledging the needs of different communities particularly indigenous communities – which links with other relevant communication strategies;

(an) support the Australian Fruit and Vegetable Coalition in its work to promote and increase the consumption of vegetables and fruit;

(ao) develop parent-focused multi-media campaigns with associated support services, for example websites;

(ap) create and implement an ongoing public relations program and specific marketing initiatives, which support the Healthy Weight 2008 Settings Strategies;

(aq) develop a national awards program for innovation in promoting healthy eating and active living across the full range of Settings Strategies;

(ar) establish and promote a common identity and image for all initiatives.

(as) support parents, carers and families directly in healthy eating and active living by actions initiated through the National Agenda for Early Childhood (for example, home visiting, income support);
(at) select, designate and resource at least one whole-of-community demonstration area in each state and territory (including at least two Indigenous communities) which comprises comprehensive, communitywide interventions that are evaluated;

(au) establish a network of demonstration areas, and through a planned and systematic mechanism actively exchange experiences, opportunities and results;

(av) establish a professional support unit and clearinghouse, to provide technical assistance, training, analysis and evaluation of the demonstration areas;

(aw) initiate a proactive dissemination and professional development strategy to inform policy and interventions, and strengthen capacity throughout the whole of Australia;

(ax) establish mechanisms to disseminate findings to other sectors particularly education and local government;

(ay) establish a pool of ‘local champions and/or leaders of good practice’ within demonstration areas to provide local support (for example, skills and experiences) to a range of sectors;

(az) scope and develop specifications for national nutrition and physical activity monitoring and surveillance systems, including culturally appropriate Indigenous components;

(ba) design a comprehensive, regular, coordinated monitoring system for height and weight status (particularly of young people) and a series of validated indicators of key behaviours and environments related to healthy eating and active living;

(bb) establish benchmarks and strategic tracking indicators for best practice and monitor performance across the strategies;

(bc) begin to implement continuous progress reporting across all the Healthy Weight 2008 strategies through a performance management cycle;

(bd) conduct strategic and policy research to inform decision-making, and fast track the sharing and application of new research evidence Australia-wide;

(be) consider the value and validity of setting measurable targets when baseline measures are available;

(bf) undertake health impact assessments of new policies likely to impact on healthy weight;

(bg) develop and disseminate healthy weight resources to community members who are in a position to influence healthy eating and active living behaviours, such as parents, teachers, child care workers, health professionals, Indigenous leaders, sports managers, caterers, manufacturers and employers;

(bh) establish a new national leadership development programme for obesity prevention including strong Indigenous participation;

(bb) support relevant professional networks that can assist in the dissemination of ‘good practice’, including specific assistance for Indigenous health, education and other sector workers;

(bj) seek the support, commitment and cooperation of all levels of government, the private sector, non-government organisations and the public for national cross-sectoral action to tackle obesity;

(bk) encourage and support key workers and organisations to lead by example as champions for healthy weight.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:
Answer: (a)-(bk)

Healthy Weight 2008 – Australia’s Future – The National Action Agenda for Children and Young People and Their Families is the first step towards shaping Australia’s future for better health and wellbeing. It is an agenda for action across all jurisdictions, multiple portfolios, communities and industry.

Healthy Weight 2008 has a strategic, four year timeframe for the first phase, acknowledging that a long term approach is required to address overweight and obesity. An initial set of actions commencing in 2004 was suggested, recognising that these are a guide and that not all actions will be addressed in the short term.

Please note, some actions in Healthy Weight 2008 sit more appropriately with State and Territory jurisdictional responsibility and the private and non-government sector also has a role. In view of this, the honourable senator may wish to seek information from the respective jurisdictions and sectors involved.

The following initiatives are an indication of what the Australian Government is doing to address actions identified in Healthy Weight 2008.

- The NHMRC Dietary Guidelines for Children and Adolescents in Australia have been developed, published and disseminated to key stakeholders and organisations which submitted information during their development. Further dissemination, to schools and associated organisations, will be undertaken for the Building a Healthy Active Australia initiative.

- Physical activity recommendations for children and youth are in the final stages of development and were endorsed by Health Ministers on 29 July 2004. Three consumer products to support these recommendations are being developed:
  - a brochure for parents and carers of children aged 5-12 years;
  - a brochure for youth aged 12-18 years; and
  - a technical document for professionals.

The recommendations for children and youth include that kids need at least 60 minutes (and up to several hours) of moderate to vigorous physical activity every day; and children should not spend more than two hours a day using electronic media for entertainment (eg computer games, Internet, TV), particularly during daylight hours.

- The NHMRC Clinical Practice Guidelines for the Management of Overweight and Obesity in Adults and the Clinical Practice Guidelines for the Management of Overweight and Obesity in Children and Adolescents were published in November 2003. The guidelines are promoted on an ongoing basis to primary health care professionals. A range of options are currently being considered to extend the dissemination of these products.

- In 2004, the Australian Institute of Health and Welfare (AIHW) released the latest in a series of bulletins and fact sheets on overweight and obesity: "Obesity trends in older Australians" and “Health, Wellbeing and Body Weight: characteristics of overweight and obesity in Australia, 2001”.

- The Evaluation of Quality Practice in the Promotion of Healthy Eating and Physical Activity in Australian Schools project, undertaken by the Department of Health and Ageing, has evaluated ‘flagship’ schools selected by States and Territories for innovative and comprehensive nutrition and/or physical activity programs. The Australian Government has developed a resource kit for schools based on findings from the above project. This resource kit will be distributed to every school in Australia.

- Funding was provided to the Pedestrian Council to organise the ‘Walk to Work Day’ held in October 2003 and the ‘Walk Safely to School’ day held in April 2004. In recognition of the value of these events, further funding of up to $1.5 million over the next three years ($500,000 per year) has been allocated. This provides an opportunity to build on the success of each sub-
sequent event by allowing the benefit of longer-term planning and greater lead-time for each event. As part of this three year funding ‘Walk to Work Day’ was held on Friday 5 November 2004.

- Funding of $450,000 was provided for a pilot sentinel site (via Deakin University) to the Barwon-South West project in Victoria, on preventing obesity in children and adolescents through a whole of community approach. The pilot is to be evaluated and lessons learnt will determine options for the future – completion date December 2005.

- The Department of Health and Ageing has led public sector physical activity workplace initiatives with the 10K a Day program and the Corporate Challenge. The 10K a Day program promotes moderate exercise and health and wellbeing by encouraging participants to walk 10,000 steps a day. The 10K a Day kit has a pedometer and nutrition and physical activity information, backed-up with an on-line logbook that allows people to record and monitor their walking progress. The program has been taken up by other Australian Government departments and other jurisdictions.

- The Australian Broadcasting Authority (ABA) is the Australian Government authority responsible for developing and implementing standards for children’s programming on television. On 1st July 2004 the ABA registered the revised code of practice for Free TV Australia, the industry group representing the commercial television broadcasting sector. This code now incorporates the new Australian Association of National Advertisers Code of Advertising to Children.

- The NHMRC supports research on obesity, overweight, physical activity and nutrition including current funding of $9.1 million for:
  - funding pathways to mental health and obesity in young adults: a longitudinal study;
  - reviewing effects of parental obesity on physical activity and the hypothesised social and environmental determinants;
  - follow up of the 1985 Australian Schools Health and Fitness Survey Cohort;
  - promoting physical activity and nutrition to prevent osteoporosis;
  - effective management of overweight pre-pubertal children – a randomised control trial;
  - epidemiological research into nutrition and cardiovascular disease; and
  - obesity induced by chronic high energy diets.

- Research will commence shortly to review the evidence for interventions to address overweight and obesity in adults and older Australians and to develop a framework of potential interventions.

- The Australian Government website www.healthyactive.gov.au provides information about healthy nutrition and activity levels for children, adults and older people. This website is updated regularly.

The Prime Minister announced in June 2004 the Building a Healthy, Active Australia initiative. This initiative provides $116 million over four years to address the growing problem of declining physical activity and poor eating habits of Australian children and contains the following four measures:

1. Active After-school Communities - $90 million to establish an after school physical activity program in schools and approved outside school hours care services, with about 150,000 children expected to participate. This initiative is being managed by the Australian Sports Commission.

2. Active School Curriculum - New conditions of funding will require education authorities to include in their curriculum at least two hours of physical activity per week for children in primary school and junior high school. This initiative is being managed by the Education, Science and Training Portfolio.

QUESTIONS ON NOTICE
3. Healthy School Communities - $15 million for grants of up to $1,500 to a community organisation linked with a school, such as the parents and citizens’ association, to initiate activities to promote healthy eating. This initiative is being managed by the Health Portfolio.

4. Healthy Eating and Regular Physical Activity – Information for Australian Families - $11 million to give Australian families practical help and information about how to make healthy eating and physical activity part of their everyday lives. This initiative is being managed by the Health Portfolio.

**Education: Preschool Places**

(Question No. 39)

*Senator Allison* asked the Minister representing the Minister for Education, Science and Training, upon notice, on 17 November 2004:

1. How much would providing free preschool places to all 3 and 4 year olds cost.
2. Can a breakdown of the projected cost be provided for each age group and for each State.

*Senator Vanstone*—The Minister for Education, Science and Training has provided the following answer to the honourable senator’s question:

**Preschool Education**

Currently there is no standard provision of preschool across States and Territories. This leads to difficulties in costing such a proposal. Based on the little information available from State and Territory Budget Papers and Departmental Annual Reports, the cost of preschool provision appears to vary widely. South Australia has estimated per pupil expenditure in the order of $5,500 while in the Australian Capital Territory the figure is $3,200. It is likely that the level of service provision also varies significantly.

Below is a table of two estimates of the cost of providing free preschool to every 3 and 4 year old in Australia based on the average unit cost estimates available for the Australian Capital Territory and South Australia and based on ABS estimates (June 2003) of a population cohort of 257,513, 3 year olds and 258,606, 4 year olds.

<table>
<thead>
<tr>
<th>Cost of providing preschool services to all 3 and 4 year olds</th>
<th>NSW</th>
<th>Vic</th>
<th>Qld</th>
<th>SA</th>
<th>WA</th>
<th>Tas</th>
<th>NT</th>
<th>ACT</th>
<th>Aust</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost base on the SA Estimate of $5,500 per pupil</td>
<td></td>
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<tr>
<td>3 Year Olds</td>
<td>479.6</td>
<td>340.4</td>
<td>279.2</td>
<td>100.7</td>
<td>141.0</td>
<td>33.8</td>
<td>18.6</td>
<td>23.0</td>
<td>1,416.3</td>
</tr>
<tr>
<td>4 Year Olds</td>
<td>479.2</td>
<td>339.1</td>
<td>280.7</td>
<td>102.9</td>
<td>143.0</td>
<td>36.1</td>
<td>18.4</td>
<td>23.1</td>
<td>1,422.3</td>
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<tr>
<td>Total</td>
<td>958.8</td>
<td>679.5</td>
<td>559.8</td>
<td>203.6</td>
<td>284.0</td>
<td>69.8</td>
<td>37.1</td>
<td>46.1</td>
<td>2,838.7</td>
</tr>
<tr>
<td>Cost base on the ACT Estimate of $3,200 per pupil</td>
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<td></td>
</tr>
<tr>
<td>3 Year Olds</td>
<td>279.0</td>
<td>198.1</td>
<td>162.4</td>
<td>58.6</td>
<td>82.1</td>
<td>19.7</td>
<td>10.8</td>
<td>13.4</td>
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<tr>
<td>4 Year Olds</td>
<td>278.8</td>
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<td>163.3</td>
<td>59.9</td>
<td>83.2</td>
<td>21.0</td>
<td>10.7</td>
<td>13.4</td>
<td>827.5</td>
</tr>
<tr>
<td>Total</td>
<td>557.8</td>
<td>395.3</td>
<td>325.7</td>
<td>118.5</td>
<td>165.2</td>
<td>40.6</td>
<td>21.6</td>
<td>26.8</td>
<td>1,651.6</td>
</tr>
</tbody>
</table>

It is worth noting that other factors could result in lower costs. Some of these could be:

- Pupils attending non-government facilities at no or lesser cost to the government;
- Parents choosing not to enroll students; and
- Economies of scale may be achieved.

Additionally, there would be savings to the Australian Government, States and Territories through lower demand for childcare and other publicly funded prior to school activities.
Health: Breast Cancer

(Question No. 40)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 16 November 2004:

(1) What action is the Government taking in response to data that shows that 25 per cent of new breast cancer cases are now in women aged between 20 and 49.

(2) (a) What information is available regarding the level of awareness of women between the ages of 40 and 49 that they can access free mammograms through the BreastScreen Australia program; and (b) what data is available on the proportion of women in this age group who are using the program.

(3) What action is the Government taking to educate women under the age of 40 about the importance of breast self-examination.

(4) What data is available on the relationship between the cost of mammograms and the late detection of breast cancer in young women.

(5) (a) What has the Government done to distribute the National Health and Medical Research Council Clinical practice guidelines for the management and support of younger women with breast cancer; (b) what has the Government done to monitor the use of these guidelines; and (c) can the results of such monitoring be made available.

(6) Given that young women who are not able to take Tamoxifen face costs of thousands of dollars per year for alternative medications such as Zoladex or Arimidex, will these drugs be considered for listing on the pharmaceutical benefits scheme for those young women; if so, when.

(7) What measures will the Government implement to help these young women pay for the costs of life-saving treatment.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) While 25% of new breast cancers occur in women aged 20 to 49 years, some three quarters of these new cases are in women aged 40 to 49 years. Women in this age group are eligible to receive mammographic screening through BreastScreen Australia.

(2) (a) This information is not directly available, however, the evaluation of the 2000-01 BreastScreen Australia campaign showed that over a third of the women aged 40 to 49 years surveyed who had had a mammogram had it through BreastScreen Australia. BreastScreen Australia specifically targets women aged 50 to 69 years as the group with the highest risk and most likely to benefit from screening. As a result, research focuses on the target age group. (b) In 2000-01, 20.5% of women aged 40 to 49 years had a screening mammogram through BreastScreen Australia.

(3) Meta-analyses and randomised controlled trials have shown no difference in the size or stage of breast cancers at diagnosis or in the number of deaths from breast cancer for women taught to use a systematic approach for breast self-examination compared with those who did not receive instruction. At this time, there is insufficient evidence to encourage or discourage the practice of a systematic approach to breast self-examination to reduce mortality from breast cancer. The Government provides information to women of all ages on breast cancer through the National Breast Cancer Centre (NBCC), which has a leading role in improving outcomes for women with, or at risk of, breast cancer. The Government has provided funds to support a recent NBCC campaign aimed at women of all ages titled, “Any change is worth talking about”. The key message for this campaign is that women of all ages should be aware of any changes in their breasts.

(4) The Australian Government is not aware of any published research on the relationship between cost of mammograms and the late detection of breast cancer in young women.
(5) (a) The National Breast Cancer Centre is the main organisation through which the Australian Government delivers its breast cancer program.

Produced by the National Breast Cancer Centre and endorsed by the National Health and Medical Research Council, the Clinical practice guidelines for the management and support of younger women with breast cancer were launched by the Centre at the 6th Annual Breast Care Nurses Conference in March 2004.

The National Breast Cancer Centre has distributed copies of the guidelines to the following target groups:

- specialist breast clinicians and treatment centres (e.g. surgeons, medical and radiation oncologists specialising in breast cancer);
- non-government organisations including State and National Cancer Councils; and
- breast cancer consumer advocacy groups including Breast Cancer Network Australia and the Young Women’s Breast Cancer Action Group.

Other promotional activities have included:

- articles sent to all Australian Divisions of General Practice for inclusion in their newsletters;
- articles in:
  - the National Breast Cancer Centre’s bulletin ‘BreastFax’;
  - Breast Cancer Network Australia’s ‘The Beacon’;
  - the newsletters of relevant professional colleges and groups including the Royal Australian College of Surgeons and the Medical Oncology Group of Australia; and
- profiling of guidelines at national and state-based conferences by the National Breast Cancer Centre.

The guidelines are also available on the National Breast Cancer Centre’s website. Questions, based on the guidelines, that younger women might want to discuss with their doctors before making treatment decisions have been posted on the Centre’s website and the availability of this information was promoted via ‘BreastFax’.

(b) and (c) The National Breast Cancer Centre monitors the number of copies of the guidelines that are ordered and distributed. Four hundred and fifty copies of the guidelines were disseminated to key target groups in March 2004. An additional 1,579 copies have been ordered subsequent to this initial dissemination process.

(6) Both ZOLADEX® (goserelin acetate) and ARIMIDEX® (anastrozole) are listed on the Pharmaceutical Benefits Scheme (PBS). ZOLADEX is available on the PBS for the treatment of ‘hormone-dependent locally advanced (equivalent to stage III) or metastatic (equivalent to stage IV) breast cancer in pre-menopausal women’ (in addition to certain forms of prostate cancer and endometriosis).

ARIMIDEX® (anastrozole) is currently available on the PBS for the:

- Treatment of hormone-dependent advanced breast cancer in post-menopausal women.
- Treatment of hormone-dependent early breast cancer in post-menopausal women in whom tamoxifen citrate therapy is contraindicated.
- Treatment of hormone-dependent early breast cancer in post-menopausal women who are intolerant of tamoxifen citrate.

These restrictions are reflective of the patient groups in which the drug has proven medical effectiveness and cost-effectiveness. If patients do not meet these criteria, they will need to purchase these drugs as private prescriptions. For the PBS listing of these drugs to be expanded, the manu-
facturer would need to provide the appropriate scientific data to meet the PBAC’s medical effectiveness and cost-effectiveness criteria.

(7) Some younger women diagnosed with breast cancer will qualify to receive these drugs through the PBS where their conditions meet the abovementioned criteria.

The PBS is not a capped program and there is always a capacity to list new therapies (and to extend existing listings) once the proper assessment of the evidence has been made and the medicines have been found to be cost-effective. The pharmaceutical manufacturers of these products are able to present evidence to the PBAC to alter existing PBS listings.

Pan Pharmaceuticals Ltd
(Question No. 41)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 16 November 2004:

With reference to the recall on 28 April 2003 of products manufactured by Pan Pharmaceuticals:

(1) Have criminal charges been laid in relation to any of the following matters of which Pan Pharmaceuticals was accused: (a) serious, widespread deficiencies in the company’s manufacturing and quality control procedures; (b) substitution and/or omission of active ingredients; (c) falsification of documents; (d) systematic and deliberate manipulation of test results; (e) inadequate cleaning of equipment between manufacture of different products; and (f) failure of end product testing prior to release of the product for supply to consumers.

(2) Can copies of documents that were deliberately falsified by Pan Pharmaceuticals be provided.

(3) When were documents falsified.

(4) Have federal or state prosecutors been briefed by the Therapeutic Goods Administration in relation to potential criminal charges; if so, can details be provided; if not, why not.

(5) Given that the risks said to be associated with the recalled products included severe organ damage, severe allergic reactions and infections, how many cases were reported in each of these areas that are attributed to products manufactured by Pan Pharmaceuticals and consumed in the 6 and 12 month period prior to the recall.

(6) With reference to the answer to question on notice no. 2527 (Senate Hansard, 22 March 2004, p. 21617), can data now be provided in relation to: (a) the total quantity of recalled product returned; (b) the total quantity of recalled product destroyed; and (c) where the recalled products were destroyed.

(7) What is the status of the product currently held by sponsors pending the resolution of legal and financial matters associated with the recall.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) (a-f) and (4) On 22 March 2004, as a result of investigations into the manufacture of the travel sickness remedy Travacalm by Pan Pharmaceuticals Limited, a brief of evidence was presented to the Commonwealth Director of Public Prosecutions (DPP). Following consideration of that brief by the DPP, Pan Pharmaceuticals Limited (Pan) appeared before the Downing Centre Local Court, Sydney on 26 October 2004 to answer ten charges of manufacturing a counterfeit medicine. Former Pan employee, Mr Shyama Jain, appeared before the same Court to answer ten charges of manufacturing a counterfeit medicine and Pan Chief Executive Officer and Managing Director, Mr Jim Selim, appeared to answer a charge of destroying evidence.

Investigation into other matters related to the manufacture of medicines by Pan is continuing and this may lead to a further brief being submitted to the DPP for consideration of additional charges.

QUESTIONS ON NOTICE
It is not appropriate to release any material or other physical evidence relevant to these matters while they are being investigated or while they are sub judice.

(5) Excluding Travacalm products, in the 12 months prior to the recall, the TGA received a total of 62 reports of serious adverse events occurring in individuals who consumed products for which Pan was an approved manufacturer. Of these reports, 47 were for events that occurred in the 6 months prior to the recall. The 62 reported serious adverse events are tabulated in Attachment 1.

It is not possible to state categorically in all cases that Pan was the manufacturer of individual products associated with reported adverse events because batch numbers were not always submitted with the reports. Where batch numbers were provided, a search was performed to confirm they were manufactured by Pan. If the batch number excluded Pan as the manufacturer then the report has not been included in the tabulation.

Attachment 1 lists the report number for each reported serious adverse event, a brief description of the event, the date it occurred and the date it was reported. Events have been categorised as “organ damage”, “allergic reactions” and “other”. This last category includes events where there was severe dysfunction that was not consistent with “organ damage” in that there was no apparent structural damage to tissues. There were 24 serious events with organ damage and 10 with allergic reaction. There were no reports of infection as an adverse event.

Adverse drug reactions are classified as serious or non-serious. Serious events include events that are:
- fatal
- life-threatening
or result in:
- admission to hospital
- prolongation of hospitalisation
- persistent or significant disability or incapacity
- a birth defect
or, for reports involving non-prescription medicines, where the patient visited a doctor as a result of the adverse event.

(6) (a-c) and (7) The TGA is still awaiting advice from the Pan Administrator on the quantity of product destroyed and the quantity currently held by sponsors pending the resolution of legal and financial matters associated with the recall.

ATTACHMENT 1
Serious Adverse Drug Reactions with organ damage: products other than Travacalm and for which Pan was listed as an approved manufacturer

<table>
<thead>
<tr>
<th>ADR No.</th>
<th>Serious ADR</th>
<th>Date ADR occurred</th>
<th>Date ADR reported</th>
</tr>
</thead>
<tbody>
<tr>
<td>177405</td>
<td>Uterine haemorrhage</td>
<td>N/A</td>
<td>08-07-02</td>
</tr>
<tr>
<td>183366*</td>
<td>Epistaxis/Hypertension</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Arrhythmia</td>
<td>10-12-02</td>
<td>30-01-03</td>
</tr>
<tr>
<td>185378*</td>
<td>Hepatitis</td>
<td>22-03-04</td>
<td>30-04-03</td>
</tr>
<tr>
<td>185846*</td>
<td>Acute renal failure</td>
<td>14-04-03</td>
<td>13-05-03</td>
</tr>
<tr>
<td>186074*</td>
<td>Jaundice</td>
<td>23-04-03</td>
<td>21-05-03</td>
</tr>
<tr>
<td>187100*</td>
<td>Vision impaired</td>
<td>19-04-03</td>
<td>02-05-03</td>
</tr>
<tr>
<td>180822</td>
<td>Pulmonary embolus</td>
<td>12-10-02</td>
<td>18-12-02</td>
</tr>
<tr>
<td>186244*</td>
<td>Renal impairment</td>
<td>24-04-03</td>
<td>27-05-03</td>
</tr>
<tr>
<td>186333</td>
<td>Hepatitis</td>
<td>13-11-02</td>
<td>23-05-03</td>
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<tr>
<td>ADR No.</td>
<td>Serious ADR</td>
<td>Date ADR occurred</td>
<td>Date ADR reported</td>
</tr>
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<td>-------------</td>
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<td>-------------------</td>
</tr>
<tr>
<td>186329*</td>
<td>Epistaxis</td>
<td>N/A</td>
<td>28-05-03</td>
</tr>
<tr>
<td>187093*</td>
<td>Menorrhagia</td>
<td>20-11-02</td>
<td>14-05-03</td>
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<td>176530*</td>
<td>Hepatitis</td>
<td>06-06-02</td>
<td>11-06-02</td>
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<tr>
<td>182052*</td>
<td>Ocular inflation</td>
<td>12-11-02</td>
<td>24-01-03</td>
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<tr>
<td>185245*</td>
<td>Hepatitis</td>
<td>19-03-03</td>
<td>22-04-03</td>
</tr>
<tr>
<td>185382*</td>
<td>Abdominal pain</td>
<td>22-04-03</td>
<td>02-05-03</td>
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<tr>
<td>185724*</td>
<td>Miscarriage</td>
<td>06-02-03</td>
<td>10-05-03</td>
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<tr>
<td>185761*</td>
<td>Atrial flutter</td>
<td>01-03-03</td>
<td>08-05-03</td>
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<tr>
<td>182808*</td>
<td>Vision altered</td>
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<td>185380*</td>
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<td>189566*</td>
<td>Hepatitis</td>
<td>05-03-03</td>
<td>15-08-03</td>
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<td>185336*</td>
<td>Retinopathy</td>
<td>09-02-02</td>
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<td>192503</td>
<td></td>
<td>N/A</td>
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**Serious Adverse Drug Reactions with allergic reactions: products other than Travacalm and for which Pan was listed as an approved manufacturer**

<table>
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<th>ADR No.</th>
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<th>Date ADR occurred</th>
<th>Date ADR reported</th>
</tr>
</thead>
<tbody>
<tr>
<td>183675*</td>
<td>Dermatitis allergic</td>
<td>01-03-03</td>
<td>04-03-03</td>
</tr>
<tr>
<td>185461*</td>
<td>Anaphylaxis</td>
<td>22-04-03</td>
<td>22-05-03</td>
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<td>185699*</td>
<td>Anaphylaxis</td>
<td>22-04-03</td>
<td>09-05-03</td>
</tr>
<tr>
<td>186048*</td>
<td>Rash</td>
<td>N/A</td>
<td>19-05-03</td>
</tr>
<tr>
<td>185686*</td>
<td>Rash</td>
<td>18-04-03</td>
<td>07-05-03</td>
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<tr>
<td>186987*</td>
<td>Allergic reaction</td>
<td>N/A</td>
<td>16-06-03</td>
</tr>
<tr>
<td>185759*</td>
<td>Oedema</td>
<td>15-12-02</td>
<td>08-05-03</td>
</tr>
<tr>
<td>184717*</td>
<td>Allergic reaction</td>
<td>01-02-03</td>
<td>08-04-03</td>
</tr>
<tr>
<td>184444*</td>
<td>Rash</td>
<td>14-03-03</td>
<td>27-03-03</td>
</tr>
<tr>
<td>187084*</td>
<td>Asthma/hospitalised</td>
<td>14-01-03</td>
<td>14-05-03</td>
</tr>
</tbody>
</table>

**Serious Adverse Drug Reactions with other reactions: products other than Travacalm and for which Pan was listed as an approved manufacturer**

<table>
<thead>
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<th>ADR No.</th>
<th>Serious ADR</th>
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<th>Date ADR reported</th>
</tr>
</thead>
<tbody>
<tr>
<td>186326*</td>
<td>Euphoria</td>
<td>N/A</td>
<td>28-04-03</td>
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<tr>
<td>186327*</td>
<td>Hallucination</td>
<td>26-04-03</td>
<td>28-05-03</td>
</tr>
<tr>
<td>187070*</td>
<td>Hallucination</td>
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<td>12-06-03</td>
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<tr>
<td>183038*</td>
<td>Serotonin syndrome</td>
<td>19-08-02</td>
<td>06-02-03</td>
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<tr>
<td>185560*</td>
<td>Amnesia</td>
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<td>07-05-03</td>
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<td>185592*</td>
<td>Vomiting</td>
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<td>185597*</td>
<td>Disorientation</td>
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<td>185679*</td>
<td>Paranoia</td>
<td>15-08-02</td>
<td>07-05-03</td>
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<tr>
<td>185843*</td>
<td>Disorientation</td>
<td>28-04-03</td>
<td>13-05-03</td>
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<tr>
<td>186003*</td>
<td>Abnormal behaviour</td>
<td>03-04-03</td>
<td>15-05-03</td>
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<td>186008*</td>
<td>Migraine</td>
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<td>16-05-03</td>
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<td>185338*</td>
<td>Mania</td>
<td>17-03-03</td>
<td>01-05-03</td>
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<tr>
<td>186041*</td>
<td>Convulsion</td>
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<td>19-05-03</td>
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<tr>
<td>186846*</td>
<td>Hallucination</td>
<td>N/A</td>
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</tr>
</tbody>
</table>
Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 16 November 2004:

(1) Can details be provided of each of the audits conducted by the Therapeutic Goods Administration (TGA) in Australia since April 2003 including the name of manufacturer audited, the date of audit, the cost charged by the TGA and any subsequent action including products recalled.

(2) Which manufacturers voluntarily withdrew licenses within 3 months of a TGA audit.

(3) (a) Which manufacturers were advised by the TGA to voluntarily withdraw licenses; and (b) what was the form of that advice.

(4) Can the reports of those audits be provided; if not, why not.

(5) How many auditors are currently employed by the TGA.

(6) How many contract auditors are currently being used by the TGA.

(7) How many audits have been conducted by contract auditors.

(8) Is it the correct that contract auditors are required to sign confidentiality agreements with the TGA; if so, why.

(9) Have any audits since April 2003 found that formulae had been changed by the manufacturer without approval.

(10) What is the process by which a manufacturer can resume a license previously voluntarily withdrawn.

(11) To the knowledge of the TGA, how many and which Australian manufacturers have or intend to transfer their production overseas.

(12) Is it the correct that the TGA does not undertake unannounced audits of overseas manufacturing sites.

(13) Can copies be provided of the audits conducted on the Sigma Company since 1997.

(14) Has there been any change in the auditing standard since 1998; if so, what are the changes.
(15) Were any of the following found in any of these audits; if so, what was found: (a) serious, widespread deficiencies in the company’s manufacturing and quality control procedures; (b) substitution and/or omission of active ingredients; and (c) falsification of documents; (d) systematic and deliberate manipulation of test results; (e) inadequate cleaning of equipment between manufacture of different products; and (f) failure of end product testing prior to release of the product for supply to consumers.

**Senator Patterson**—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) A list of audits conducted by the TGA from 1 May 2003 to 16 November 2004 is at Attachment 1. Australian medicinal product manufacturers are required to pay an annual licence charge of $4,230 if they undertake a single step in manufacture (e.g. sterilization only, packaging only) or $8,210 for multiple step manufacturing or for multiple products (such as medicines and medical devices). These charges allow for 16 audit hours in three financial years for the lower annual licence charge, and 48 audit hours for the higher charge. Where the audit hours exceed these times, the TGA charges for the additional audit time involved.

Following these audits, recalls were conducted on 38 products, of which one product was at consumer level, 10 products at retail level, 11 products at wholesale level, and 16 products at hospital level.

(2) The following manufacturers requested suspension of their licences within three months of the TGA audit dates.

- Excel Pharmaceuticals Pty Ltd Suspension
- Narwhal Pty Ltd trading as Ramprie Laboratories Suspension
- Soul Pattinson Manufacturing Pty Ltd Suspension

No manufacturer requested revocation of their licence within three months of the TGA audit date of their manufacturing site.

(3) (a) & (b) – (4)

The TGA does not ordinarily advise manufacturers to voluntarily request suspension or revocation of a licence. However, if requested, the TGA would provide advice on all options available to the manufacturer regarding continuation of their licence.

(5) The TGA audit team comprises 26 lead auditors and up to 34 specialists.

(6) - (8) The TGA does not have contract auditors.

(9) Generally at audit, the auditor will sample some of the formulations for compliance with details on the Australian Register of Therapeutic Goods. During the period specified, some manufacturers were found to have formulations that were not aligned with the details on the Register. Depending on the class of the product and the nature of the change, some amendments to formulation did not require TGA approval (e.g. excipients of complementary medicines). Any changes that required TGA approval were raised in the context of non-compliance with the marketing authorization.

(10) If a licence has been suspended at the request of the manufacturer, the TGA will undertake an on-site audit, which must demonstrate compliance with the relevant Code of GMP before the suspension can be lifted. If the licence was revoked, a new application for a manufacturing licence is required.

(11) Information on Australian manufacturers that may have transferred or intend to transfer their production overseas is not recorded on TGA information system. The TGA does not require manufacturers to divulge their reasons for seeking voluntary revocation of their licences.
(12) Normally the TGA does not conduct unannounced audits of overseas manufacturers because it is necessary to obtain Australian sponsor’s agreement to the audit. Advance notice is given in as short a timeframe as practicable and no audit plan is provided in advance. Should the TGA have significant concerns relating to prior warning, it would then seek the assistance of the relevant government regulatory agency in conducting a joint unannounced audit with that overseas regulator. The TGA’s practice is consistent with that of other regulators that inspect manufacturers in other countries.

(13) Audit reports are considered commercial-in-confidence and are not made available without the agreement of the manufacturers involved. The TGA approached the company to seek its agreement to release the reports. The company has advised it does not wish to release copies of the reports.

(14) The Manufacturing Principles under the *Therapeutic Goods Act 1989* prescribe the standards that apply to the manufacturer of therapeutic goods.

There have been changes to the auditing standards prescribed as Manufacturing Principles since 1998 and these are outlined below.


**2002:**

2002: Adoption of the ICH (International Conference on Harmonisation) Good Manufacturing Practice Guide for Active Pharmaceutical Ingredients as a Manufacturing Principle for the audit and licensing of manufacturers of active pharmaceutical ingredients in Australia.

Adoption of the Australian Code of GMP for Medicinal Products, August 2002, as a Manufacturing Principle for the audit and licensing of manufacturers of medicinal products in Australia. This document, which is based on the Pharmaceutical Inspection Cooperation Scheme’s Good Manufacturing Practice Guide for Medicinal Products (PIC/S GMP Guide), replaced the Australian Code of GMP for Therapeutic Goods, August 1990.

(15) Some manufacturers have been found to have deficiencies in manufacturing and quality control procedures. There have been some instances of inadequate cleaning of equipment, and deviations to end-product specifications before releasing. No manufacturers were found to have deficiencies relating to (b), (c), and (d).

Attachment 1

GMP Audits conducted by TGA from 1 May 2003 to 16 November 2004

<table>
<thead>
<tr>
<th>Audit Date</th>
<th>Manufacturer Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>19-May-04</td>
<td>3M AUSTRALIA PTY LTD</td>
</tr>
<tr>
<td>3-Nov-03</td>
<td>3M PHARMACEUTICALS PTY. LIMITED</td>
</tr>
<tr>
<td>28-Aug-03</td>
<td>A C E PACKWELL PTY LTD</td>
</tr>
<tr>
<td>2-Jul-04</td>
<td>ABBOTT AUSTRALASIA PTY LTD</td>
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<td>25-Sep-03</td>
<td>ACT BONE BANK</td>
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<td>31-May-04</td>
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<td>12-Jul-04</td>
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<td>16-Oct-03</td>
<td>ADP PHARMACEUTICALS PTY LIMITED</td>
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<td>AGEN BIOMEDICAL LIMITED</td>
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QUESTIONS ON NOTICE
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<th>Manufacturer Name</th>
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<td>12-Jan-04</td>
<td>AGEN BIOMEDICAL LIMITED</td>
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<td>15-Jun-04</td>
<td>AGEN BIOMEDICAL LIMITED</td>
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<td>ALKALOIDS OF AUSTRALIA PTY. LIMITED</td>
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<td>13-Jan-04</td>
<td>ALOE VERA INDUSTRIES PTY LTD</td>
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<td>5-Jul-04</td>
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<td>AMDEL LIMITED</td>
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<td>5-Apr-04</td>
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<td>SOUL PATTINSON (MANUFACTURING) PTY LTD</td>
</tr>
<tr>
<td>19-Apr-04</td>
<td>SOUTH EASTERN AREA LABORATORY SERVICES, DEPT OF MICROBIOLOGY</td>
</tr>
<tr>
<td>6-Nov-03</td>
<td>SOUTH PACK LABORATORIES PTY. LTD.</td>
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<tr>
<td>18-Oct-04</td>
<td>SOUTH PACK LABORATORIES PTY. LTD.</td>
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<tr>
<td>10-Mar-04</td>
<td>ST VINCENT’S HOSPITAL (MELBOURNE) LIMITED TRADING AS ST VINCENT’S PATHOLOGY</td>
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<tr>
<td>5-Nov-03</td>
<td>ST VINCENT’S HOSPITAL SYDNEY LIMITED TRADING AS SYDPATH</td>
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<td>19-Jun-03</td>
<td>ST VINCENT’S HOSPITAL TRADING AS SYDNEY HEART VALVE BANK</td>
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<td>14-Oct-03</td>
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<td>2-Dec-03</td>
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<td>18-Oct-04</td>
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<td>4-May-04</td>
<td>SULLIVAN NICOLAIDES PTY LTD TRADING AS SULLIVAN NICOLAIDES PATHOLOGY</td>
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<td>8-Sep-04</td>
<td>SUNDAY AUSTRALIA PTY LTD</td>
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<tr>
<td>13-Jul-04</td>
<td>SWISSE VITAMINS PTY LTD</td>
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<tr>
<td>20-May-03</td>
<td>SYDNEY ADVENTIST HOSPITAL LTD</td>
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<td>25-Sep-03</td>
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<td>10-Dec-03</td>
<td>SYDNEY ADVENTIST HOSPITAL LTD</td>
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<td>29-Aug-03</td>
<td>SYNCOR AUSTRALIA PTY LIMITED</td>
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<tr>
<td>29-Jul-03</td>
<td>SYNCOR AUSTRALIA PTY LIMITED TRADING AS RADPHARM SCIENTIFIC</td>
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QUESTIONS ON NOTICE
Public Health Outcomes Funding Agreements

( Question No. 43)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 16 November 2004:

(1) Can a copy be provided of the performance information framework for the draft 2004-2009 Public Health Outcomes Funding Agreements (PHOFAs) between the Government and the states and territories; if not, why not.

(2) Can a copy be provided of the performance indicators applicable to family and reproductive health within the draft 2004-2009 PHOFAs; if not, why not.

(3) What action is the Government taking to ensure that current programs and services funded under the existing PHOFAs applicable to family and reproductive health will continue to be recognised under the new PHOFAs.


Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) An initial set of performance indicators, agreed with states and territories, is incorporated in the Agreements signed by jurisdictions earlier this year. A copy of the initial, agreed set is attached.

(2) The initial set of performance indicators (referred to in (1) above) will be expanded into a final set. These additional indicators have been the subject of preliminary discussions with jurisdictions, and
have been amended and re-circulated to jurisdictions for finalisation. This includes indicators for sexual and reproductive health. They will be available for public release once they are finalised.

(3) The full forward estimates for family planning funding provided by the Australian Government to state-based family planning organisations (ie apart from national organisations) has been incorporated into the pool of funding covered by the PHOFAs with states and territories. In addition, part 1.1.2 of the renewed agreements explicitly acknowledges the importance of women’s health services and provides for jurisdictions to use Australian Government funds to implement the whole range of women’s health services. The final set of performance indicators, currently under negotiation, will cover the priority national outcomes for sexual and reproductive health, and will be reported annually by states and territories.

(4) Yes. Please refer to (2) and (3) above.
SCHEDULE 4

1. Communicable Diseases

GOAL: To reduce the incidence of communicable diseases:

HIV/AIDS: To eliminate the transmission of HIV, and to increase the wellbeing of people living with HIV/AIDS

Communicable Diseases Tier 1: Health Status and Outcomes

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<tr>
<th>Performance Information</th>
<th>Reporting Requirement</th>
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<th>Report due</th>
<th>Data year</th>
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* See clauses 2.2.1(e); 4.1.7; and 4.1.8. The ‘Data year’ for statistical data may vary in line with the availability of data.
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<th>Performance Information</th>
<th>Reporting Requirement</th>
<th>Data source</th>
<th>Report due</th>
<th>Data year</th>
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<tbody>
<tr>
<td><strong>Indicator 1.4 (HIV/AIDS)</strong> Percentage of Needle and Syringe Program attendees who have ever sought testing for HIV or hepatitis C virus antibody, and percentage with HIV or hepatitis C antibody, by age group (under 20 years and 20-24 years) or new injecting drug user (ie commenced injecting drugs within the previous three years). (Include Indigenous status if possible)</td>
<td>Shared indicator Australian Government to consolidate state/territory-level data and produce national time-series report.</td>
<td>National Centre in HIV Epidemiology and Clinical Research drawing on annual surveys of injecting drug users seen at needle syringe programs.</td>
<td>Nov 2007 Nov 2009</td>
<td>2003 &amp; 2004 2005 &amp; 2006</td>
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</tbody>
</table>
### Communicable Diseases Tier 3: Health System Performance

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<th>Performance Information</th>
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<th>Data source</th>
<th>Report due</th>
<th>Data year</th>
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### 2. Cancer Screening

Goal: To reduce morbidity and mortality due to breast and cervical cancer.

#### Cancer Screening Tier 1: Health Status and Outcomes

<table>
<thead>
<tr>
<th>Performance Information</th>
<th>Reporting Requirement</th>
<th>Data source</th>
<th>Report due</th>
<th>Data year</th>
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<tbody>
<tr>
<td>Indicator 2.1 (Breast Cancer Screening) Mortality due to breast cancer per 100,000 estimated resident female population for the target age group (50-69) and all women, by Indigenous status (where available).</td>
<td>Shared indicator Australian Government to consolidate state/territory-level data and produce national time-series report.</td>
<td>AIHW National Mortality Database, drawing on state/territory data as provided to the ABS. Indigenous data available in QLD, SA, WA and the NT.</td>
<td>Nov 2007 Nov 2009</td>
<td>2003 &amp; 2004 2005 &amp; 2006</td>
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## QUESTIONS ON NOTICE

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<th>Report due</th>
<th>Data year</th>
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<tr>
<td>Indicator 2.3 (Breast Cancer Screening)</td>
<td>State/territory to provide the AIHW with complete and timely reports against the indicator, as required. Note: data is collected and reported by calendar year.</td>
<td>State/territory-based breast screen registers. State/territory Health</td>
<td>Nov 2005</td>
<td>2003, 04 Nov 2006</td>
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Goal: To achieve, in line with the objectives of the BreastScreen Australia Program, national screening participation of 70% of women aged 50 to 69 years of age.

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<th>Performance Information</th>
<th>Reporting Requirement</th>
<th>Data source</th>
<th>Report due</th>
<th>Data year</th>
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<tbody>
<tr>
<td><strong>Indicator 2.5 (Breast Cancer Screening)</strong> Participation rate of Aboriginal and Torres</td>
<td>State/territory to report proportion of Aboriginal and Torres Strait Islander women aged 50-69 years screened through BreastScreen Australia Screening and Assessment Services biennially.</td>
<td>State/territory-based breast screen registers.</td>
<td>Nov 2005</td>
<td>2003, 04</td>
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<tr>
<td>Strait Islander women aged 50-69 years screened through BreastScreen Australia Screening and Assessment Services biennially.</td>
<td></td>
<td></td>
<td>Nov 2006</td>
<td>2004, 05</td>
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<td>Nov 2007</td>
<td>2005, 06</td>
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<td></td>
<td>Nov 2008</td>
<td>2006, 07</td>
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<td></td>
<td>Nov 2009</td>
<td>2007, 08</td>
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<tr>
<td><strong>Indicator 2.6 (Breast Cancer Screening)</strong> State/territory to contribute data to enable</td>
<td>State/territory to provide complete and timely data against the requirement of the BreastScreen Australia Evaluation Plan and the BreastScreen Australia Monitoring Plan.</td>
<td>State/territory-based breast screen registers.</td>
<td>Nov 2005</td>
<td>2004-05</td>
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<td>the full implementation of the BreastScreen Australia Evaluation Plan and the BreastScreen</td>
<td></td>
<td></td>
<td>Nov 2006</td>
<td>2005-06</td>
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<td>Nov 2008</td>
<td>2007-08</td>
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<td>Nov 2009</td>
<td>2008-09</td>
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<tr>
<td><strong>Indicator 2.7 (Cervical Screening)</strong> State/territory to provide data annually to the</td>
<td>State/territory to provide the AIHW with complete and timely reports against the indicator, as required.</td>
<td>State/territory-based Pap Test Registers.</td>
<td>Nov 2005</td>
<td>2003, 04</td>
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<tr>
<td>AIHW against the core national cervical screening indicators (participation, early re-screening, low-grade abnormality detection, and high-grade abnormality detection.)</td>
<td></td>
<td></td>
<td>Nov 2006</td>
<td>2004, 05</td>
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<td>Nov 2007</td>
<td>2005, 06</td>
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<td>Nov 2008</td>
<td>2006, 07</td>
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<td>Nov 2009</td>
<td>2007, 08</td>
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</table>
Goal: To achieve optimal reductions in the incidence of, and morbidity and mortality attributable to, cervical cancer at an acceptable cost through a more organised approach to cervical screening for pre-cancerous lesions.

**Indicator 2.8 (Cervical Screening)**
Participation rate of women aged 20-69 years in cervical screening biennially.

<table>
<thead>
<tr>
<th>Performance Information</th>
<th>Reporting Requirement</th>
<th>Data source</th>
<th>Report due</th>
<th>Data year</th>
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<tbody>
<tr>
<td>Indicator 2.8 (Cervical Screening)</td>
<td>State/territory to report on participation rate of women aged 20-69 years in cervical screening biennially.</td>
<td>State/territory-based Pap Test Registers.</td>
<td>Nov 2005</td>
<td>2003, 04</td>
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<td>Nov 2007</td>
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<td>Nov 2008</td>
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<td>Nov 2009</td>
<td>2007, 08</td>
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</tbody>
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**VICTORIA ONLY**

**Indicator 2.9 (Victorian Cytology Service)**
High quality Pap smear tests to be provided by Victorian Cytology Service (VCS), market share to be maintained at 47% (+/-5%), and evidence provided of NATA/RCPA accreditation for cervical cytology.

<table>
<thead>
<tr>
<th>Performance Information</th>
<th>Reporting Requirement</th>
<th>Data source</th>
<th>Report due</th>
<th>Data year</th>
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</thead>
<tbody>
<tr>
<td>Indicator 2.9 (Victorian Cytology Service)</td>
<td>State/territory to report on total number of Pap smear tests performed by the VCS per/proportion of all Pap smears performed in Victoria State/territory to provide evidence of NATA/RCOA accreditation for cervical cytology and enrolment and participation in the Quality Assurance Program of the Royal College of Pathologists Australasia.</td>
<td>State/territory Health Victorian Cytology Service</td>
<td>Nov 2005</td>
<td>2003, 04</td>
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<td>Nov 2006</td>
<td>2004, 05</td>
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<td>Nov 2007</td>
<td>2005, 06</td>
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<td>Nov 2008</td>
<td>2006, 07</td>
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<td>Nov 2009</td>
<td>2007, 08</td>
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</table>

**Indicator 2.10 (Victorian Cytology Service)**
State to provide effective high volume and high quality testing.

<table>
<thead>
<tr>
<th>Performance Information</th>
<th>Reporting Requirement</th>
<th>Data source</th>
<th>Report due</th>
<th>Data year</th>
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<tbody>
<tr>
<td>Indicator 2.10 (Victorian Cytology Service)</td>
<td>Report annually on unit cost per smear test conducted by the VCS under this agreement, VCS internal costings and audit from time to time.</td>
<td>State Health Victorian Cytology Service</td>
<td>Nov 2005</td>
<td>2003, 04</td>
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<td>Nov 2006</td>
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<td>Nov 2008</td>
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<td>Nov 2009</td>
<td>2007, 08</td>
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</table>
QUESTIONS ON NOTICE

Performance Information  Reporting Requirement  Data source  Report due  Data year
Indicator 2.11 (Victorian Cytology Service)  State to provide data on cervical cytology consistent with requirements of cytology laboratories which receive funding under the MBS.  State Health Victorian Cytology Service  Nov 2005 2003, 04
Nov 2006 2004, 05
Nov 2007 2005, 06
Nov 2008 2006, 07
Nov 2009 2007, 08

3. Health Risk Factors

Goal: To minimise harmful effects of alcohol and tobacco, and improve sexual and reproductive health.

Health Risk Factors Tier 1: Health Status and Outcomes

Performance Information  Reporting Requirement  Data source  Report due  Data year
Nov 2009 2005 & 2006

Indicator 3.2 (Tobacco)  Hospital separations from conditions associated with active smoking (using aetiological fractions).  Shared indicator Australian Government to consolidate data and produce national time-series report.  AIHW National Hospital Morbidity Database drawing on state/territory data as provided under the Australian Health Care Agreements.  Nov 2007 2003 & 2004
Nov 2009 2005 & 2006
### QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>Performance Information</th>
<th>Reporting Requirement</th>
<th>Data source</th>
<th>Report due</th>
<th>Data year</th>
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<tbody>
<tr>
<td><strong>Indicator 3.6 (Alcohol)</strong>&lt;br&gt;Percentage of people who consume alcohol in excess of the low risk level Australian Alcohol Guideline for harm in the short term – NHMRC Summary Table 1; by sex; age groups &lt;18, 18-25, 26-40, 41-60, &gt;60; and Indigenous status.</td>
<td>Shared indicator Australian Government to report on percentage of people who consume alcohol in excess of the low risk level Australian Alcohol Guideline for harm in the short term – NHMRC Summary Table 1; by sex; age groups &lt;18, 18-25, 26-40, 41-60, &gt;60; and Indigenous status.</td>
<td>AIHW – National Drug Strategy Household Survey</td>
<td>Nov 2007 Nov 2009</td>
<td>2003 &amp; 2004 2005 &amp; 2006</td>
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## QUESTIONS ON NOTICE

### Health Risk Factors Tier 3: Health System Performance

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<th>Report due</th>
<th>Data year</th>
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<tr>
<td><strong>Indicator 3.7 (Alcohol)</strong>&lt;br&gt;Percentage of people who consume alcohol in excess of the low risk level Australian Alcohol Guideline for harm in the long term – NHMRC Summary Table 1; by sex; age groups &lt;18, 18-25, 26-40, 41-60, &gt;60; and Indigenous status.</td>
<td>Shared indicator Australian Government to report on percentage of people who consume alcohol in excess of the low risk level Australian Alcohol Guideline for harm in the long term – NHMRC Summary Table 1; by sex; age groups &lt;18, 18-25, 26-40, 41-60, &gt;60; and Indigenous status.</td>
<td>AIHW – National Drug Strategy Household Survey</td>
<td>Nov 2007</td>
<td>2003 &amp; 2004</td>
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<td>Nov 2009</td>
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**Goal:** To decrease nationally the proportion of Aboriginal and Torres Strait Islander newborns with low birth weight.

<table>
<thead>
<tr>
<th>Indicator 3.8 (Sexual and reproductive health)</th>
<th>Reporting Requirement</th>
<th>Data source</th>
<th>Report due</th>
<th>Data year</th>
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<tr>
<td>The proportion of Aboriginal and Torres Strait Islander newborns with a birth weight &lt;2,500g, per 1,000 live births.</td>
<td>State/territory to report on proportion of Aboriginal and Torres Strait Islander newborns with a birth weight &lt;2,500g, per 1,000 live births.</td>
<td>State/territory Health</td>
<td>Nov 2005</td>
<td>2002</td>
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<td>Nov 2006</td>
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<td>Nov 2009</td>
<td>2006</td>
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### Health Risk Factors Tier 3: Health System Performance

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<th>Performance Information</th>
<th>Reporting Requirement</th>
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<th>Report due</th>
<th>Data year</th>
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<tbody>
<tr>
<td><strong>Indicator 3.9 (Tobacco)</strong>&lt;br&gt;Extent to which state/territory strategies are consistent with the objectives of the new the National Tobacco Strategy 1999 to 2002-03/04: a framework for action.</td>
<td>State/territory to report on progress against the objectives of the National Tobacco Strategy 1999 to 2002-03/04: a framework for action.</td>
<td>State/territory Health</td>
<td>Nov 2005</td>
<td>2004-05</td>
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**QUESTIONS ON NOTICE**
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Health: Pharmaceutical Benefits Scheme  
(Question No. 44)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 5 August 2004:

By month, what applications were made to list items on the Pharmaceutical Benefits Scheme from 1 January 2003 to 30 July 2004, indicating applicant, pharmaceutical product proposed for listing and status of application.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

Applications to list a drug on the Pharmaceutical Benefits Scheme (PBS) are usually made by pharmaceutical manufacturers and are submitted to the Pharmaceutical Benefits Advisory Committee (PBAC) for its consideration. The PBAC recommends to the Government which drugs should be listed on the PBS. The Department does not keep details of applications received on a monthly basis. Generally, applications are submitted on or before a specified date prior to each of the three PBAC meetings held each year.

Prior to June 2003, information was not publicly available on applications or negative recommendations of the PBAC due to confidentiality arrangements with the pharmaceutical industry. However, details of PBAC recommendations to list during this period are available on the PBS website (www.health.gov.au/pbs). All PBAC recommendations, including negative recommendations, since June 2003 are available on this site and include details on the manufacturer, the drug and the PBAC’s recommendation.

Under confidentiality arrangements with the pharmaceutical industry, it is not normal procedure to release details of applications made to the PBAC while they are under consideration.

Communications: Television Programs for Older People  
(Question No. 45)

Senator Allison asked the Minister for Communications, Information Technology and the Arts, upon notice, on 17 November 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 the programs are effective in preventing ill health in older people.

(4) What action will these Government take to encourage the resumption of broadcasting of such programs for older people.

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

(1) I understand that Move It or Lose It was off the air for one day only and that following consumer complaints it was reinstated and continues to be broadcast.

(2) I understand that Move It or Lose It is a program especially designed to help older people to exercise.

(3) I agree that exercise is beneficial for everyone, especially older people.

(4) Please refer to my response to part (1).
Public Health Outcomes Funding Agreements
(Question No. 46)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 16 November 2004:

With reference to the answer to question on notice no. 3027 (Senate Hansard, 5 August 2004, p. 25668): Will the Minister now seek permission from all of the states and territories to release a copy of the report into the 2003 review of the Public Health Outcome Funding Agreements; if not, why not.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

Yes. State and Territory agreement is being sought.

Health: Therapeutic Products Advertising Code
(Question No. 48)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 16 November 2004:

(1) Does the Government anticipate that sections of the draft Therapeutic Products Advertising Code (Draft 8A, June 2004) concerning internet advertising will be changed prior to endorsement by federal Australian and New Zealand governments and Australian state and territory governments; if so: (a) in what way will they be changed; (b) has the process of consultation commenced with other governments; and (c) can details be provided of any related meetings and correspondence.

(2) Does the Government anticipate that the section of the draft Therapeutic Products Advertising Code (Draft 8A, June 2004) concerning unbranded advertisements will be changed prior to endorsement by federal Australian and New Zealand governments and Australian state and territory governments; if so: (a) why; (b) has the process of consultation commenced with other governments; and (c) can details be provided of any related meetings and correspondence.

(3) In what way, if any, will the Therapeutic Products Advertising Code be affected by Annex 2-C of the Australia-United States Free Trade Agreement.

(4) When is the new Therapeutic Products Advertising Code expected to be endorsed.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) (a) A draft Australia New Zealand Therapeutic Products Advertising Code (the Code) has been proposed by the Interim Advertising Council (IAC) (the committee of the various stakeholder groups developing the Code) taking into consideration feedback from a series of public consultation meetings held in Australia and New Zealand during its development. The section of the Code concerning internet advertising has not changed substantially between Versions 8A and 11 (the final version submitted for consideration by the Australian and New Zealand Governments). (b) The Therapeutic Products Interim Ministerial Council (comprising the Australia and New Zealand Health Ministers) is yet to consider the Code recommended by the IAC. (c) Minutes of all of the IAC meetings and notes from the consultation meetings are available on the TGA website and the Joint Agency Project website.

(2) (a) The section of the Code concerning unbranded advertising has not changed substantially between Versions 8A and 11. (b) see answer to (1)(b). (c) see answer to (1) (c).

(3) The Code will not be affected by Annex 2-C of the Australia-United States Free Trade Agreement.

(4) The final report of the IAC, including Version 11 (November 2004) of the Code, is likely to be considered by the Therapeutic Products Interim Ministerial Council in early 2005
Senator Greig asked the Minister for Family and Community Services, upon notice, on 17 November 2004:

With reference to the answer to question on notice no. 2863 (Senate Hansard, 15 June 2004, p. 23810) in which the Minister advised in paragraph 10(b) that the 2001 Agreement covers all Dutch pension payments being made into Australia allowing closer cooperation between Centrelink and the Sociale Verzekeringbank (SVB), and in paragraph 10(a) that prior to commencement of the current agreement in 2003, SVB privacy rules did not allow for the exchange of information on customers paid without the aid of the agreement:

(1) Can the Minister confirm whether these statements mean that not all Dutch pension recipients fell within the scope of the 1991 Agreement on Social Security between Australia and the Netherlands; if so, on what basis did a Dutch pension recipient fall or not fall within the scope of the 1991 Agreement.

(2) Can the Minister confirm whether Centrelink or the department received information about individual customers who were paid because of the 1991 Agreement; if so, what was the nature of that information.

(3) Of the 11,952 Dutch pension recipients who were subject to the Centrelink payment review that commenced in October 2002, did any of these fall within the scope of the 1991 Agreement; if so, how many.

(4) Can the Minister confirm that the information of a general nature provided by the SVB to Centrelink under Article 16 of the 1991 Agreement, referred to in paragraph 10(a) of the answer, included information about periodic adjustments to rates of payment; if so, would that information have been sufficient to alert Centrelink or the department to the likely necessity for Dutch pension recipients to notify it of changes in their circumstances.

(5) Did Centrelink or the department actively and specifically seek this information from individual Dutch pension recipients prior to the October 2002 review.

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

(1) Not all Dutch pension recipients fell within the scope of the 1991 Agreement on Social Security between Australia and The Netherlands. Pension recipients paid under Netherlands domestic legislation, without benefit of the Agreement, were excluded.

(2) Centrelink received information from the Netherlands’ authorities after 1 April 1992 about individual customers who were paid because of the 1991 Agreement, for grants of Dutch pension, for grants of an increase in Dutch pension claimed under the terms of the Agreement and some extraordinary rate changes such as from partnered to single rate.

(3) Some of the Dutch pension recipients reviewed in 2002 did come within the scope of the 1991 Agreement. The number is unknown because the Netherlands does not collect statistics that distinguish between benefits paid under its domestic law and its Agreements.

(4) Information provided by the Sociale Verzekeringbank (SVB) to Centrelink included general information about periodic adjustments to rates of Dutch payments but not specific rises in individual pensions. It remains a customer’s obligation to notify Centrelink of variations in the rate of income that they receive from all sources, including from overseas pension authorities.

(5) As with all recipients of a pension under an international social security agreement, customers are reminded of their obligation to notify Centrelink of variations in the rate of income that they receive when rate letters are sent to them. Centrelink also regularly publishes articles in News for Seniors and has previously used earlier publications to advise customers of their obligations to no-
Tuesday, 8 February 2005

QUESTIONS ON NOTICE

Senator Allison asked the Minister representing the Minister for Education, Science and Training, upon notice, on 18 November 2004:

(1) Will the Minister provide a statement on Mr Alan Parkinson’s exact involvement in the Maralinga cleanup project which Dr Perkins of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) undertook to provide during hearings of the Employment, Workplace Relations and Education Legislation Committee when considering estimates on 4 June 2003.

(2) Will the Minister provide a copy of the department’s Health Physics Management document that was to have been attached to the Maralinga Rehabilitation Technical Advisory Committee (MARTAC) report which Dr Loy of ARPANSA undertook to provide during the hearings of the Community Affairs Legislation Committee when considering estimates on 3 June 2003.

(3) With reference to the Employment, Workplace Relations and Education Legislation Committee consideration of estimates on 4 June 2003 in which Dr Perkins advised that she could recall no formal request being made by members of MARTAC for Mr Alan Parkinson to be involved in writing the report: Were there requests in writing from members of MARTAC for Mr Parkinson’s involvement in writing the report; if so: (a) from whom and to whom; and (b) what were the reasons for refusing the request.

(4) With reference to the answer to question no. 25 taken on notice by the Department of Industry, Science and Resources during the supplementary hearings of the Economics Legislation Committee additional estimates on 3 May 2000: (a) is it not the case that, according to the minutes of the MARTAC meeting of June 1998, as reported in the MARTAC report of 29 April 1999, Mr Chamberlain of GHD Pty Ltd suggested, that once the in situ vitrification (ISV) work on the first 14 pits had been completed, the remainder be exhumed and buried rather than ISV treated; and (b) why is the answer provided to question no. 25 incorrect.

(5) Is it the case that the MARTAC report notes the reason given by GHD Pty Ltd suggesting burial rather than ISV as the increase in cost from ‘the original estimate of $9.2 million to, as a worst case estimate, $26.7 million’.

(6) Why has the Government consistently denied that cost was a factor in the decision not to proceed with ISV for all the plutonium-contaminated material in the Taranaki pits.

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator’s question:

(1) Mr Alan Parkinson’s role on the Maralinga Rehabilitation Project was described by the Department of Education, Science and Training in response to Senate Estimates Question E497_03 of 21 November 2002 and Senate Estimates Question No. E712_03 of 3 February 2003. The responses are also provided below:

The former Department of Primary Industries and Energy had a contract with Mr Parkinson’s company, Kylwind Pty Ltd, to secure his services as engineering adviser to the Maralinga Rehabilitation Project and as the Department’s representative in relation to the Department’s contracts. Mr Parkinson reported to the Department on work associated with the project and, on the Department’s behalf, communicated to the project manager, Gutteridge, Haskins and Davey Pty Ltd (GHD), decisions on changes to the scope of work. Until the termination of his contract in December 1997, Mr Parkinson was one of six members of the Maralinga Rehabilitation Technical Advisory Committee (MARTAC).

QUESTIONS ON NOTICE
Mr Parkinson’s role was defined in the contract between the Commonwealth and Kylwind Pty Ltd, entered into on 1 August 1993, as follows:

“The services to be provided by Kylwind Pty Ltd under this contract shall include but not be limited to the following

1. Professional engineering advisory services to the Department relating to the execution of the Maralinga Rehabilitation Project.
2. The preparation of documentation, working and background papers relating to the Project, as required by the Department.
3. The preparation of all documentation relating to the call of registrations of interest by others in providing detailed engineering and management services, assessment of responses and advising the Department as to a short list of Contractors to be invited to tender for the management contract.
4. The preparation of all documents constituting the request for tender (RFT), and then to call tenders from the selected short list and assess those tenders in order to make recommendations to the Department as to the award of the management contract.
5. Assist in the briefing of the Contractor appointed by the Department to provide detailed engineering and project management services, and agree with the Contractor the scope of work to be undertaken under the management contract.
6. Liaise with the management contractor and supervise the progress of that contractor in the execution of the project.
7. Receive regular reports from the management contractor addressing progress on the project, problems encountered and solutions either recommended or adopted, actual expenditure to date and the estimated expenditure to completion, and submit those reports to the Department with recommendations for payment of claims and further expenditure.
8. Review documentation prepared by the management contractor in relation to the award of sub-contractors for the execution of field work associated with the project.
9. Review documentation prepared by the management contractor or his subcontractors relating to the execution of the project.
10. Prepare reports for the information of the Technical Advisory Committee to be established by the Department to provide advice to the Department as necessary.
11. Provide such other services in relation to the project as may be agreed between the Department and the Adviser.”

(2) The document ‘Policy on Radiation Protection Practices in the Rehabilitation of Former Nuclear Weapons Test Sites at Maralinga’ was the Department’s master health physics safety document for the Maralinga Rehabilitation Project. It is Attachment 5.1 to the report Rehabilitation of Former Nuclear Test Sites at Emu and Maralinga (Australia) (the MARTAC Report) and is on the compact disc which is included in the report.

(3) The Department has no record of a request in writing from members of MARTAC for Mr Parkinson’s involvement in writing the report.

(4) (a) As the Project Manager for the Maralinga Rehabilitation Project, one of GHD’s tasks was to supply information and propose options for MARTAC and the Department to consider. Accordingly, one of a number of options for treating debris pits that GHD advised on was exhuming and burying the pit contents.

(b) The answer provided to question 25 of the Senate Estimates Hearings of 3 May 2000 is correct.

(5) The MARTAC report of 29 April 1999 “Review of ‘Hybrid’ treatment of the buried plutonium wastes at Taranaki” was prepared by the committee to inform the former Department of Industry,
Science and Resources of the details, advantages and disadvantages of the different treatment options for the Taranaki debris pits. Accordingly, it contained all pertinent information, including costs of different options as well as consideration of other key issues, notably safety.

(6) The Government has consistently indicated that the fundamental issue leading to the decision to abandon the use of ISV was the operational challenge encountered in applying the technology at Maralinga, including the sub-surface explosion which occurred during the treatment of the eleventh debris pit.

The reasons why various methods were adopted for the treatment of the contaminated soil and debris are provided in the MARTAC report. The issue of cost is mentioned in the report in the context of the discovery that a much larger volume of material was contained in the outer pits at Taranaki than had originally been anticipated. The fact that most of this material was clean or lightly contaminated soil backfill, which could safely be treated by burial under 5 metres of clean fill in a manner acceptable to the regulator, coupled with the difficulties encountered in the use of ISV, was relevant to the decision to exhume and re-bury the debris from the outer pits.

Sydney Harbour Federation Trust
(Question No. 59)

Senator Chris Evans asked the Minister for the Environment and Heritage, upon notice, on 18 November 2004:

(1) How much funding has the Sydney Harbour Federation Trust received from the Commonwealth Government in each financial year since its establishment.
(2) Does this include the initial funding of $96 million that the Trust received as part of the Federation Fund.
(3) Can a breakdown be provided of how this funding has been spent for each financial year since the Trust was established.
(4) Can a breakdown be provided of how the $96 million allocated to the Trust as part of the Federation Fund was spent.
(5) Can a breakdown be provided of every payment greater than $1 million made by the Trust since its establishment.
(6) (a) When is it expected that the work of the Trust will be completed; and (b) will the Trust be closed down once its work is completed.
(7) What are the forecasts for Commonwealth funding to the Trust for the next 4 financial years.
(8) Has the New South Wales Government made any financial contributions to the Trust at any time since its establishment; if so, can a list be provided of these contributions (i.e. date, amount, purpose etc.).
(9) Is it expected that the New South Wales Government will make any financial contributions to the Trust at any time over the next 4 years.
(10) When the remediation work being undertaken at the ex-Defence sites managed by the Trust is fully completed, and the lands are transferred to the State of New South Wales, will the New South Wales Government have to pay any money to the Commonwealth in respect of the transfer; if not, why not.

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

(1) The Interim Trust and the Sydney Harbour Federation Trust (the Trust) received the following amounts in each financial year.
1999-2000 - $770,000 loan

QUESTIONS ON NOTICE
2000-2001 - $4,000,000 received from the Federation Fund;
2001-2002 - $12,400,000 received from the Federation Fund;
2002-2003 - $10,500,000 appropriation received.

(2) The Trust received $16.4 million from the Federation Fund.

(3) The breakdown of Sydney Harbour Federation Trust expenditure is as follows:

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<tr>
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<tbody>
<tr>
<td>Planning and Community Consultation</td>
<td>$ 1,341,000</td>
<td>$2,036,000</td>
<td>$1,584,000</td>
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<tr>
<td>Communications and Public Information</td>
<td>$ 397,000</td>
<td>$1,024,000</td>
<td>$1,361,000</td>
</tr>
<tr>
<td>Conservation, Public Safety and Maintenance</td>
<td>$1,835,000</td>
<td>$9,302,000</td>
<td>$9,417,000</td>
</tr>
<tr>
<td>Total</td>
<td>$3.6m</td>
<td>$12.4m</td>
<td>$12.4m</td>
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The $770,000 provided on a loan basis to the Interim Trust in 1999-2000 was used primarily for salaries and general administration costs to set up the Interim Trust. The figures for 2001-2002 do not reflect some items for the Interim Trust, which are included in the overall accounts of the Department of the Environment and Heritage and are not readily separable.

(4) Of the initial $96 million from the Federation Fund, $50 million was allocated to the Department of Defence to meet costs of relocation from the sites and removal of buildings not required by the Trust; $6 million was provided to the Department of Defence to establish public access to parts of Garden Island naval base; and $40 million was allocated to support the clean-up of contaminated areas of Cockatoo Island. The Trust received $12 million of the $40 million allocation. The remainder of the allocation lapsed because it was necessary to finalise the Trust’s Plan and its proposed uses prior to completion of remediation works. In addition the Trust also received $4.4 million from the Federation Fund originally set aside for the Belgenny Farm Wool Centre Project.

(5) No individual payments of greater than $1 million have been made.

(6) (a) The Trust’s plan for the sites assumes a seven-year programme to complete all of the required works, finishing in 2010.

(b) The Trust’s current expectations are that it will close down following completion of the works and the transfer of the sites to the NSW Government. The Sydney Harbour Federation Act 2001 provides for the Trust to be discontinued following completion of the works. I, as Minister for the Environment and Heritage, must specify the day on which the Trust Act is repealed “as soon as practicable after the end of 10 years from the commencement of the Act” which will be in 2011.

(7) 2003-04 - $16.0m
     2004-05 - $22.5m
     2005-06 - $24.5m
     2006-07 - $23.5m

(8) No.

(9) No.

(10) The details of the transfer are yet to be negotiated with New South Wales. It is too early to tell what, if any, money will be involved.

Centrelink: Family Payments

(Question No. 85)

Senator Brown asked the Minister for Family and Community Services, upon notice, on 17 November 2004:
With reference to the baby bonus and maternity payments delivered by the 2004-05 Budget:

(1) Why did the payments only apply to children who are born into their families or join them within 26 weeks of birth and not to those children who have joined families through inter-country adoption.

(2) Does the Minister agree that families choosing inter-country adoption incur large costs in addition to the normal expenses involved with the addition of a new family member.

(3) Will the Minister review the baby bonus and maternity payments to include children who have joined families through inter-country adoptions.

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

(1) Maternity Payment is available to both birth and adoptive parents, including intercountry adopting parents. Eligibility is the same as for Maternity Allowance, which was replaced by Maternity Payment.

(2) All families incur costs associated with the addition of new family members, which the Government supports through a range of assistance, including Maternity Payment and Family Tax Benefit.

(3) Maternity Payment is available to both birth and adoptive parents, including intercountry adoptions.

Foreign Affairs: Mr Kirk Pinner

(Question No. 87)

Senator Brown asked the Minister for Justice and Customs, upon notice, on 17 November 2004:

With reference to Mr Kirk Pinner, an Australian citizen incarcerated in the United States of America (USA):

(1) Is Australia a signatory to the International Transfer of Prisoners Scheme; if so, what assistance can an Australian citizen imprisoned in the USA expect from the Australian Government once an application for transfer has been lodged in the USA.

(2) What action has the Australian Government taken to facilitate such a transfer since Mr Pinner lodged an application for transfer back to Australia from Idaho in May 2004.

(3) Does Mr Pinner meet the criteria for prisoner transfer, given that he is an Australian citizen whose principal place of residence is Australia and has at least six months of his sentence remaining to be served.

(4) Will the Minister now pursue the transfer of Mr Pinner to Australia with the USA authorities.

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

The Australian Government does not disclose details of any application for international transfer of a prisoner. Answers on the general operation of the international transfer of prisoners scheme are:

(1) Yes. Australia is a signatory to the Council of Europe Convention on the Transfer of Sentenced Persons. That Convention is the main multilateral agreement providing for the international transfer of prisoners. Australia also has a bilateral agreement with Thailand for the transfer of prisoners. An Australian citizen can expect normal consular assistance from the Australian Government, which can include monitoring the progress of any international transfer of prisoner application.

(2) The Australian Government processes any application for international transfer in accordance with the International Transfer of Prisoners Act 1997 and relevant agreement as quickly as is possible. The international transfer of a prisoner requires the consent of the sending country, the receiving country and the prisoner. Where the transfer or receiving country has a federal system of govern-
ment, it is often a requirement under the relevant legislation that both levels of government consent to the transfer. This is certainly the case in Australia and the United States of America.

(3) In addition to the criteria of citizenship and balance of sentencing remaining, the International Transfer of Prisoners Act 1997 requires a number of other conditions to be satisfied, including the consent of all parties.

(4) See response to question (2).

Women: Domestic Violence

(Question No. 91)

Senator Stott Despoja asked the Minister for Family and Community Services, upon notice, on 17 November 2004:

With reference to the 1988 Australian study, ‘Domestic violence: Costing of service provision for female victims—20 case histories’ in the report of the Queensland Domestic Violence Task Force, Beyond These Walls, which showed that health service costs constituted the greatest community service cost for victims of domestic violence; and with further reference to another study conducted by the Department of Psychiatry, University of Queensland, at the Royal Brisbane Hospital Emergency Department from 1990 to 1993 which showed that one in five women who presented at emergency departments had a history of domestic violence:

(1) Given the difficulty in obtaining information and taking medical privacy into consideration: (a) how many women arriving in emergency wards need treatment for injuries resulting from domestic disputes; and (b) what associated health service costs are due to domestic violence.

(2) Given that there has never been a national survey conducted in Australia on women presenting in emergency departments with a history of domestic violence, does the Government intend to conduct a national survey to facilitate the process of information gathering.

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

(1) (a) There is no national data on how many women arrive in emergency wards needing treatment for injuries arising from domestic disputes.

(b) The 2004 Access Economics study, The Costs of Domestic Violence to the Australian Economy, estimates the hospital costs for the victims of domestic violence to be $145 million. This figure includes both admitted and non-admitted patients, and includes apportioned costs for conditions that may be attributed to domestic violence, such as suicide, homicide, physical injuries, anxiety, depression, eating disorders, smoking, alcohol abuse, drug use, cervical cancer, syphilis, chlamydia, gonorrhoea and other STDS.

(2) The Government is not intending to conduct a national survey on women presenting in emergency departments at this stage. However, the Government is committed to better understanding the impact of domestic violence and has announced that it will conduct a national Personal Safety Survey in 2005-06. This survey will gather data on a wide range of issues concerning the safety of women (and men).

Education: Higher Education

(Question No. 92)

Senator Stott Despoja asked the Minister representing the Minister for Education, Science and Training, upon notice, on 12 August 2004:

With reference to the review of indexation, required in accordance with section 198-25 of the Higher Education Support Act 2003:

(1) When will the review be initiated.
(2) (a) When will the review be undertaken; and (b) who will undertake the review.

(3) What action has been taken to initiate and undertake the review.

(4) When did the charges for an application for a student (temporary) visa, as detailed on the Department of Immigration and Multicultural and Indigenous Affairs Form 990i, increase to $410.

(5) (a) Why was this visa application charge increased; and (b) when and why was the International Education Contribution increased to $114.

(6) (a) Who was consulted in relation to these two increases; and (b) what was the process by which these increases to the application for a student (temporary) visa charge and the International Education Contribution were made.

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator’s question:

(1) and (2) (a) Work has begun on the review. The review will be completed by February 2005 to comply with the requirements of the Higher Education Support Act 2003. (b) The review is being undertaken by the Department of Education, Science and Training in cooperation with the Department of Finance and Administration and in close consultation with the Department of the Prime Minister and Cabinet and the Department of the Treasury.

(3) See answer to (1) and (2)(a).

(4) The 2003/04 Budget increased the Student Visa Application Charge (SVAC) to $400. This increase came into effect on 1 July 2003. The SVAC was increased to $410 on 1 July 2004 as a result of the annual indexation process in accordance with the Migration (Visa Application) Charge Act 1997.

(5) (a) The 2003 increase to the SVAC allowed for an International Education Contribution (IEC) component which contributes to funding of the international education measures outlined in the 2003/04 Budget. (b) The IEC is part of the SVAC, therefore the increase to $114 occurred on 1 July 2004 (see answer to (4)).

(6) (a) The increase to the SVAC to $400 occurred as part of the 2003/04 Budget process. The increase of the SVAC to $410 occurred as part of the regular indexation process. (b) The 2003 increase was made through changes to the Migration Regulations 1994 by the Migration Amendment Regulation 2003 (no.3). The changes were gazetted on 29 May 2003 and debated in the Senate on 26 July 2003. See also answer to (4).

Defence: Health Screening Tests

Question No. 94

Senator Bartlett asked the Minister for Defence, upon notice, on 18 November 2004:

(1) Is the Minister aware that a number of New Zealand service personnel have returned from duty in Iraq and been diagnosed as having contracted the HIV/AIDS virus while in Iraq.

(2) Is the Minister aware of the health dangers posed to family and partners posed by service personnel who have contracted the AIDS virus but have not been tested or diagnosed.

(3) Does the Australian Defence Force medically test all Australian service personnel who have returned from duty for the HIV/AIDS virus.

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

(1) No, and this would be a matter for the New Zealand Minister for Defence to investigate.

(2) Yes.

(3) Yes. It is Australian Defence Force policy to screen all members returning from any operation for the HIV/AIDS virus three months after their return to Australia. Screening test results obtained before the end of the three-month sero-conversion ‘window’ may not be reliable.
Environment: Freshwater Ecosystems
(Question No. 97)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 18 November 2004:

(1) What is the Commonwealth’s role in protecting Australia’s freshwater ecosystems.

(2) Are these ecosystems adequately protected.

(3) Is there a national program to protect these freshwater ecosystems; if not, why not.

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

(1) The provision of national policy leadership and programme funding, and the administration of the Environment Protection and Biodiversity Conservation Act 1999. The Government has been instrumental in driving national water reforms, including the focus on achieving environmental outcomes for freshwater ecosystems through the National Water Initiative and the Living Murray initiative.

(2) Many are. The Australian Government, through the Natural Heritage Trust National Reserve System, has conserved many freshwater ecosystems including wetlands, riverine ecosystems and groundwater springs in the acquisition and covenants of over 20 million hectares of land as state conservation reserves, non-government reserves and Indigenous reserves. Australia is a world leader in the protection of wetlands, with 64 Ramsar listed wetlands covering over 7.3 million hectares.

(3) The Australia Government is committed to the development of a comprehensive, adequate and representative reserve system that includes aquatic ecosystems. The Raising National Water Standards programme of the Australian Water Fund will support the improved conservation of high environmental value water systems.

Parliament House: Art Collection
(Question No. 147)

Senator Greig asked the President of the Senate, upon notice, on 25 November 2004:

With reference to the maintenance and conservation of Parliament House and its art collection:

(1) Are external or private contractors used by the Department of Parliamentary Services (DPS) in the maintenance and conservation of Parliament House and its art collection; if so, is there a tendering system in place; if so, can a copy of the relevant documents for that tendering process be provided.

(2) Does the DPS maintain a register of preferred contractors for the maintenance and conservation of Parliament House and its art collection; if so: (a) what eligibility criteria determine inclusion on the register; (b) are full-time or part-time Commonwealth or state public servants eligible to tender and/or be included on any register; and (c) can a copy of the register be provided.

(3) Is it appropriate that part-time or full-time public servants are eligible to tender for Commonwealth contracts for the maintenance and conservation of Parliament House and its art collection; if so, on what grounds.

(4) Is the President of the Senate aware of any full-time or part-time Commonwealth or state public servants being granted contracts for work on Parliament House and its art collection.

(5) Is the President satisfied that the tendering process for work on the maintenance and conservation of Parliament House and its art collection is transparent, accountable and fair.

(6) What insurance is required by external contractors before they are eligible to tender for work.
(7) Are there any instances in which insurance requirements have been waived; if so: (a) what criteria applied to such waiver(s); (b) how many external contractors in the past 5 years have had the insurance criteria waived; and (c) how many of these have been full-time or part-time Commonwealth or state public servants.

(8) Has the DPS reviewed insurance requirements for external contractors since the onset of the insurance industry crisis; if so, what was the outcome of that review.

(9) Is consideration given to the impact of insurance requirements on the commercial viability of external contractors to bid for work maintaining and conserving Parliament House and its art collection.

(10) Are tenders for work on Parliament House and its art collection consistent with the Commonwealth’s rules on tendering.

(11) Is the code of practice of the Australian Institute for the Conservation of Cultural Materials (AICCM) relevant to how and when work is carried out on Parliament House and its art collection; if so, what role does the AICCM code of practice or the AICCM itself, play in vetting external contractors granted contracts to supply goods or services to the Commonwealth.

(12) Does national competition policy apply to individual Commonwealth and state and/or territory public servants in tendering for work to be done on Parliament House and its art collection; if so, how.

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

(1) External or private contractors are used by the Department of Parliamentary Services (DPS) for activities related to the maintenance and conservation of the Parliament House Art Collection (PHAC).

DPS has in place a panel of conservators which is used to source specialist service providers to meet operational requirements. The panel functions under a standing offer arrangement that was originally created through a Request for Quotation (RFQ) process in 2002. Details of the panel of conservators, the original RFQ and the model Deed of Standing Offer have been lodged with the Table Office.

For individual projects, conservators from the panel are either sole sourced or selected through a limited quotation process. DPS maintains the right to proceed to public tender (open or select) should that be considered appropriate.

Apart from the art collection, DPS uses external contractors extensively in relation to the maintenance of Parliament House itself, and has done so since 1988. In choosing external contractors, DPS is bound by the Commonwealth Procurement Guidelines. Copies of relevant documents for all tendering processes since 1988 could be provided, but the amount of material involved would take some time to collate. I am prepared to offer Senator Greig a personal briefing by relevant DPS officers.

(2) DPS maintains a register of its preferred contractors for the maintenance and conservation of PHAC and for some aspects of maintenance of Parliament House.

(a) Original proposals for appointment to the panel of conservators were assessed in accordance with the evaluation criteria issued with the RFQ in November 2002 (Attachment A). Each of the members of the panel has specialist skills. New appointments to the panel (which are made on the basis of approaches to DPS about the availability of conservation work or approaches from DPS where required skills are not available from existing panel members) are also assessed in accordance with the original evaluation criteria.
In relation to the maintenance of Parliament House, eligibility criteria for the various registers could be provided, but the amount of material involved would take some time to collate. I am prepared to offer Senator Greig a personal briefing by relevant DPS officers.

(b) There is no inclusion or exclusion of full-time or part-time Commonwealth or state public servants from participating in a tender process or being included on any register.

(c) A list of the service providers currently on the DPS panel of conservators has been provided to the Table Office.

In relation to the maintenance of Parliament House, lists of service providers could be provided, but the amount of material involved would take some time to collate. I am prepared to offer Senator Greig a personal briefing by relevant DPS officers.

(3) The Commonwealth Procurement Guidelines are silent on this matter, and nor does DPS take any policy position in relation to this matter.

(4) Not to my knowledge.

(5) On the advice I have, yes.

(6) For all tenders, DPS provides a draft contract or deed of standing offer that identifies the types and levels of insurance cover required for the provision of services.

The normal requirement for art conservation works is for the contractor to have public liability and professional indemnity insurance. Tenderers are invited to provide particulars of their cover and, if that cover is not to the levels requested in the draft documentation, negotiations may take place.

The minimum for other maintenance contracts is for the contractor to have public liability insurance. Other insurance cover may be requested in particular cases. Tenderers are invited to provide particulars of their cover and, if that cover is not to the levels requested in the draft documentation, negotiations may take place. However, public liability requirements would never be waived completely.

(7) DPS is not aware of any cases where public liability insurance for service providers engaged under contract in respect of the maintenance or conservation Parliament House or of PHAC has been waived.

Not all service providers have been in a position to obtain or offer professional indemnity insurance and there are many instances where DPS has decided not to require professional indemnity cover to be maintained (e.g., for a courier or printer).

(8) Insurance requirements are considered on each occasion a tender is issued. The responses from tenderers to DPS’s requirements (as articulated in the draft contract/standing offer) are assessed as part of the evaluation process.

No formal documented review of general contractor insurance requirements has been undertaken by DPS or the former joint departments.

(9) The so-called “insurance industry crisis” resulted in some consideration of DPS’s position regarding insurance requirements. Since then DPS has accepted that insurance coverage needs to be assessed for each individual contract based on the prevailing circumstances. It is recognised that insurance premiums are becoming expensive and in some situations insurance, especially professional indemnity insurance, has not been realistically available to some suppliers and service providers. In most situations, DPS identifies an expected level of insurance for a particular arrangement (e.g., $10 million for public liability cover); however, DPS is prepared to negotiate a variation from its initial position if:

(a) the insurance offered by the service provider or supplier appears to be acceptable given the nature of the requirement; and

(b) the risks involved appear to be manageable.
(10) The conduct of tenders and other methods of procurement for the acquisition of services related to Parliament House and the Parliament House Art Collection are covered by, and are consistent with, the Commonwealth Procurement Guidelines and DPS internal policies and procedures.

(11) Conservation of works in the Parliament House Art Collection is expected to be carried out in accordance with the Code of Practice of the Australian Institute for Conservation of Cultural Material (AICCM). DPS assesses prospective conservation contractors on their ability to work to the principles contained in the AICCM Code of Practice. The AICCM itself has no direct role in vetting external contractors granted contracts to supply goods or services to DPS.

(12) Individual Commonwealth, State or Territory public servants tendering for work on Parliament House or its art collection would do so otherwise than in their official capacities. To the best of DPS’s knowledge, they would not be affected by national competition policy in so tendering.

**Health: Testing**

*(Question No. 149)*

**Senator Allison** asked the Minister representing the Minister for Health and Ageing, upon notice, on 1 December 2004:

(1) Given that Medicare benefits are paid for testing for other blood-borne diseases such as hepatitis C antibody testing and for other sexually transmitted diseases including chlamydia, gonorrhoea, syphilis and herpes simplex, why are Medicare benefits not available for HIV antibody testing.

(2) Is the Minister aware that the Draft National HIV/AIDS and Sexually Transmitted Infections (STI) Strategy 2005-2008 recommends that the anomaly between funding arrangements for HIV antibody testing and testing for other blood-borne and sexually transmitted diseases should be reconsidered.

(3) Given that comprehensive affordable testing is essential in order to determine the extent and location of HIV infection in the community, and that rates of HIV diagnoses are on the increase in Australia, demonstrating a 17 per cent increase in a 12 month period, what plans does the Government have to review the current HIV testing funding arrangements.

**Senator Patterson**—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) When the HIV antibody test first became available, there was an urgent need for a coordinated and centrally controlled testing process to rapidly enable Australia’s blood supplies to become safe, and all infected but clinically well people to be quickly identified. For these reasons, it was decided that HIV antibody testing should be undertaken in the non-Medicare benefits funded state and territory government public laboratories with state and territory governments not charging patients for this service. The Australian Government provides funding to states and territories through the Public Health Outcome Funding Agreements (PHOFAs) for this purpose.

(2) Yes.

(3) The figure quoted of an increase in a 12 month period is not the most recent data. There was a reduction in the annual number of new HIV diagnoses (adjusted for multiple reporting) in Australia, from 831 cases in 2002 to 782 cases in 2003. This reduction is in contrast with the previous year’s increase of 20% (from 693 cases in 2001). The Minister is aware the issue of Medicare benefits funding of HIV antibody testing was raised in the draft National HIV/AIDS and STIs Strategy and is being considered in the context of finalisation and implementation of that Strategy.
Health: Drug Abuse
(Question No. 150)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 1 December 2004:

(1) What action is being taken by the Government in response to the department’s report, Counting the cost: Estimates of the social costs of drug abuse in Australia in 1998-99, that indicated that over half of all domestic fires are linked with cigarettes, as are between 7 and 30 per cent of bushfires in certain areas.

(2) Does the Government intend to introduce laws similar to those in the United States of America to ensure that cigarettes are fire-safe; if not, why not.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) The report in question is produced as a resource for use by both government and non-government agencies in dealing with drug issues. Many of the issues raised are state and territory responsibilities. Fire prevention is one of these.

(2) The United States of America does not have laws on this matter. One State (New York) has legislated along these lines. The Government would consider any action in this regard to be a matter for the state and territory governments.

Environment: Recherche Bay
(Question No. 151)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 1 December 2004:

With reference to the Government’s 2004 election policy, A sustainable future for Tasmania and, in particular, the commitment to ‘immediate reservation of an additional 43 200 hectares of private land to the CAR reserve through voluntary sale or covenanting’: Will the Minister immediately acquire all private land on the northern peninsula of Recherche Bay to add to the reserve system so that this site of international archaeological, historic and scientific significance is protected.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows: The Government will be implementing a programme to deliver these additions to the reserve system from private land. Participation in this programme by landholders will be voluntary. The criteria for reservation of land under the new programme are still to be developed. If the land in the Recherche Bay area meets the criteria, interested landholders will be welcome to participate.

Drugs: Illicit Usage
(Question No. 154)

Senator Brown asked the Minister representing the Minister for Health and Ageing, upon notice, on 2 December 2004:

(1) For each ten years up to and including 2004 (to date), how many Australians died of illegal drug abuse in each state and territory.

(2) For each year and in each state and territory, how many of these deaths were caused by the use of:

(a) Heroin;
(b) Ecstasy;
(c) Amphetamines; and
(d) Marijuana.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

Mortality data is predominantly provided by the Australian Bureau of Statistics (ABS) and is based on registered death certificates received from state and territory registrars of births, deaths and marriages. The ABS Information Paper (2003) Drug Induced Deaths 2001 provides some information about deaths attributed to drug use (excluding alcohol, tobacco and volatile substances) in Australia. Deaths are classified according to ICD-10-AM which is the international statistical classification of diseases and health related problems. ICD-10-AM classifications of deaths from external causes including drug use are attributed to the event leading to the fatal injury rather than by the specific drug per se. For example, death may be attributed to a mental or behavioural disorder due to psychoactive drug use. Hence, the data requested on deaths attributed to specific drugs is not available.

Forestry: Old-Growth Forests
(Question No. 156)

Senator Brown asked the Minister for Fisheries, Forestry and Conservation, upon notice, on 1 December 2004:

With reference to the Minister’s statement that in Tasmania, ‘170 000 hectares of old-growth forest will be added to the reserve system’: Does the Minister agree with Forestry Tasmania’s definition of ‘old-growth forest’; if not, what is the Minister’s definition.

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

The Australian and Tasmanian Governments use the definition for old-growth forest as defined in the Tasmanian Regional Forest Agreement and the Nationally Agreed Criteria for the Establishment of a Comprehensive, Adequate and Representative Reserve System for Forests in Australia. That definition reads:

“Old-growth forest is ecologically mature forest where the effects of disturbances are now negligible.”

Forest and Wood Products Research and Development Corporation
(Question No. 157)

Senator Brown asked the Minister for Fisheries, Forestry and Conservation, upon notice, on 1 December 2004:

For each of the past 5 years: (a) What funding was given to the National Association of Forest Industries by the Forest and Wood Products Research and Development Corporation; and (b) in each case, for what purpose and with what result.

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

The Forests and Wood Products Research and Development Corporation (FWPRDC) Annual Reports list Research and Development (R&D) investments by recipient for each year. The reports are available at the FWPRDC website www.fwprdc.org.au, the Annual Reports are also available from the Parliamentary Library.

Taxation: Goods and Services Tax
(Question No. 159)

Senator Murray asked the Minister representing the Minister for Revenue and Assistant Treasurer, upon notice, on 2 December 2004:
(1) Does the Government regard the following as binding on the Government and the Parliament: (a) section 1-3 of A New Tax System (Goods and Services) Tax Act 1999; and (b) section 10 of A New Tax System (Commonwealth-State Financial Arrangements) Act 1999.

(2) Has the Government and/or any minister obtained legal advice relating to the validity of, or the constitutional impact of either: (a) section 1-3 of A New Tax System (Goods and Services) Tax Act 1999; (b) section 10 of A New Tax System (Commonwealth-State Financial Arrangements) Act 1999; or (c) the Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations; if so, will the Minister provide this advice.

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

(1) (a) and (b) Section 10 of A New Tax System (Commonwealth-State Financial Arrangements) Act 1999 refers to the Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations (the IGA), which was signed by the Australian Government and all state and territory leaders in 1999. The IGA reconfirmed section 1-3 of A New Tax System (Goods and Services) Tax Act 1999 that all GST revenue would be provided to the states and territories, and that any changes to the rate and base of the GST would require the agreement of all states and territories. The Australian Government is committed to the IGA and hence considers section 1-3 of A New Tax System (Goods and Services) Tax Act 1999 and section 10 of A New Tax System (Commonwealth-State Financial Arrangements) Act 1999 binding.

(2) (a), (b) and (c) The Australian Government sought legal advice on numerous matters relating to the introduction of the GST at the time The New Tax System was being developed and has sought further legal advice on various matters related to tax reform since that time. Successive governments have adopted the practice of not disclosing the legal advice they receive. The Government does not intend to depart from that practice.

In relation to the request to provide this advice, I note that Senate Standing Order 73 prohibits questions that ask for legal opinion (Order 73(1)(j)).

Xstrata: Proposed Investment in Australia
(Question No. 161)

Senator Mark Bishop asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 6 December 2004:

(1) Is the Minister aware of an investigation by the Western Australian Parliament’s Economics and Industry Standing Committee into the closure of the Windimurra vanadium mine by Xstrata Plc which is a subsidiary of Glencore International AG; if so, to what extent, if at all, did the Minister’s department monitor or participate in that inquiry.

(2) Is the Minister aware of the reported takeover of WMC Resources Ltd by Xstrata Plc and of the likely involvement of the Foreign Investment Review Board; if so, is it likely that the department’s views will be sought on the application both with respect to policy on the investment in the Australian mining industry, and on the corporate behaviour of Xstrata Plc in the closure of the Windimurra mine.

(3) Is the Minister aware that significant costs and losses have been incurred by other investors including the Western Australian Government through the closure of the Windimurra mine.

(4) Is the Minister aware of allegations that the closure of the Windimurra mine and the removal and sale of processing equipment at the site has effectively removed any possibility that the mine will ever reopen.

(5) Is the Minister aware of allegations that the closure of the Windimurra mine was intended to protect the profitability of another mine owned by the company in South Africa, and that the decision...
was justified by false and misleading information about the commercial prospects of the Windimurra mine.

(6) Given the controversy about the corporate behaviour of Xstrata Plc and the closure of the Windimurra mine, will the Minister take an active interest in the proposed takeover of WMC Resources Ltd to ensure that Australian mining interests and the interests of Western Australia are protected.

Senator Minchin—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator’s question:

(1) I am aware of the inquiry by the Western Australian Parliament’s Standing Committee on Economics and Industry into Vanadium Resources at Windimurra. My Department has been monitoring developments in that process and has provided me with briefing on the report that the committee tabled in November.

(2) I am aware of moves by Xstrata to initiate a takeover of WMC. Should such a takeover eventuate, approval from the Treasurer will be required under the Foreign Acquisitions and Takeovers Act 1975. It is likely that comment will be sought from my Department regarding investment policy, the resources sector and Xstrata’s recent activities, including events related to the closure of the Windimurra project.

(3) My Department has briefed me on the losses suffered by various stakeholders due to Xstrata’s decision to close the project, with specific reference to the WA Government’s investment in infrastructure. These are matters that the WA Parliamentary inquiry covered in some detail.

(4) These allegations are a matter of public record.

(5) These allegations are also matters of public record that have been addressed in the Standing Committee’s work.

(6) I can assure Senator Bishop that this is a matter which my Department and I are monitoring. The Foreign Investment Review Board and its processes are specifically directed at ensuring foreign takeovers are not contrary to the national interest.

Military Detention: Australian Citizens
(Question No. 162)

Senator Brown asked the Minister representing the Attorney-General, upon notice, on 6 December 2004:

(1) Has the Attorney-General received letters from the public expressing concern in relation to the proposed military commission trials in the United States of America of Australian citizens Mr Hicks and Mr Habib and/or their treatment as detainees at Guantanamo Bay.

(2) Is the Attorney-General refusing or declining to respond to letters from the public concerning those matters.

(3) Would the Attorney-General specify the number of letters addressed to him by members of the public concerning those matters during November 2004.

(4) Would the Attorney-General specify the number of letters from members of the public concerning those matters which he has replied to during November 2004.

Senator Ellison—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) Yes.

(2) No, I am not refusing or declining to answer letters from the public. Letters are responded to as appropriate. If for some reason it is not appropriate or possible to respond to an individual letter, for example where the letter is abusive and does not raise substantive issues or where there is no re-
turn address, or where previous correspondence has already addressed the issues raised, then a re-
response may not be sent.

(3) 123 letters were received by my office in November 2004. That number includes letters addressed
to the Prime Minister, the Hon John Howard MP, to which I responded as the Minister with portfo-
lio responsibility for the David Hicks and Mamdouh Habib matters.

(4) I replied to 82 letters in November 2004.

**Immigration: People-Smuggling**

(Question No. 165)

**Senator Faulkner** asked the Minister for Justice and Customs, upon notice, on 8 Decem-
ber 2004:

Did Abu Quassey, who was found guilty of charges related to people smuggling and sentenced to 7
years’ gaol on 27 December 2003 by an Egyptian court, appeal this decision; if so: (a) what assistance,
if any, did the Australian Government provide to Egyptian authorities in relation to the appeal; and (b)
what was the outcome of the appeal.

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

Yes, Abu Quassey did appeal the decision of an Egyptian court on 27 December 2003 which found him
guilty of people smuggling related charges and sentenced him to 7 years gaol.

(a) Australia has provided material to Egypt to assist in the appeal, including information about
Quassey's people smuggling activities in Indonesia.

(b) On 24 November 2004, the South Cairo Court of First Instance – Abdeen Misdemeanours Appeals
Court upheld Quassey's conviction on both charges, while reducing his sentence to 5 years and 3
months in prison.

**Defence: Mr Nathan Moore**

(Question No. 169)

**Senator Mark Bishop** asked the Minister for Defence, upon notice, on 8 December 2004:

With reference to the decoration ceremony for former Australian Defence Force officer, Mr Nathan
Moore on 15 November 2004:

(1) On what date was Mr Moore first contacted in order to make arrangements for the ceremony.

(2) (a) Who made contact with Mr Moore; and (b) what form did that contact take.

(3) Will the Minister provide copies of any written contact regarding the arrangement of the ceremony;
if not, why not.

(4) (a) Who attended the ceremony; and (b) in what capacity did they attend.

(5) Was the ceremony conducted at the Qantas Club at the Brisbane airport.

(6) Will the Minister provide details of steps taken to publicise the event including copies of any media
releases or media alerts issued by the Minister’s office or the department.

(7) Will the Minister provide a copy of the citation; if no, why not.

(8) (a) What are the usual steps taken to publicise decoration ceremony events; and (b) if the usual
steps differ from those taken to publicise the ceremony for Mr Moore, why did these differences
occur.

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

I should note at the outset that the circumstances surrounding the discharge of Mr Nathan Moore from
the Royal Australian Air Force are the subject of a confidentiality agreement between Mr Moore and the
Air Force, designed to protect the privacy of Mr Moore. I also need to correct the Senator on two counts, Mr Moore was an Airman in the Air Force, not an Officer, and the ceremony to which the Senator refers was a private meeting arranged to present certain deliverables associated with Mr Moore’s discharge.

(1) and (2) The Air Force conducted a facilitated discussion with Mr Moore and his legal representative on 18 October 2004 in Brisbane. The purpose of the meeting was to finalise the administrative matters associated with Mr Moore’s discharge. At that meeting, it was agreed that Mr Moore was to be discharged on 15 November 2004 and that there would be a presentation of the deliverables agreed as part of the discharge at a date and place to be advised, closer to 15 November 2004. The arrangements for the presentation were advised to Mr Moore’s legal representative in a letter from the Director General Personnel – Air Force dated and faxed on 2 November 2004.

Mr Moore was, subsequently, contacted by a staff officer from the Office of the Director General Personnel – Air Force office by telephone on 12 November 2004 to confirm that he had been advised of the arrangements for the presentation by his legal representative.

(3) The letter from the Director General Personnel – Air Force dated 2 November 2004 contains other information that would compromise the confidentiality agreement between Mr Moore and the Air Force and I am not prepared to release the letter.

(4) (a) The meeting on 15 November 2004 was attended by the Director General Personnel – Air Force and one of his staff officers, Mr Moore, Mr Moore’s parents and two of his brothers.

(b) Director General Personnel Air Force and his staff officer attended in an official capacity.

(5) The presentation was made to Mr Moore in a private room within the Business Centre of the Qantas Club at the Brisbane Domestic Terminal.

(6) As the terms of Mr Moore’s discharge are the subject of a confidentiality agreement between Mr Moore and the Air Force there were no media releases.

(7) The citation to which the Senator refers is a Combat Support Group Commander’s Commendation dated 15 April 2002, which was awarded to Mr Moore. This citation commended him for his actions in response to a motor vehicle accident on Ipswich Road in Brisbane on 27 February 2002. The original commendation was presented to Mr Moore by the then Commander Combat Support Group. Mr Moore advised the Air Force that he was unable to locate the original of the commendation, so the Air Force arranged for it to be reproduced and presented to him on 15 November 2004. A copy of the commendation has been forwarded separately to your office.

(8) (a) These presentations are made on an opportunity basis and often presented on behalf of the bestowing authority at an informal gathering of the member’s immediate work area by the local commander. Publicity of the event is left to the discretion of the local commander.

(b) As previously stated, the agreement between Mr Moore and the Air Force is confidential. Publicising the ceremony would have compromised that confidentiality.

Science: Human Cloning
(Question No. 176)

Senator Stott Despoja asked the Minister representing the Minister for Education, Science and Training, upon notice, on 9 December 2004:

Will the Minister provide copies of any recommendations, advice, comments or draft reports or recommendations prepared by the department regarding the review of Australia’s national legislation on human reproductive cloning and/or human embryonic stem cell research.

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator’s question:
Advice prepared by the Department regarding the reviews of the Prohibition of Human Cloning Act 2002 and the Research Involving Human Embryos Act 2002 is confidential policy advice provided to Ministers.

Trade: Primary Energy Ltd
(Question No. 196)

Senator O’Brien asked the Minister representing the Minister for Trade, upon notice, on 20 December 2004:

Has Primary Energy Limited sought funding or other assistance from any department or agency for which the Minister is responsible in connection with the company’s ethanol project at Gunnedah; if so, will the Minister provide details including: (a) date; (b) amount of funding or other assistance sought; (c) relevant departmental or agency program from which funding or other assistance was sought; and (d) funding or other assistance provided or currently under consideration.

Senator Hill—The Minister for Trade has provided the following answer to the honourable senator’s question:

Under the secrecy provisions set out in section 94 (2) of the Australian Trade Commission Act 1985, Austrade is not permitted to provide any information concerning the affairs of any company in relation to seeking funding or other assistance from Austrade.

Primary Energy Ltd
(Question No. 198)

Senator O’Brien asked the Minister representing the Minister for Education, Science and Training, upon notice, on 20 December 2004:

Has Primary Energy Limited sought funding or other assistance from any department or agency for which the Minister is responsible in connection with the company’s ethanol project at Gunnedah; if so, will the Minister provide details including: (a) date; (b) amount of funding or other assistance sought; (c) relevant departmental or agency program from which funding or other assistance was sought; and (d) funding or other assistance provided or currently under consideration.

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator’s question:

Primary Energy Limited is receiving assistance from the CSIRO on a contract basis including full cost-recovery for time, travel and materials. CSIRO Atmospheric Research is undertaking a life-cycle assessment of the greenhouse gas and air pollution emissions from the proposed ethanol facility at Gunnedah, NSW for Primary Energy Limited.


(b) CSIRO entered into the contract with Primary Energy Limited in September 2003 to undertake a life-cycle assessment of the greenhouse gas and air pollution emissions from the proposed ethanol facility at Gunnedah, NSW. CSIRO will receive $98,700 for the work which is expected to be completed in early 2005. Primary Energy Limited approached CSIRO because management believed that by using state-of-the-art technology and farming techniques they would be able to demonstrate substantial greenhouse gas benefits.

(c) CSIRO Atmospheric Research.

(d) CSIRO has been formally contracted by Primary Energy Limited to undertake the life-cycle assessment of the greenhouse gas and air pollution emissions from the proposed ethanol facility at Gunnedah, NSW. CSIRO envisages that this work will constitute a “stand-alone” piece of work
and no follow-up work is planned. The work is being done at full cost recovery and there is no CSIRO/government financial assistance included.

**Transport and Regional Services: Staffing**  
(Question No. 212)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 21 December 2004:

1. What role does the department’s ‘Strategic Advisor to Executive’ fulfil.
2. On what date was this position created.
3. What officers have been appointed to this position.
4. What is the salary range for this position.

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

1. The Special Adviser provides policy advice to the Secretary on various issues as directed by the Secretary.
2. The role was created with effect from 1 January 2004.
3. The only occupant of the role to date has been Mr Roger Fisher.
4. The role is currently remunerated in the SES Band 2 range.

**Transport and Regional Services: Executive Team**  
(Question No. 213)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 21 December 2004:

With reference to the departmental organisational structure published on page 33 of the department’s annual report for 2003-04:

1. Who determines which officers are invited to be members of the department’s executive team.
2. Why is the First Assistant Secretary responsible for regional policy not a member of the executive team.

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

1. The Secretary determines which officers will be members of the department’s executive team.
2. Only one Executive Manager from each of the Department’s five Groups is on the departmental executive team. This means that where a Group has more than one Executive Manager the other Executive Managers in that Group are not included in the departmental executive team.

**Immigration: Christmas Island Detention Centre**  
(Question No. 270)

Senator O’Brien asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 23 December 2004:

1. (a) How many persons are detained at the temporary Immigration Reception and Processing Centre (IRPC) on Christmas Island; and (b) how many of those persons are: (i) female adults, (ii) male adults, (iii) female children, and (iv) male children.
2. In relation to each child: (a) how long have they been held at the temporary IRPC on Christmas Island; and (b) are they accompanied by both parents, one parent or unaccompanied.
(3) Will the Minister provide a breakdown of claimed nationalities for detainees held at the temporary IRPC on Christmas Island.

(4) What is the current cost per day of detaining a person at the temporary IRPC on Christmas Island.

(5) On what dates has the Immigration Detention Advisory Group visited the temporary IRPC on Christmas Island.

(6) On what dates has the Minister visited the temporary IRPC on Christmas Island.

(7) (a) Is the Minister aware that the Department of Finance and Administration has described the temporary IRPC on Christmas Island as inadequate in terms of size, amenity and security; and (b) is the facility still inadequate in terms of size, amenity and security.

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

(1) (a) As at 6 January 2005, there were 39 persons held in immigration detention at the temporary Immigration Reception and Processing Centre (IRPC) on Christmas Island. (b) The breakdown of those detained is as follows:
   (i) 11 adult females;
   (ii) 18 Adult males;
   (iii) 4 female children; and
   (iv) 6 male children.

(2) (a) Nine out of the ten children have been held in immigration detention at the temporary IRPC on Christmas Island since 1 July 2003. The tenth child was born in Perth in February 2004, and went to the IRPC when the mother returned to the centre. (b) Six out of the ten children are accompanied by both parents. Four children are accompanied by one parent.

(3) All persons detained at the temporary IRPC on Christmas Island IRPC are Vietnamese nationals.

(4) The average cost per detainee day on the temporary IRPC on Christmas Island for the current financial year to date is $358. The costs include payments made under the contract for managing the detention centres as well as departmental expenses such as those for employees, travel, motor vehicles, telephones, interpreting costs and other administrative costs.

(5) IDAG Members last visited the facility on 26 September 2003. A further IDAG visit was scheduled for 26 November 2004, however, this trip was aborted due to a problem with the aircraft en-route. This visit has been re-scheduled for early 2005.

(6) I have not yet visited the temporary IRPC on Christmas Island.

(7) (a) and (b) The facility is adequate for accommodating its current population. The Government has engaged Boulderstone Hornibrook to construct a purpose built detention facility with a capacity of 800 persons.